

EXTRAORDINARY GAZETTE



THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE

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ALL PUBLIC ACTS appearing in this GAZETTE are to be considered official, and obeyed as such

ADELAIDE, THURSDAY, 19 DECEMBER 2013

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Erratum

IN *Government Gazette* No. 79, dated 12 December 2013 on page 4510, the second, third and fourth notices appearing were erroneously dated 'Adelaide, 12 November 2013' this *should* have read 'Adelaide, 12 December 2013'.

Department of the Premier and Cabinet
Adelaide, 12 December 2013

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Legal Services Commission, pursuant to the provisions of the Legal Services Commission Act 1977:

- Member: (from 12 December 2013 until 16 January 2014)
Alison Lloyd-Wright
- Member: (from 12 December 2013 until 19 January 2014)
Michael Lewis Abbott
- Chair: (from 12 December 2013 until 19 January 2014)
Michael Lewis Abbott
- Member: (from 17 January 2014 until 16 January 2017)
Alison Lloyd-Wright
- Member: (from 20 January 2014 until 19 January 2017)
Michael Lewis Abbott
- Chair: (from 20 January 2014 until 19 January 2017)
Michael Lewis Abbott

By command,
MICHAEL FRANCIS O'BRIEN, for Premier

AGO0176/13CS

Department of the Premier and Cabinet
Adelaide, 12 December 2013

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Board of Examiners for Mine Managers, pursuant to the provisions of the Mines and Works Inspection Regulations 2013 under the Mines and Works Inspection Act 1920:

- Member: (from 27 January 2014 until 26 January 2017)
Anthony John Ward

By command,
MICHAEL FRANCIS O'BRIEN, for Premier

MRD13/014SC

Department of the Premier and Cabinet
Adelaide, 12 December 2013

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Urban Renewal Authority Board of Management, pursuant to the provisions of the Housing and Urban Development (Administrative Arrangements) Act 1995:

- Member: (from 12 December 2013 until 31 July 2015)
Amanda Dianne Blair
Phillip Andrew Baker
Robert Lawrence Boorman

By command,
MICHAEL FRANCIS O'BRIEN, for Premier

MHUD13/023CS

Department of the Premier and Cabinet
Adelaide, 19 December 2013

HIS Excellency the Governor in Executive Council has revoked the appointment of Jim Constantine Kouts as the Deputy Presiding Member of the HomeStart Finance Board of Management, effective from 19 December 2013, pursuant to the provisions of the Housing and Urban Development (Administrative Arrangements) Act 1995 and Section 36 of the Acts Interpretation Act 1915.

By command,
THOMAS RICHARD KENYON, for Premier

MHUD13/024SC

Department of the Premier and Cabinet
Adelaide, 19 December 2013

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Art Gallery Board, pursuant to the provisions of the Art Gallery Act 1939:

- Member: (from 8 February 2014 until 7 February 2017)
John Nash Phillips

By command,
THOMAS RICHARD KENYON, for Premier

ART/13/024

Department of the Premier and Cabinet
Adelaide, 19 December 2013

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Training and Skills Commission, pursuant to the provisions of the Training and Skills Development Act 2008:

- Member: (from 19 December 2013 until 31 December 2014)
Nigel McBride
Correna Suzette Haythorpe

By command,
THOMAS RICHARD KENYON, for Premier

MEHES13/031CS

Department of the Premier and Cabinet
Adelaide, 19 December 2013

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Australian Government Financing Advisory Board, pursuant to the provisions of the Government Financing Authority Act 1982:

- Deputy Member: (from 19 December 2013 until 7 April 2014)

James William Hollamby (Deputy to Westley)

By command,
THOMAS RICHARD KENYON, for Premier

T&F13/075CS

Department of the Premier and Cabinet
Adelaide, 19 December 2013

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Stormwater Management Authority Board, pursuant to the provisions of the Local Government Act 1999:

- Member: (from 1 January 2014 until 31 December 2014)
Stephen Charles Hains
Lorraine Florence Rosenberg
Walter Nevio Iasiello
Helen Ann MacDonald
Rodney Kym Good
Donna Louise Ferretti
Julia Catherine Grant

Presiding Member: (from 1 January 2014 until 31 December 2014)

Stephen Charles Hains

By command,
THOMAS RICHARD KENYON, for Premier

13MWRMCS029

Department of the Premier and Cabinet
Adelaide, 19 December 2013

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Kangaroo Island Natural Resources Management Board, pursuant to the provisions of the Natural Resources Management Act 2004:

- Member: (from 14 April 2014 until 13 April 2017)
Stephen William Gregor

By command,
THOMAS RICHARD KENYON, for Premier

13MSECCS079

Department of the Premier and Cabinet
Adelaide, 19 December 2013

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Australian Murray-Darling Basin Natural Resources Management Board, pursuant to the provisions of the Natural Resources Management Act 2004:

Member: (from 14 April 2014 until 13 April 2018)
Kim Louise Blenkiron

By command,
THOMAS RICHARD KENYON, for Premier

13MSECCS079

Department of the Premier and Cabinet
Adelaide, 19 December 2013

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the HomeStart Finance Board of Management, pursuant to the provisions of the Housing and Urban Development (Administrative Arrangements) Act 1995:

Member: (from 19 December 2013 until 18 December 2016)
Sue Edwards
Lindsay Nicholson
Darryl William Royans

Member: (from 19 December 2013 until 26 September 2016)
Jim Constantine Kouts

Member: (from 14 March 2014 until 13 March 2017)
Roseanne Celeste Healy

Presiding Member: (from 19 December 2013 until 26 September 2016)
Jim Constantine Kouts

Deputy Presiding Member: (from 19 December 2013 until 27 June 2015)
Christopher John Ward

By command,
THOMAS RICHARD KENYON, for Premier

MHUD13/024SC

Department of the Premier and Cabinet
Adelaide, 19 December 2013

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Australian Housing Trust Board of Management, pursuant to the provisions of the South Australian Housing Trust Act 1995:

Member: (from 14 January 2014 until 13 January 2015)
Craig Andrew Holden

By command,
THOMAS RICHARD KENYON, for Premier

DCSICS/13/044

Department of the Premier and Cabinet
Adelaide, 19 December 2013

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Architectural Practice Board of South Australia, pursuant to the provisions of the Architectural Practice Act 2009:

Member: (from 1 January 2014 until 31 December 2014)
Jeanie Elizabeth Fenwick Elliott
Susan Lynne Neil Averay
Benjamin Robert Hewett
Susan Jane Shannon

Member: (from 1 January 2014 until 31 December 2016)
Gary Peter Bonato
Paul Roger Willoughby Boyce
David Holland

Deputy Member: (from 1 January 2014 until 31 December 2014)

Catherine Patricia Mayfield (Deputy to Elliott)

By command,

THOMAS RICHARD KENYON, for Premier

MHUD13/026CS

Department of the Premier and Cabinet
Adelaide, 19 December 2013

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable John James Snelling, MP, Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries and Minister for Veterans' Affairs to be also Acting Deputy Premier, Acting Attorney-General, Acting Minister for Planning, Acting Minister for Industrial Relations and Acting Minister for Business Services and Consumers for the period from 6 January 2014 to 12 January 2014 inclusive, during the absence of the Honourable John Robert Rau, MP.

By command,

THOMAS RICHARD KENYON, for Premier

DPC13/067CS

Department of the Premier and Cabinet
Adelaide, 19 December 2013

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Michael Francis O'Brien, MP, Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services and Minister for Road Safety to be also Acting Minister for Transport and Infrastructure, Acting Minister for Mineral Resources and Energy and Acting Minister for Housing and Urban Development for the period from 30 December 2013 to 6 January 2014 inclusive, during the absence of the Honourable Tom Koutsantonis, MP.

By command,

THOMAS RICHARD KENYON, for Premier

DPC13/067CS

Department of the Premier and Cabinet
Adelaide, 19 December 2013

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Ian Keith Hunter, MLC, Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray and Minister for Aboriginal Affairs and Reconciliation to be also Acting Minister for Transport and Infrastructure, Acting Minister for Mineral Resources and Energy and Acting Minister for Housing and Urban Development for the period from 7 January 2014 to 12 January 2014 inclusive, during the absence of the Honourable Tom Koutsantonis, MP.

By command,

THOMAS RICHARD KENYON, for Premier

DPC13/067CS

Department of the Premier and Cabinet
Adelaide, 19 December 2013

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Michael Francis O'Brien, MP, Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services and Minister for Road Safety to be also Acting Minister for Manufacturing, Innovation and Trade and Acting Minister for Small Business for the period from 24 December 2013 to 8 January 2014 inclusive, during the absence of the Honourable Thomas Richard Kenyon, MP.

By command,

THOMAS RICHARD KENYON, for Premier

DPC13/067CS

Department of the Premier and Cabinet
Adelaide, 19 December 2013

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Antonio Piccolo, MP, Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth and Minister for Volunteers to be also Acting Minister for Tourism and Acting Minister for Recreation and Sport for the period from 23 December 2013 to 24 December 2013 inclusive, during the absence of the Honourable Leon William Kennedy Bignell, MP.

By command,

THOMAS RICHARD KENYON, for Premier

DPC13/067CS

Department of the Premier and Cabinet
Adelaide, 19 December 2013

HIS Excellency the Governor in Executive Council has been pleased to appoint Marie Stella Alvino as the Deputy Presiding Member of the Residential Tenancies Tribunal, for a period commencing on 19 December 2013 and expiring on 30 June 2016, pursuant to the provisions of the Residential Tenancies Act 1995.

By command,

THOMAS RICHARD KENYON, for Premier

MCA0025/13CS

Department of the Premier and Cabinet
Adelaide, 19 December 2013

HIS Excellency the Governor in Executive Council has been pleased to appoint the people listed as Justices of the Peace for South Australia for a period of ten years commencing from 19 December 2013 and expiring on 18 December 2023, it being a condition of appointment that the Justices of the Peace must take the oaths required of a Justice under the Oaths Act 1936 and return the oaths form to the Justice of the Peace Services within 3 months of the date of appointment, pursuant to Section 4 of the Justices of the Peace Act 2005:

Rhea Barr
Justin Bentley
Jane Karen Best
Birendra Jawaharsingh Bhandari
Nils Andrew Bodin
Rosalie Helena Bolingbroke
Ivan Murray Brooks
David Edward Chessell
Stephanie Ciui
Christopher Julian Clare
Alan John Colbert
Megan Amanda Collett
Christopher Thorin Cupit
Constantinos Dalas
Robert Joseph Daly
Susan Monique Dodson
Stephanie Lynn Eglinton-Warner
Kurukulasuriya John Dilshan Fernando
Marc Benjamin Forster
Janet Frost

Linda Golotta
Ajay Kumar Gupta
Ena Mary Harvey
Rebekah Kate Huppertz
Kathryn Marie Jarrett
Mark Edward Johnson
Danielle Chloe Kellermann
Shaun Glen Kelly
Matthew Leonard Kennedy
Peter Maclaren Kentish
Peter Keogh
Anna Leopardi
David Medlock
Mandy Jane Miller
Kaye Lynette Nayda
Tamara Lee O'Malley
Esperanza Jane Onuzans
Briohny Powell
Tammi Jade Russ
Deepti Sethi
Patricia Ann Shillingford
Natalie Bridgette Smith
Harminder Kaur Sroa
Andre Marcus Taye
Paul Andrew Temby
Genevieve Mary Wells
Deborah May White
Elsie Jillian Wilson
Carolyn Jean Woods
Simone Elizabeth Zrna

By command,

THOMAS RICHARD KENYON, for Premier

JP13/070CS

WORKERS REHABILITATION AND COMPENSATION ACT 1986

NOTICE OF TRAVEL ALLOWANCE

Preamble

SECTION 32 (7) of the Workers Rehabilitation and Compensation Act 1986 ('the Act') states that:

"Where a worker travels in a private vehicle to or from any place for the purpose of receiving medical services, hospitalisation or approved rehabilitation and the travel is reasonably necessary in the circumstances of the case, the worker is entitled to a travel allowance at rates fixed by a scale published by the Minister under this section."

NOTICE

I declare that the rate for travel allowance in 2014 is hereby fixed for the purposes of Section 32 (7) of the Act at 41.6 cents per kilometre and this notice supersedes all previous notices of the travel allowance rate published under Section 32 (7) of the Act.

This Notice is effective for travel on or after 1 January 2014.

Dated 17 December 2013.

JOHN RAU, Deputy Premier, Minister for
Industrial Relations

South Australia

Road Traffic (Average Speed Camera Location – Port Wakefield Road) Notice 2013

Under section 175A of the *Road Traffic Act 1961*

1 - Short title

This notice may be cited as the *Road Traffic (Average Speed Camera Location – Port Wakefield Road) Notice 2013*

2 – Commencement

This notice comes into operation on the day on which it is published in the *Gazette*.

3 – Interpretation

In this notice –

Stub line has the same meaning as in the *Road Traffic (Miscellaneous) Regulations 1999*.

4 – Average speed camera locations on Port Wakefield Road for north bound vehicles

- (1) The following are 2 average speed camera locations on Port Wakefield Road at which north bound vehicles may be photographed by an average speed camera:
 - (a) Start location: the area of road in the vicinity of the stub line situated on the western side of Port Wakefield Road at right angles to the boundary of the road in line with a point in the centre of the road of approximate coordinates 138°29'40.102"E 34°34'54.866"S GDA 94 (a location approximately 2 kilometres north of Two Wells along Port Wakefield Road);
 - (b) End location: the area of road in the vicinity of the stub line situated on the western side of Port Wakefield Road at right angles to the boundary of the road in line with a point in the centre of the road of approximate coordinates 138°10'40.110"E 34°12'29.575"S GDA 94 (a location approximately 3.5 kilometres south of Port Wakefield along Port Wakefield Road).
- (2) The fastest practicable route between those 2 locations for north bound vehicles is along Port Wakefield Road.
- (3) The shortest distance that a north bound vehicle could travel along that route between the 2 locations (measured between the stub line at the start location and the stub line at the end location) is 51572 metres.

5 – Average speed camera locations on Port Wakefield Road for south bound vehicles

- (1) The following are 2 average speed camera locations on Port Wakefield Road at which south bound vehicles may be photographed by an average speed camera:
 - (a) Start location: the area of road in the vicinity of the stub line situated on the eastern side of Port Wakefield Road at right angles to the boundary of that road in line with a point in the centre of the road of approximate coordinates 138°10'41"322E 34°12'28.692"S GDA 94 (a location approximately 3.5 kilometres south of Port Wakefield along Port Wakefield Road);
 - (b) End location: the area of road in the vicinity of the stub line situated on the eastern side of Port Wakefield Road at right angles to the boundary of that road in line with a point in the centre of the road of approximate coordinates 138°29'41.181"E 34°34'54.304"S GDA 94 (a location approximately 2 kilometres north of Two Wells along Port Wakefield Road).
- (2) The fastest practicable route between those 2 locations for south bound vehicles is along Port Wakefield Road.
- (3) The shortest distance that a south bound vehicle could travel along that route between the 2 locations (measured between the stub line at the start location and the stub line at the end location) is 51586 metres.

Dated 14 December 2013.

TOM KOUTSANTONIS, Minister for Transport

South Australia

Road Traffic (Average Speed Camera Location – Dukes Highway) Notice 2013

Under section 175A of the *Road Traffic Act 1961*

1 - Short title

This notice may be cited as the *Road Traffic (Average Speed Camera Location – Dukes Highway) Notice 2013*

2 – Commencement

This notice comes into operation on the day on which it is published in the *Gazette*.

3 – Interpretation

In this notice –

Stub line has the same meaning as in the *Road Traffic (Miscellaneous) Regulations 1999*.

4 – Average speed camera locations on the Dukes Highway for north bound vehicles

- (1) The following are 2 average speed camera locations on the Dukes Highway at which north bound vehicles may be photographed by an average speed camera:
 - (a) Start location: the area of road in the vicinity of the stub line situated on the western side of the Dukes Highway at right angles to the boundary of the road in line with a point in the centre of the road of approximate coordinates 139°50'56.783"E 35°41'12.488"S GDA 94 (a location approximately 700 metres north of Coonalpyn along the Dukes Highway);
 - (b) End location: the area of road in the vicinity of the stub line situated on the western side of the Dukes Highway at right angles to the boundary of the road in line with a point in the centre of the road of approximate coordinates 139°47'54.050"E 35°34'29.549"S GDA 94 (a location approximately 800 metres south of KI Ki along the Dukes Highway).
- (2) The fastest practicable route between those 2 locations for north bound vehicles is along the Dukes Highway.
- (3) The shortest distance that a north bound vehicle could travel along that route between the 2 locations (measured between the stub line at the start location and the stub line at the end location) is 13415 metres.

5 – Average speed camera locations on the Dukes Highway for south bound vehicles

- (1) The following are 2 average speed camera locations on the Dukes Highway at which south bound vehicles may be photographed by an average speed camera:
 - (a) Start location: the area of road in the vicinity of the stub line situated on the eastern side of the Dukes Highway at right angles to the boundary of that road in line with a point in the centre of the road of approximate coordinates 139°47'55.011"E 35°34'30.591"S GDA 94 (a location approximately 800 metres south of KI KI along the Dukes Highway);
 - (b) End location: the area of road in the vicinity of the stub line situated on the eastern side of the Duke Highway at right angles to the boundary of that road in line with a point in the centre of the road of approximate coordinates 139°50'57.820"E 35°41'13.464"S GDA 94 (a location approximately 700 metres north of Coonalpyn along the Dukes Highway).
- (2) The fastest practicable route between those 2 locations for south bound vehicles is along the Dukes Highway.
- (3) The shortest distance that a south bound vehicle could travel along that route between the 2 locations (measured between the stub line at the start location and the stub line at the end location) is 13415 metres.

Dated 14 December 2013.

TOM KOUTSANTONIS, Minister for Transport

South Australia

Child Sex Offenders Registration (Miscellaneous) Amendment Act (Commencement) Proclamation 2013

1—Short title

This proclamation may be cited as the *Child Sex Offenders Registration (Miscellaneous) Amendment Act (Commencement) Proclamation 2013*.

2—Commencement of Act and suspension of certain provisions

- (1) Subject to subclauses (2), (3) and (4), the *Child Sex Offenders Registration (Miscellaneous) Amendment Act 2013* (No 41 of 2013) will come into operation on 22 December 2013.
- (2) The following provisions of the Act will come into operation on 19 January 2014:
 - (a) section 4(2);
 - (b) section 4(4);
 - (c) sections 9 to 12 (inclusive);
 - (d) sections 14 to 21 (inclusive);
 - (e) section 23;
 - (f) section 25;
 - (g) section 27(2);
 - (h) sections 28 and 29;
 - (i) section 30 but only insofar as it inserts sections 48(2)(e), (f) and (h) into the *Child Sex Offenders Registration Act 2006*;
 - (j) section 31(1);
 - (k) section 31(2) but only insofar as it inserts section 60(2)(gb) into the *Child Sex Offenders Registration Act 2006*;
 - (l) sections 32 to 35 (inclusive);
 - (m) section 37 but only insofar as it inserts sections 66L, 66M and 66N into the *Child Sex Offenders Registration Act 2006*;
 - (n) section 38(2).
- (3) The following provisions of the Act will come into operation on 29 June 2014:
 - (a) section 24(1);
 - (b) section 30 but only insofar as it inserts section 48(2)(g) into the *Child Sex Offenders Registration Act 2006*;
 - (c) section 31(2) but only insofar as it inserts section 60(2)(ga) into the *Child Sex Offenders Registration Act 2006*;
 - (d) section 36 but only insofar as it inserts Part 5A into the *Child Sex Offenders Registration Act 2006*.

- (4) The operation of the following provisions of the Act is suspended until a day or time or days or times to be fixed by subsequent proclamation or proclamations:
- (a) section 36 but only insofar as it inserts Part 5B into the *Child Sex Offenders Registration Act 2006*;
 - (b) section 37 but only insofar as it inserts section 66K into the *Child Sex Offenders Registration Act 2006*.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

AGO0173/13CS

South Australia

Criminal Law Consolidation (Protection for Working Animals) Amendment Act (Commencement) Proclamation 2013

1—Short title

This proclamation may be cited as the *Criminal Law Consolidation (Protection for Working Animals) Amendment Act (Commencement) Proclamation 2013*.

2—Commencement of Act

The *Criminal Law Consolidation (Protection for Working Animals) Amendment Act 2013* (No 83 of 2013) will come into operation on 31 December 2013.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

AGO0186/13CS

South Australia

Major Events Act (Commencement) Proclamation 2013

1—Short title

This proclamation may be cited as the *Major Events Act (Commencement) Proclamation 2013*.

2—Commencement

The *Major Events Act 2013* (No 63 of 2013) will come into operation on 22 December 2013.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

IR0077/13CS

South Australia

Native Vegetation (Miscellaneous) Amendment Act (Commencement) Proclamation 2013

1—Short title

This proclamation may be cited as the *Native Vegetation (Miscellaneous) Amendment Act (Commencement) Proclamation 2013*.

2—Commencement of Act and suspension of certain sections

- (1) Subject to subclauses (2) and (3), the *Native Vegetation (Miscellaneous) Amendment Act 2013* (No 80 of 2013) (the *Amendment Act*) will come into operation on 20 December 2013.
- (2) Sections 11 and 14 of the Amendment Act will come into operation on 7 July 2014.
- (3) The operation of the following provisions of the Amendment Act is suspended until a day or time or days or times to be fixed by subsequent proclamation or proclamations:
 - (a) section 10(2) and (3);
 - (b) section 12;
 - (c) sections 15, 16 and 17.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

13MSECCS081

South Australia

Road Traffic (Average Speed) Amendment Act (Commencement) Proclamation 2013

1—Short title

This proclamation may be cited as the *Road Traffic (Average Speed) Amendment Act (Commencement) Proclamation 2013*.

2—Commencement of Act

The *Road Traffic (Average Speed) Amendment Act 2012* (No 23 of 2012) will come into operation on 1 January 2014.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

MRS13/07CS

South Australia

Spent Convictions (Decriminalised Offences) Amendment Act (Commencement) Proclamation 2013

1—Short title

This proclamation may be cited as the *Spent Convictions (Decriminalised Offences) Amendment Act (Commencement) Proclamation 2013*.

2—Commencement of Act

The *Spent Convictions (Decriminalised Offences) Amendment Act 2013* (No 88 of 2013) will come into operation on 22 December 2013.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

AGO0187/13CS

South Australia

Statutes Amendment (National Electricity and Gas Laws—Limited Merits Review) Act (Commencement) Proclamation 2013

1—Short title

This proclamation may be cited as the *Statutes Amendment (National Electricity and Gas Laws—Limited Merits Review) Act (Commencement) Proclamation 2013*.

2—Commencement of Act

The *Statutes Amendment (National Electricity and Gas Laws—Limited Merits Review) Act 2013* (No 79 of 2013) will come into operation on 19 December 2013.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

MRE13/023CS

South Australia

Administrative Arrangements (Administration of Heavy Vehicle National Law (South Australia) Act) Proclamation 2013

under section 5 of the *Administrative Arrangements Act 1994*

1—Short title

This proclamation may be cited as the *Administrative Arrangements (Administration of Heavy Vehicle National Law (South Australia) Act) Proclamation 2013*.

2—Commencement

This proclamation comes into operation on the day on which it is made.

3—Administration of Act committed to Minister for Transport and Infrastructure

The administration of the *Heavy Vehicle National Law (South Australia) Act 2013* is committed to the Minister for Transport and Infrastructure.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

MTR13/026CS

South Australia

Administrative Arrangements (Administration of Major Events Act) Proclamation 2013

under section 5 of the *Administrative Arrangements Act 1994*

1—Short title

This proclamation may be cited as the *Administrative Arrangements (Administration of Major Events Act) Proclamation 2013*.

2—Commencement

This proclamation comes into operation on the day on which it is made.

3—Administration of Act committed to Minister for Tourism

The administration of the *Major Events Act 2013* is committed to the Minister for Tourism.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

IR0077/13CS

South Australia

Judges' Pensions (Declaration of Judicial Service) Proclamation 2013

under section 4 of the *Judges' Pensions Act 1971*

1—Short title

This proclamation may be cited as the *Judges' Pensions (Declaration of Judicial Service) Proclamation 2013*.

2—Commencement

This proclamation comes into operation on the day on which it is made.

3—Declaration of judicial service

The service of Elizabeth Mary Bolton as Chief Magistrate from 15 February 2007 to 3 July 2013 (inclusive) is judicial service for the purposes of the *Judges' Pensions Act 1971*.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

AGO0139/13CS

South Australia

National Parks and Wildlife (Marino Conservation Park) Proclamation 2013

under section 30(2) of the *National Parks and Wildlife Act 1972*

1—Short title

This proclamation may be cited as the *National Parks and Wildlife (Marino Conservation Park) Proclamation 2013*.

2—Commencement

This proclamation comes into operation on the day on which it is made.

3—Alteration of boundaries of Marino Conservation Park

The boundaries of the Marino Conservation Park are altered by adding to the Park the following Crown land:

Allotments 701 and 702 in Deposited Plan 91248, Hundred of Noarlunga.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

13MSECCS078

South Australia

National Parks and Wildlife (Marino Conservation Park) Proclamation 2013

under section 30(2) of the *National Parks and Wildlife Act 1972*

Preamble

- 1 The following land forms part of the Marino Conservation Park:
Allotment 801 in Deposited Plan 91248, Hundred of Noarlunga.
 - 2 It is intended that, by this proclamation, the land be excluded from the Park.
 - 3 A resolution requesting the making of this proclamation has been passed by both the House of Assembly and the Legislative Council.
-

1—Short title

This proclamation may be cited as the *National Parks and Wildlife (Marino Conservation Park) Proclamation 2013*.

2—Commencement

This proclamation comes into operation on the day on which it is made.

3—Alteration of boundaries of Marino Conservation Park

The boundaries of the Marino Conservation Park are altered by excluding from the Park the land defined in clause 1 of the preamble to this proclamation.

Made by the Governor

pursuant to a resolution of both Houses of Parliament and with the advice and consent of the Executive Council
on 19 December 2013

13MSECCS078

South Australia

Oaths (Appointments) Proclamation 2013

under section 33 of the *Oaths Act 1936*

1—Short title

This proclamation may be cited as the *Oaths (Appointments) Proclamation 2013*.

2—Commencement

This proclamation comes into operation on the day on which it is made.

3—Appointment of persons to take declarations and attest instruments

The following police officers are appointed to take declarations and attest the execution of instruments:

Robert Allison
Scott Stephen Allison
Keely Marie Allport
Helen Elizabeth Alsford
Nathan James Amezdroz
Brent Anderson
Jessica Helen Anderson
Glenn James Andrews
Stephen Dennis Angove
Noel Kyle Armstrong
Robert James Armstrong
Leanne Caterina Attard
Leigh Matthew Attenborough
Jordan Andrew Ausserlechner
William Bailes
Darren Bails
Gavin Elio Baldan
Simon Andrew Ball
Lachlan Robert Barrett
Paula Kathleen Battams
Heidi Lee Bergen
John Loren Bernardo
Mark Robert Bevis
Terry Allan Bignell

Daniel Christian Blachut
Donna Leanne Blades
Nicholas Jonathon Blandford
Paul Matthew Blenkiron
Martyn Bond
Michael James Boonstoppel
Antonius Marinus Josephus Bosman
Matthew John Henry Botchen
Joshua Mark Bourne
Ashley John Bowers
Iain William Bowman
Tammy Lee Boxer
Joel Lionel Boyd
Stephanie Blair Boyd
Liviana Boyle
Julian Gavin Brace
Richard William Bradshaw
Joshua Paul Bradtke
Yvonne Victoria Brame
Benjamin Graham Bray
Andrew James Brennan
Matthew John Brightwell
Nathan Brooker Broadbent
Daniel Jon Brook
Benjamin Luke Martin Brown
Sebastian Charles Brunt
Carissa Jane Buckley
Vasilios Bucon
Darren Wade Burchell
Andrew Simon Burford
Ricky James Burley
Paul Douglas Burnside
Sarah Anne Burton
Lauren Caffery
Kathryn Joy Cain
Shannon Allan Robert Cameron

Bree Cannell
Philip Neil Capper
Trudie Maree Carmody
John Maurice Carroll
Thomas George Carroll
Samuel John Carter
Tristan Rupert Carter
Helen Patricia Case
Julie Anne Castle
Shane Andrew Chancellor
Craig Scott Channon
Samuel Roy Cheek
Jonathon Anthony Cheetham
Mark Andrew Chilman
Sandra Jean Chilman
Amanda Chudasama
Darius Graham Cicolella
Jennifer Maree Clark
Kirsty Clarke
Matthew Robert Claxton
Peter Cliff
James Cochrane
Anita Colla
Daniel Mark Collins
Tracy Lee Coombes
Debra Corfield
Toby William Corfield
Christopher Barry Cormack
Steven John Coulls
Ryan Murray Court
Stephen William Coward
Peter Damian Cox
Zita Jane Crawford
Steven James Credlin
Daniel Crispe
Brittany Marie Crosby

Catherine Ann Cully
Luke Edmund Czulowski
Andrew Alfred Davidson
Christian Richard Davies
Andrew Davis
Sarina Rebecca Davis
Christopher William Dawes
Jeannette Maria Dawson
Paul Brian Dawson
Steven Day
Mark Richard Dearman
Jonathon Daniel Debrececi
Jordan Patrick Delbridge
Steven Mark Dell
Gregory John Dempsey
Mark Carlos Dempsey
Trevor Paul Dewick
Ian Mark Di Bartolo
Daniella Di Blasio
Annika Joan Dienhoff
Daniel William Dimitrijevic
Adam Djekic
Daniel Shane Donaldson
Paul John Dowling
Philip Andrew Downes
Karl Frank Downs
Christopher Dunworth
Andrew Lea Durbridge
Benjamin Duykers
Stuart James Easom
Adrian Kristoffer Echevarria
Matthew Terry Edwards
Christopher Luke Emmanuel
Lucas Ralph Ernesti
Brett William Evans
James Edwin Evans

David Mark Eversham
Alex Michael Fairley
Kylie Marie Farrer
Scott Allan Favero
Jennifer Lisa Favorito
Sarah Louise Fealy
Matthew Jon Fegan
Miles Alexander Ferguson
Nicholas Graham Fergusson
Peter Thomas Finey
Julie Fisher
Samuel Thomas Fitzgerald
Celena Fitzjohn
Alan Flaherty
Ryan Alexander Flavel
Todd Mark Flavel
Bradley Christopher Foord
Craig Edward John Ford
David Andrew Vincent Ford
Kathryn Lucy Foreman
Samantha Jo Formby
Helen Patricia Forrest
David Grant Fox
Joshua Lee Frick
Kimberley Ann Fuller
Alison Marie Gale
Stephen James Galliford
Lauren Louise Gard
Robbert Paul Garnett
Kristen Georgiou
Dennis James Geraghty
Nathan Barry Geyer
Morag Moreland Gibson
Jason Dion Gilchrist
Fiona Katherine Gill
Marcel Anton Gillespie

Alexander David Glatter
Nicholas Dan Gloyn
Andre Gontcharov
Simon Gorzechowski
Jaime Ann Gothard
Olav Goud
Anthony James Gough
Sharynne Lee Grant
Peter Charles Graves
Lee Greenwood
Robert Rodger Gregory
Bonnie Louise Griffiths
Karina Lee Gross
Daniel Benjamin Haig
Andrew Robert Haines
Daniel John Hall
Dean David Halsall
Sally Kate Hambly
Kylie Michelle Hammond
Kerry Michelle Hampton
Mark David Hann
Kate Beverly Hannan
Kym Thomas Scott Hanton
Vicki Lee Hardham
Loriann Sue Harris
Scott David Harrison
Troy Paul Harrison
Michael James Hart
Neil Grant Hastie
Daniel Christopher Hawkes
Steven Ray Hawkins
Sean Dairmid Healy
Justin Andrew Heard
Joshua Mark Heinze
John Henderson
Paul John Henderson

Benjamin Ross Heneker
Ian Lee Henshaw
Gary Paul Herman
Simon Dean Hermel
Paul Jason Herr
Noel Craig Herrmann
Michael Ryan Hewish
Corrina Margaret Hibbert
Paul David Hickman
Ben Higgins
Paul Joseph Highcock
Jade Lavinia Hill
Luke Fletcher Hill
Stephen Thomas Hill
Megan Hintz
Matthew John Hirlam
Dustin Wayne Hirst
Sean Gregory Hobbs
Kim Hocking
Matthew Holloway
Timothy James Holmes
Kevin John Horne
Steven Franciscus Houben
Kayt Leanne Barr Howe
Mark James Howie
Kyle Scot Hurcombe
Marc Andrew Hutchins
Scott Andrew Irrgang
Wayne Thomas Jacka
Andrew Jacobs
Peter Reginald Jacques
Colin James
Danielle James
Angela Charlene Jamieson
Ashley Michael Jaremko
Tamara Kaye Jedrzejczak

Lee Roy Jerram
Andrew Ian Johnson
Phillip Michael Johnson
Timothy Christopher Johnson
Louise Jolley
Samuel Thomas Jolly
Daniel Aaran Jones
Julie Jones
Thomas Jonker
Christopher Bon Jordan
Ingrid Maryke Kaesler
Bartosz Kapka
Darren John Keding
Barry James Keenan
Helen Jane Keir
Scott Andrew Kelly
Philip John Kennedy
Michael Jakub Kepka
Thomas Alan Kidner
Brian Stanley Kimber
James Andrew King
Neil Peter Kinsey
Timothy Graham Kirtland
Jye Kluske
Adam Matthew Knolder
Adam Neil Knoll
Jordan Lloyd Koch
Rebecca Joanne Kollis
Pero Kolundzic
Nicholas Ian Komoll
Damian Kschammer
Anthony Martin Laing
Shan Lisette Larsen
Matthew Douglas Leahy
Melissa Lee
Matthew James Legge

Scott Kevin Liersch
Daniel Thomas Lissiman
Matthew William Lockie
Matthew Steven Lodge
Sharon Anne Logan
Holly Loughhead
Cathryn Elizabeth Loughlin
Angus Thomas Lovegrove
Deanne Kerry Lum
Tristan Miles MacDermot
David Garfield Maddern
Peter Donald Keith Magor
Kevin Maguire
Tiffany Renae Mahony
Rowen Male
Jagmohan Singh Malhi
Helen Marie Mangle
Benjamin Paul Mann
Heath Fletcher Manners
Geoffrey Paul Markwick
Andrew Paul Marshall
Ian Francis Maslen
Gillian Christina Matthews
Phillip John Mattin
Cathryn Dianne Mattsson
Jessie Elizabeth McCallum
Valerie McComas
Jasmin Maree McDonald
Matthew James McDonnell
James Alexander McFarlane
Elaine McGilchrist
Kerry Leanne McGlone
Samantha Lee McIlwraith
Zaaheer McKenzie
Benjamin Oliver McLeod
Bryony Jeanne McNicol

Scott Bradley McPherson
Gareth Lee Meeks
Ty Daniel Melville
Douglas Neil James Milera
Stephen John Miles
Alicia Ann Miller
Neil Miller
Christopher Andrew Mills
Laura Renee Mills
Maxine Rebecca Minchin
Matthew John Mitchell
Tyson Stewart Mobbs
Douglas David Charles Monks
Gavin James Moore
Amanda Lee Morris
James Michael Morrissey
Linda Ann Moyse
Gabriel Mrozowski
Farred Muhsin
Daryl Wayne Mundy
Daniel Patrick Nelligan
Robert James Neville
Michael Paul Newell
Matthew Adrian Newlands
Alexander John Newman
Jonathon David Newman
Anthony Quang Luong Nguyen
Victoria Lynn Nielsen
Kerin Anne O'Donohue
Michael Laurenson Ogilvie
Daniel Oliver
Neil Gordon Ollerenshaw
Aaron Nathan O'Malley
Mark Daniel O'Neil
Toni Jenna O'Reilly
Adam William Osborne

Caroline Osborne
Andrew Jarzabek Paterson
Craig Paterson
Stuart Campbell Paton
Jonathon Sean Patton
Timothy William Patton
Michelle Kate Paxton
Ben Andrew Pearce
Huw Pearce
Simon Gareth Pearce
Samuel Edward Pearson
Kerwin Penn
Thomas Perks
Matt Adrian Perriman
Jahna Leanne Perry
Lauren Chantel Perry
Lucas Charles Perry
Melissa Jade Perry
Anthony Petraccaro
Lauren Joy Pitman
Andrew James Steven Plumb
Roman Michael Pomazak
Adam James Gregory Poole
Nicholas John Porter
Thomas William Porter
Antony Angelo Price
Nicholas John Price
Scott James Prime
Lenae Chantelle Prior
Darren Leigh Quirk
Anna Maria Quitadamo
Angela Raffin
Paul Joseph Charles Raven
Sally-Ann Rayner
Ashley James Reddaway
Daniel Grant Rees

Allan Andrew Reid
Lisa Reilly
Samuel Thomas Reynolds
Aaron Edward Richter
Mark Peter Ridgwell
Emma Elizabeth Roberts
Mark Graeme John Roberts
Darren Peter Robinson
Daniel Matthew Rolevink
Kelly Rolinski
Matthew Peter Round
Dianne Judith Routley
Samuel David Royans
Brett Michael Rozek
Stefan Rudevics
Bradley Shaun Rumsey
Daniel Robert Russell
Joseph Stephen Russell
Stephannie Russet
Samuel Peter Ruwoldt
Melanie Jane Ryan
Salvador Eliu Salinas
Matthew William Sampson
Kimberley Jay Sandison
Darren James Sargent
Erin Lee Saunders
Brendan Sawtell
Samuel Glenn Scaglione
Benjamin Loet Scheltus
Sophie Ela Schioldann
Trent Phillip Schmidt
Matthew Benjamin Schwarz
Leigh Adam Sears
Peter Cameron Seccafien
Philip Andrew Sellwood
Jonathon Paul Sharp

Brett James Sheehy
Nathan Robert Shepherd
Benjamin Lee Sheperdson
Michael Albert Sherratt
Robert Lloyd Sherriff
Brett Raymond Siddell
Grzegorz Sikora
Jarryd Andrew Simister
John Andrew Simper
Frazer William Sinclair
Tejvirendra Singh
Matthew Barry Slape
David Andrew Slater
Morgan Kane Slocombe
Kingsley Grant Smith
Kym Nigel Smith
Michael Scott Smith
Stephen Smith
Daniel Soper
Cherie Leslie Southern
Rebecca Louise Sowter
Marita Jane Spaulding
Justin Stanbridge
Katrina Ruth Staniford
Glen Lindsay Steel
Jelena Steele
Nathan John Stevens
Amanda Stewart
Ryan James Stewart
Steven Stewart
Chantelle Jan Stone
Matthew Paul Stones
Adam Mark Stott
Peter Mervyn Strother
Levi Jon Struthers
Kelly Louise Stubing

Kayleen Temperance Summers
Kirsten Jane Surch
Daniel Josiah Sutherland
Hayleigh Jayne Sweetman
Nigel William Sweetman
Brett Allan Symons
Stephen Mark Taggart
Michael Stephen Taylor
Peter Adam Taylor
Victoria Ann Taylor
Gregory Alan Thompson
Samuel Michael Thorpe
Amy Ellen Tierney
Nathan Scott Tige
Michael David Tiller
Neil Christopher Tiller
Ian Richard Todd
Ashleigh Paul Tollenaar
Simon John Torjul
Tung Thanh Tran
Daniel James Trenwith
Christopher John Twiggs
Nils Uellendahl
Wesley John Usher
David Christopher Van Der Jeugd
Alby Jan Van Donderen
Shane Van Dongen
David William Vanderaa
Ambrose David Vincent
Rebecca Mary Vincent
Aaron John Virgo
Nicholi Andrew Vocke
Justin Joseph Waites
Clare Walker
Kerrie Lee Walker-Roberts
John Eric Michael Walmsley

Matthew Liam Walton
Leonie Anne Ware
Linda Florance Warner
Nicole Ann Waterson
Luke Ross Watts
Tyler Peter Watts
Daniel Anthony Wauchope
David Ian Webb
Christopher Michael Webber
Samuel John Wells
Bradley Vaughan Westbrook
Adam James Wheatley
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Max Gregory White
Ross William White
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Benjamin Henry Whiteway
Philip Whittaker
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Anthony Sean Wight
Sharon Lynette Wight
Michael Peter Wilckens
Jake Travis Wild
Tegan Elise Wilkinson
Torey Leigh Williams
Veronica Ann Williams
Suzi Renee Willmott
Michael William Willsmore
Allison Marie Wilson
Andrea Elizabeth Wilson
Jared Leith Wilson
Nicholas Roy Wilson
Bradley James Wingate
Lisa Jane Winslade
Adam James Winter

Peter Freshfield Wise
Craig Alfred Wood
David Wood
Nicholas Paul Wood
Paul Wood
Nichole Lee Woon
Paul John Worswick
Robert Michael Wright
Darren Ian Wurst
Geoffrey Charles Yates
Aaron Shaun Yeoward
Darin Mark Young
Adam Troy Zauch
Bojana Zekanovic

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

JP13/072CS

[REPUBLISHED]

IN *Government Gazette* No. 78, of Thursday, 5 December 2013, on pages 4460 to 4466, Regulation No. 271 of 2013 is incorrect and should be replaced by Regulation 271 of 2013 as set out below.

South Australia

Gaming Machines Variation Regulations 2013

under the *Gaming Machines Act 1992*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Gaming Machines Regulations 2005*

- 4 Variation of regulation 4—Prescribed gaming machine components
 - 5 Variation of regulation 5—Prescribed duties
 - 6 Variation of regulation 5A—Interpretation
 - 7 Variation of regulation 5B—Establishment of trading round
 - 8 Variation of regulation 5D—Offer to purchase entitlement in trading round
 - 9 Variation of regulation 5E—Commissioner may reject offer or cancel trading round
 - 10 Variation of regulation 5K—Review of Part
 - 11 Variation of regulation 10—Minister may grant exemptions
 - 12 Insertion of regulations 14, 15 and 15A
 - 14 Criteria for recognition of systems (section 10A of Act)
 - 15 Approval of gaming machines and games (section 40 of Act)
 - 15A Prescribed jurisdiction (section 42 of Act)
 - 13 Variation of Schedule 2—Fees and charges
 - 14 Insertion of Schedules 3 and 4
 - Schedule 3—Transitional regulations (section 87(5) of Act)
 - 1 Transitional regulation—prescribed recognitions
 - 2 Transitional regulation—cashless gaming system
 - Schedule 4—Voluntary Pre-commitment Code
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Gaming Machines Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on 1 January 2014.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Gaming Machines Regulations 2005*

4—Variation of regulation 4—Prescribed gaming machine components

Regulation 4(1)(a)—delete "that constitutes the game to be played in a gaming machine or" and substitute:

, other than a game,

5—Variation of regulation 5—Prescribed duties

Regulation 5—delete "sections 42 and" and substitute:

section

6—Variation of regulation 5A—Interpretation

Regulation 5A, definition of *statutory objective*—delete "12 086 (that is, 3 000 less than the number approved by the Commissioner for operation in the State immediately before 1 February 2005)" and substitute:

13 081

7—Variation of regulation 5B—Establishment of trading round

Regulation 5B(3)—after "given to" insert:

the holder of the casino licence and

8—Variation of regulation 5D—Offer to purchase entitlement in trading round

Regulation 5D(6)—after paragraph (b) insert:

or

(c) the holder of the casino licence.

9—Variation of regulation 5E—Commissioner may reject offer or cancel trading round

Regulation 5E(5)—after "given to" insert:

the holder of the casino licence and

10—Variation of regulation 5K—Review of Part

Regulation 5K(2)—after "submissions from" insert:

the holder of the casino licence, from

11—Variation of regulation 10—Minister may grant exemptions

- (1) Regulation 10(3)(a)—delete "prescribed gaming machine components or gaming equipment" and substitute:

games or prescribed gaming machine components

- (2) Regulation 10(3)(b)(i)—after "gaming machine" insert:

or game

- (3) Regulation 10(3)(b)(ii)—after "gaming machine" insert:

or game

(4) Regulation 10(3)(b)(iii)—delete "gaming equipment" and substitute:
a gaming machine

(5) Regulation 10(4ba)(a)—delete paragraph (a)

12—Insertion of regulations 14, 15 and 15A

After regulation 13 insert:

14—Criteria for recognition of systems (section 10A of Act)

- (1) For the purposes of section 10A(1)(ca)(i)(E) of the Act, criteria for an account based cashless gaming system recognised under section 10B(1)(c)(i) of the Act must require that—
 - (a) the name and address of each person using the system is provided; and
 - (b) the holder of a gaming machine licence who operates the system enters into an agreement with the Minister to allow information recorded by the system to be used for gambling research.
- (2) For the purposes of section 10A(1)(ca)(ii)(C) of the Act, criteria for an automated risk monitoring system recognised under section 10B(1)(c)(ii) of the Act must require that the holder of a gaming machine licence who operates the system enters into an agreement with the Minister to allow information recorded by the system to be used for gambling research.

15—Approval of gaming machines and games (section 40 of Act)

- (1) For the purposes of section 40(2)(b) and (4)(c) of the Act, a requirement that a gaming machine or a game (as the case requires) operates to allow a maximum bet of \$10 or less is prescribed.
- (2) Subregulation (1) ceases to have effect on the commencement of section 53A(4) of the Act (as inserted by section 96 of the *Statutes Amendment (Gambling Reform) Act 2013*).
- (3) For the purposes of section 40(2)(b) and (4)(c) of the Act, a requirement that a gaming machine or a game (as the case requires) has been certified by the holder of the gaming machine monitor licence as being able to be operated in a way that is compatible with the monitoring system is prescribed.
- (4) For the purposes of section 40(2)(b) and (4)(c) of the Act, a requirement that a gaming machine or a game (as the case requires) complies with the *Australian and New Zealand Gaming Machine National Standard* version 10.0 (or any subsequent version) as modified by the relevant Appendix is prescribed.
- (5) In this regulation—
relevant Appendix in relation to a version of the *Australian and New Zealand Gaming Machine National Standard* means—
 - (a) the latest South Australian Appendix to that version; or
 - (b) the latest Appendix to that version of a jurisdiction referred to in regulation 15A.

15A—Prescribed jurisdiction (section 42 of Act)

For the purposes of section 42(7) and (8) of the Act, the following jurisdictions are prescribed:

- (a) New South Wales;
- (b) New Zealand;
- (c) Queensland;
- (d) Victoria.

13—Variation of Schedule 2—Fees and charges

Schedule 2, item 13—delete item 13

14—Insertion of Schedules 3 and 4

After Schedule 2 insert:

Schedule 3—Transitional regulations (section 87(5) of Act)**1—Transitional regulation—prescribed recognitions**

- (1) Section 10B(2) of the Act (as substituted by section 65(2) of the *Statutes Amendment (Gambling Reform) Act 2013*) is modified in its application to a prescribed recognition that was published by the Authority before the commencement of that subsection such that the prescribed recognition will continue in force for a period of 5 years after the commencement of that subsection (but the Authority may withdraw the recognition before the end of that period by notice in the Gazette if it thinks fit).
- (2) In this clause—
prescribed recognition means a recognition of a person as an industry body with whom a licensee may enter into a responsible gambling agreement.

2—Transitional regulation—cashless gaming system

Section 53A(1) of the Act (as inserted by section 96 of the *Statutes Amendment (Gambling Reform) Act 2013*) is, until 31 December 2018, modified in its application to the holder of a gaming machine licence such that the licensee must not provide any gaming machine that may be operated in connection with a cashless gaming system unless—

- (a) the system is recognised by the Authority under section 10B(1)(c)(i) of the Act; and
- (b) the gaming machine is operated in connection with an automated risk monitoring system recognised by the Authority under section 10B(1)(c)(ii) of the Act; and
- (c) the gaming machine is operated in connection with a pre-commitment system that is operated by the licensee in compliance with the requirements of the Voluntary Pre-commitment Code set out in Schedule 4.

Schedule 4—Voluntary Pre-commitment Code

Registration

1. The licensee must permit a customer who wishes to do so to register with the pre-commitment system by—
 - 1.1 completing an application in writing at a venue; or
 - 1.2 making a request in person to venue staff.
2. The licensee must not only offer pre-commitment in conjunction with a loyalty system.
3. The licensee must provide a customer who applies for registration with the following information, in writing, regarding the terms and conditions of registration with the pre-commitment system:
 - 3.1 the process by which a registered customer may vary his or her expenditure limits and other details, and how and when the variation will apply;
 - 3.2 privacy protections for the registered customer;
 - 3.3 the application of a default daily expenditure limit if the registered customer does not specify his or her own expenditure limit;
 - 3.4 the consequences if the registered customer exceeds an expenditure limit, in particular—
 - 3.4.1 that the pre-commitment system will monitor the customer's play data to enable a reminder message to be sent to the customer; and
 - 3.4.2 that the pre-commitment system will notify venue staff when a registered customer exceeds his or her expenditure limit.
4. The licensee must obtain the customer's consent to the terms and conditions before registering a customer.
5. The licensee must record on the pre-commitment system a registered customer's preferred—
 - 5.1 language for use on the pre-commitment system (*the preferred language*); and
 - 5.2 method of communication (post or in-venue communication (*the preferred communication method*)).

Setting and varying limits

6. The pre-commitment system must allow a registered customer to—
 - 6.1 set a daily or weekly expenditure limit (eg \$50 per day); and
 - 6.2 vary any matter referred to in item 6.1 by completing an application, in writing, at a venue or by making a request, in person, to venue staff.
7. If a registered customer does not specify an expenditure limit, the pre-commitment system must set a default daily expenditure limit of \$100 per day.
8. The pre-commitment system must apply any variations referred to in item 6.2 as follows:
 - 8.1 a variation (other than a variation to increase an expenditure limit) must be applied as soon as practicable if the customer has played a gaming machine since registering;

- 8.2 if the customer has played a gaming machine since registering and the requested variation is to increase an expenditure limit, the variation must only be applied if a period of 24 hours has passed since the making of the request.
9. Once a varied expenditure limit is applied by the pre-commitment system, any previous expenditure limit set by the registered customer has no effect.

Operation of the pre-commitment system

10. The pre-commitment system must comply with the following requirements:
- 10.1 the system must use the registered customer's preferred language, if available, but may use English until the data about customer preferences is analysed to identify a minimum set of common languages to be offered by the system;
 - 10.2 the system must be capable of displaying on-screen messages on a primary screen or an ancillary screen;
 - 10.3 the system must enable the display of a reminder message set by the licensee on the primary screen or the ancillary screen when the registered customer reaches 90% of his or her expenditure limit;
 - 10.4 if a registered customer exceeds his or her expenditure limit, the system must enable the display of a message set by the licensee on the primary screen or the ancillary screen;
 - 10.5 if the registered customer continues to play after exceeding his or her expenditure limit, the system must enable a further reminder message to be displayed on the primary screen or the ancillary screen when the customer exceeds his or her expenditure limit by 10%;
 - 10.6 the system must notify venue staff when the registered customer exceeds his or her expenditure limit.
11. For the purposes of item 10—
- primary screen* means a gaming machine screen;
- ancillary screen* means a screen measuring not less than 14 cm in width and 5 cm in height that is in the sandwich board of a gaming machine.
12. The registered customer's pre-commitment data must be usable on the same system if that system is available on another gaming machine (whether the machine is in the same or a different venue).

Communication

13. The licensee must communicate with a registered customer by the preferred communication method.
14. The licensee must, every 6 months, request by the registered customer's preferred communication method, that the customer confirm or vary his or her expenditure limit.
15. The licensee must provide the registered customer with a periodic activity statement every 6 months by the customer's preferred communication method. This requirement only applies if the registered customer has played a gaming machine in the last 6 months using the pre-commitment system.
16. The pre-commitment system must allow the registered customer to access an on-demand activity statement for the current session of play, the previous month of play or any period up to the previous 6 months of play. The registered customer may request an on-demand activity statement from venue staff.

17. The following information must be provided in a periodic and an on-demand activity statement:
 - 17.1 the period of the statement;
 - 17.2 the total amount spent during that period;
 - 17.3 the net amount won or lost during that period.
18. The periodic activity statement and on-demand activity statement must be in the registered customer's preferred language, if available.

Miscellaneous

19. The licensee must enter into an agreement with the Minister to allow information recorded by the pre-commitment system to be used for gambling research.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 5 December 2013

No 271 of 2013

MGA0013/13CS

South Australia

SACE Board of South Australia Variation Regulations 2013

under the *SACE Board of South Australia Act 1983*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *SACE Board of South Australia Regulations 2008*

- 4 Substitution of Schedule 1
Schedule 1—Fees
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *SACE Board of South Australia Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on 1 January 2014.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *SACE Board of South Australia Regulations 2008*

4—Substitution of Schedule 1

Schedule 1—delete the Schedule and substitute:

Schedule 1—Fees

1	<p>Registration fee For registration as an assessment centre of an educational institution not in receipt of financial assistance from the State</p> <p><i>(Registration entitles the institution to services similar to that extended by the Board to educational institutions in receipt of financial assistance from the State.)</i></p>	\$1 898.00 per year
2	<p>Student fee For enrolment, assessment and certification of a student of an educational institution not in receipt of financial assistance from the State or a full fee paying overseas student (within the meaning of the <i>Education and Early Childhood Services (Registration and Standards) Act 2011</i>)—</p> <p style="margin-left: 20px;">(a) in the case of a student enrolled at Stage 1 studying fewer than 40 credits</p> <p style="margin-left: 20px;">(b) in the case of a student enrolled at Stage 1 studying 40 credits or more</p> <p style="margin-left: 20px;">(c) in the case of a student enrolled at Stage 2 studying fewer than 40 credits</p> <p style="margin-left: 20px;">(d) in the case of a student enrolled at Stage 2 studying 40 credits or more</p>	<p>\$147.00 per student</p> <p>\$273.00 per student</p> <p>\$321.00 per student</p> <p>\$606.00 per student</p>
3	<p>Late enrolment fee For enrolment of a student for assessment of completion of prescribed certification requirements after the closing date for receipt of enrolments set by the Board in any year</p>	\$99.00 per student
4	<p>Clerical check fee For checking, at the request of a student, the clerical processes and procedures involved in determining a result in a subject</p>	\$12.00 per subject
5	<p>Student assessment summary fee For access to information about the contribution of examination marks and moderated school assessment marks to the final result of a Year 12 level subject</p>	\$11.00 per subject
6	<p>Return of student material fee For access of students to their assessment materials</p>	\$19.50 per subject

7	Statement fee For a statement or certified record replacing—	\$22.50 per record or statement
	(a) a statement of results awarded in a specified year; or	
	(b) a certified record of studies undertaken towards completion of the prescribed certification requirements (SACE Record of Achievement); or	
	(c) a certified record of results in individual subjects or requirements comprised in the prescribed certification requirements (SACE Statement of Results) issued	
8	Replacement fee for SACE Certificate For a replacement copy of a South Australian Certificate of Education	\$39.00
9	Subject outline fee For a copy of a subject outline	\$10.50 if 80 pages or less \$15.00 if more than 80 pages

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

on the recommendation of the SACE Board of South Australia with the advice and consent of the Executive Council
on 19 December 2013

No 283 of 2013

MECD13/149

South Australia

Fisheries Management (Abalone Fisheries) Variation Regulations 2013

under the *Fisheries Management Act 2007*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Fisheries Management (Abalone Fisheries) Regulations 2006*

- 4 Substitution of regulation 16
 - 16 Individual catch quota system—Western Zone
 - 5 Variation of regulation 20—Catch and disposal records
 - 6 Variation of regulation 21—Periodic returns
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Abalone Fisheries) Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on 1 January 2014.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Fisheries Management (Abalone Fisheries) Regulations 2006*

4—Substitution of regulation 16

Regulation 16—delete the regulation and substitute:

16—Individual catch quota system—Western Zone

(1) In this regulation—

abalone quota entitlement or *quota entitlement*, in relation to a licence in respect of the fishery and a class of abalone, means the maximum number of kilograms of meat of abalone of that class that may be lawfully taken by the holder of the licence during a quota period, being the product of—

- (a) the unit entitlement under the licence in respect of that class of abalone; and
- (b) the unit value for that class of abalone and quota period,

subject to any variation applying during that quota period;

fishery means the Western Zone Abalone Fishery;

quota period—a quota period for the fishery is a period of 12 months commencing on 1 January;

unit entitlement, in relation to a licence in respect of the fishery and a class of abalone, means the number of abalone units for the time being allocated to the licence in respect of that class of abalone;

unit value means the number of kilograms of abalone meat determined by the Minister to be the value of an abalone unit for a class of abalone and a quota period.

(2) The Minister—

- (a) must determine—
 - (i) the number of kilograms of abalone meat that is to be the value of an abalone unit for a class of abalone and each quota period; and
 - (ii) the conversion value for a class of abalone; and
- (b) may from time to time vary the conversion value for a class of abalone.

(3) The Minister may vary conditions on licences in respect of the fishery fixing abalone quota entitlements as follows:

- (a) on joint application made to the Minister by the holders of any 2 licences subject to conditions fixing abalone quota entitlements in respect of the same class of abalone, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that class of abalone and decrease the unit entitlement under the other licence in respect of that class of abalone by a corresponding number of units;

- (b) if the total catch of abalone of a particular class taken by the holder of a licence during a quota period exceeds the abalone quota entitlement under the licence in respect of that class of abalone and quota period, the Minister may vary the conditions of the licence so as to decrease the quota entitlement in respect of that class of abalone—
 - (i) if the catch exceeds the quota entitlement by not more than 50 kilograms of abalone meat—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or
 - (ii) if the catch exceeds the quota entitlement by more than 50 kilograms but not more than 100 kilograms of abalone meat—by 2 kilograms for each kilogram taken in excess of the quota entitlement;

(c) if—

- (i) the holder of a licence in respect of the fishery is convicted of an offence of contravening a condition of the licence fixing an abalone quota entitlement; and
- (ii) the conduct constituting the offence involved the taking of more than 100 kilograms of abalone meat in excess of the quota entitlement under the licence in respect of a class of abalone,

the conditions of the licence may be varied so as to reduce the quota entitlement under the licence in respect of that class of abalone for 3 quota periods following the conviction by 1 kilogram for each kilogram taken in excess of the quota entitlement for the quota period during which the offence was committed;

(d) if the total catch of abalone of a particular class taken by the holder of a licence during a particular quota period is less than the abalone quota entitlement under the licence in respect of that class of abalone and quota period, the Minister may vary the conditions of the licence so as to—

- (i) increase the quota entitlement in respect of that class of abalone by 1 kilogram of abalone meat for each kilogram by which the catch fell short of the quota entitlement (but in any case by not more than 50 kilograms); and
- (ii) prohibit any additional abalone units allocated to the licence as a result of the increase in the quota entitlement made under this paragraph from being transferred to another licence;

(e) if—

- (i) the holder of a licence has assisted in the carrying out of research work under the Act in relation to the fishery; and
- (ii) the Minister considers that it is appropriate to compensate or reward the holder of the licence for the time spent in providing that assistance,

the Minister may vary the conditions of the licence so as to increase the abalone quota entitlement under the licence;

- (f) a variation of a quota entitlement or unit entitlement under this subregulation (other than paragraph (a) or (c)) must be expressed to apply only for the quota period during which the variation is made.
- (4) For the purposes of subregulation (3)(d), in determining whether the total catch of abalone during a particular quota period was less than the abalone quota entitlement under the licence in respect of that quota period, any increase in the quota entitlement applying during that period as a result of a variation made under that subregulation must be disregarded.
- (5) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
 - (b) be signed by the applicants and completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the appropriate fee fixed by the *Fisheries Management (Fees) Regulations 2007*.
- (6) The holder of a licence in respect of the fishery must not, for a commercial purpose, take abalone if the unit entitlement under the licence in respect of a class of abalone specified in column 1 of the following table falls below the number specified alongside in column 2.

Maximum penalty: \$5 000.

Expiation fee: \$315.

Column 1	Column 2
Class of abalone	Unit entitlement
Blacklip Abalone	25
Greenlip Abalone	27.5

- (7) For the purposes of subregulation (6), if the conditions of a licence in respect of the fishery are varied so as to decrease the unit entitlement under the licence in respect of a class of abalone and the variation is expressed to apply only for the quota period during which the variation is made, the number of abalone units in the decrease must be taken to form part of the unit entitlement under the licence in respect of that class of abalone in determining whether the unit entitlement under the licence falls below the minimum specified in the table.

5—Variation of regulation 20—Catch and disposal records

- (1) Regulation 20(2)(a)(i)—delete "50" wherever occurring and substitute in each case:
200
- (2) Regulation 20(2)(b)—delete paragraph (b) and substitute:
- (b) he or she must ensure—
 - (i) that the abalone to which the completed Part A of the CDR1 form relates that are to be delivered or consigned to the registered premises of the fish processor specified on the form are transported in bags or bins of a kind approved by the Minister; and

- (ii) that within 200 metres of the place of landing the abalone, a bag or bin containing abalone is sealed with a tag of a kind approved by the Minister; and
 - (iii) that if a tag is broken while a bag or bin is being sealed—
 - (A) the bag or bin is sealed with a replacement tag; and
 - (B) the broken tag is attached to the bag or bin by threading it through the replacement tag; and
 - (C) the number of the replacement tag is recorded on the CDR1 form; and
 - (iv) if a tag is lost—that the Minister is immediately notified of the loss;
 - (v) that the 3 copies of the completed CDR1 form are transported to the registered premises of the fish processor together with the abalone to which the form relates.
- (3) Regulation 20(3)—after the penalty provision insert:
Expiation fee: \$315.

6—Variation of regulation 21—Periodic returns

Regulation 21(2)—delete subregulation (2) and substitute:

- (2) If the holder of a licence takes no abalone of a particular class under the licence during a particular calendar month, he or she is required by subregulation (1) to furnish a return in respect of that period indicating that no such abalone were taken unless—
 - (a) the total catch of abalone of that class during previous months in the same calendar year equalled the quota entitlement under the licence in respect of that class of abalone for the quota period ending during that calendar year; and
 - (b) the holder of the licence complied with subregulation (1) in respect of the calendar month in which abalone of that class were last taken under the licence.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 284 of 2013

13MAFF44CS

South Australia

Fisheries Management (Fish Processors) Variation Regulations 2013

under the *Fisheries Management Act 2007*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Fisheries Management (Fish Processors) Regulations 2007*

- 4 Variation of regulation 9—Delivery of abalone to registered fish processor
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Fish Processors) Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on 1 January 2014.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Fisheries Management (Fish Processors) Regulations 2007*

4—Variation of regulation 9—Delivery of abalone to registered fish processor

Regulation 9(4) and (5)—delete subregulations (4) and (5) and substitute:

- (4) If a registered fish processor has taken delivery of the abalone and the CDR1 form, he or she must—
 - (a) in the case of abalone that has been consigned to the fish processor in the shell but is to be sold as meat only—
 - (i) weigh the abalone in the shell and record the weight in Part B of the CDR1 form within 1 hour of breaking the tags attached to the bags or bins containing the abalone; and

- (ii) after shucking the abalone—weigh the shucked abalone and record the meat weight in Part B of the CDR1 form within 18 hours of breaking the tags attached to the bags or bins containing the abalone; and
 - (iii) complete the certificate in Part B of the CDR1 form within 48 hours after the abalone is landed; and
 - (iv) within 7 days of taking delivery of the abalone to which the CDR1 form relates, deliver, or cause to be delivered, the completed form to the Minister; or
- (b) in any other case—
- (i) weigh the abalone and complete Part B of the CDR1 form within 1 hour of breaking the tags attached to the bags or bins containing the abalone; and
 - (ii) complete the certificate in Part B of the CDR1 form within 48 hours after the abalone is landed; and
 - (iii) within 7 days of taking delivery of the abalone to which the CDR1 form relates, deliver, or cause to be delivered, the completed form to the Minister.
- (5) A person must not complete Part B of a CDR1 form if he or she has completed Part A of the form.
- (5a) If tags attached to bags or bins containing abalone delivered to a fish processor are to be broken between 1800 hours on any day and 0700 hours on the following day, the fish processor must, at least 1 hour before doing so, give the Minister notice by telephone that the tags are to be broken between those hours.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 285 of 2013

13MAFF44CS

South Australia

Fisheries Management (General) Variation Regulations 2013

under the *Fisheries Management Act 2007*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Fisheries Management (General) Regulations 2007*

- 4 Variation of Schedule 6—Classes of fishing activities prescribed for purposes of section 70 of Act
 - 128 Taking fish using certain traces or hooks in certain waters
 - 5 Variation of Schedule 10—Expiation fees
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (General) Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on 20 December 2013.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Fisheries Management (General) Regulations 2007*

4—Variation of Schedule 6—Classes of fishing activities prescribed for purposes of section 70 of Act

Schedule 6—after clause 127 insert:

128—Taking fish using certain traces or hooks in certain waters

- (1) The taking of fish between 0500 and 2100 hours on any day using—
 - (a) wire trace; or
 - (b) monofilament trace exceeding 1 mm in diameter; or

- (c) a fishing hook size exceeding 56 mm in length; or
- (d) a fishing hook with a gape exceeding 23 mm; or
- (e) a combination or gang of hooks that are joined by threading the point of 1 through the eye of another,

in the waters and adjacent foreshore areas contained within the area from the southern Outer Harbor breakwater (34°46'59.00" South, 138°28'40.45" East), to Lady Bay Shacks, south of Normanville (35°28'30.82" South, 138°17'05.26" East) from Mean High Water Springs to a distance of 500 metres seaward.

- (2) In this clause—

gape of a fishing hook means the distance from the tip of the point of the hook to the inside of the shaft.

5—Variation of Schedule 10—Expiation fees

Schedule 10, table—after the item relating to clause 127 insert:

128	<i>Taking fish using certain traces or hooks in certain waters between 0500 and 2100 hours on any day</i>	\$315
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Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 286 of 2013

13MAFF43CS

South Australia

Fisheries Management (Demerit Points) Variation Regulations 2013

under the *Fisheries Management Act 2007*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Fisheries Management (Demerit Points) Regulations 2009*

- 4 Variation of Schedule 1—Demerit point offences and demerit points

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Demerit Points) Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on 20 December 2013.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Fisheries Management (Demerit Points) Regulations 2009*

4—Variation of Schedule 1—Demerit point offences and demerit points

Schedule 1, Part 1, clause 2, table—after the item relating to clause 127 insert:

clause 128	<i>Taking fish using certain traces or hooks in certain waters between 0500 and 2100 hours on any day—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 287 of 2013

13MAFF43CS

South Australia

Passenger Transport Variation Regulations 2013

under the *Passenger Transport Act 1994*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Passenger Transport Regulations 2009*

- 4 Variation of Schedule 3—Maximum fares (metropolitan taxis)

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Passenger Transport Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on 23 December 2013.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Passenger Transport Regulations 2009*

4—Variation of Schedule 3—Maximum fares (metropolitan taxis)

(1) Schedule 3, clause 1(b) and (c)—delete paragraphs (b) and (c) and substitute:

- (b) for the distance travelled—
 - (i) on tariff 1—for every 54.21 metres or part \$0.10
 - (ii) on tariff 2—for every 49.25 metres or part \$0.10
 - (iii) on tariff 3—for every 41.70 metres or part \$0.10
 - (iv) on tariff 4—for every 38.04 metres or part \$0.10
- (c) for waiting time after the commencement of the hiring—
 - (i) on tariff 1—for each period of 9.16 seconds \$0.10
 - (ii) on tariff 2—for each period of 9.16 seconds \$0.10
 - (iii) on tariff 3—for each period of 7.05 seconds \$0.10
 - (iv) on tariff 4—for each period of 7.05 seconds \$0.10

- (2) Schedule 3, clause 2—delete "9.43 seconds" wherever occurring and substitute in each case:
9.16 seconds
- (3) Schedule 3, clause 2(1)(a)—delete "\$1.47" and substitute:
\$1.54
- (4) Schedule 3, clause 2(1)(b)—delete "\$1.13" and substitute:
\$1.18"

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 288 of 2013

MTS/13/008

South Australia

Primary Industry Funding Schemes (Langhorne Creek Wine Industry Fund) Variation Regulations 2013

under the *Primary Industry Funding Schemes Act 1998*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Primary Industry Funding Schemes (Langhorne Creek Wine Industry Fund) Regulations 2001*

- 4 Variation of regulation 3—Interpretation
 - 5 Variation of regulation 5—Contributions to Fund
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (Langhorne Creek Wine Industry Fund) Variation Regulations 2013*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Primary Industry Funding Schemes (Langhorne Creek Wine Industry Fund) Regulations 2001*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3, after the definition of *Act* insert:

delivered—see subregulation (3);

- (2) Regulation 3, definition of *prescribed period*—delete the definition and substitute:

prescribed period means a period of 12 months ending on 31 May in any year up to and including the period of 12 months ending on 31 May 2017.

(3) Regulation 3—after subregulation (2) insert:

(3) For the purposes of these regulations—

- (a) grapes will be taken to be *delivered* to a Langhorne Creek grapes winemaker by a grower of Langhorne Creek grapes when the winemaker takes possession of the grapes; and
- (b) if a Langhorne Creek grapes winemaker processes Langhorne Creek grapes grown by the winemaker, grapes will be taken to be *delivered* to the winemaker when the grapes are placed in a container for the purposes of commencing processing of the grapes (including placing the grapes in a container for fermentation or in preparation for crushing or pressing).

5—Variation of regulation 5—Contributions to Fund

(1) Regulation 5(1)—delete subregulation (1) and substitute:

(1) The following contributions are payable to the Minister for payment into the Fund for each tonne of Langhorne Creek grapes processed by a Langhorne Creek grapes winemaker:

(a) during the prescribed period ending on 31 May 2014—

(i) in the case of grapes grown by a person other than the winemaker—

(A) \$5.00 is payable by the grower of the grapes; and

(B) \$3.50 is payable by the winemaker; and

(ii) in the case of grapes grown by the winemaker—\$8.50 is payable by the winemaker;

(b) during the prescribed period ending on 31 May 2015—

(i) in the case of grapes grown by a person other than the winemaker—

(A) \$5.15 is payable by the grower of the grapes; and

(B) \$3.60 is payable by the winemaker; and

(ii) in the case of grapes grown by the winemaker—\$8.75 is payable by the winemaker;

(c) during the prescribed period ending on 31 May 2016—

(i) in the case of grapes grown by a person other than the winemaker—

(A) \$5.30 is payable by the grower of the grapes; and

(B) \$3.70 is payable by the winemaker; and

(ii) in the case of grapes grown by the winemaker—\$9.00 is payable by the winemaker;

(d) during the prescribed period ending on 31 May 2017—

(i) in the case of grapes grown by a person other than the winemaker—

(A) \$5.45 is payable by the grower of the grapes; and

- (B) \$3.80 is payable by the winemaker; and
 - (ii) in the case of grapes grown by the winemaker—\$9.25 is payable by the winemaker.
- (1aa) However—
- (a) no more than \$30 000 is payable by each grower in respect of grapes delivered to winemakers during a prescribed period; and
 - (b) no more than \$30 000 is payable by each winemaker on the winemaker's own behalf in respect of grapes delivered to the winemaker during a prescribed period.
- (2) Regulation 5(2)—delete "(1)(a)(i)" and substitute:

(1)(a)(i)(A), (1)(b)(i)(A), (1)(c)(i)(A) or (1)(d)(i)(A)

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 289 of 2013

13MAFF45CS

South Australia

Local Government (General) Regulations 2013

under the *Local Government Act 1999*

Contents

1	Short title
2	Commencement
3	Interpretation
4	Review of council composition and ward
5	Public initiated submissions before Panel—prescribed notice
6	Member's declaration
7	Code of conduct for members
8	Register of interests—members
9	Register of interests—officers
10	Annual reports
11	Recovery of amounts due to council
12	Service rates and charges
13	Rates and charges for services not provided at the land
14	Differentiating factors
15	Notice of valuation
16	Objections to valuations made by a council
17	Rates notice
18	Postponement of rates—Seniors
19	Certificates of liabilities—fee
20	Fees and charges
21	Compulsory acquisition of land
22	Exemption of certain leases or licences over community land from consultation requirements
23	Register of community land
24	Minor alterations of roads—section 221
25	Public consultation—section 223
26	Register of public roads
27	Removal of vehicles
28	By-laws—roads
29	By-laws—certificate of legal practitioner
30	Review of an order
31	Prescribed percentage rate—section 257(5)(a)
32	Local government sector employers
33	Whistleblowing
34	Local government indemnity schemes
35	Schedule 4—Annual reports
36	Variation of Schedule 5—Access to documents
37	Schedule 8—Lochiel Park Lands—definition of LMC

Schedule 1—Forms

Schedule 2—Prescribed fees

Schedule 3—Local government sector employers

Schedule 4—Revocation of *Local Government (General) Regulations 1999*

1—Short title

These regulations may be cited as the *Local Government (General) Regulations 2013*.

2—Commencement

These regulations will come into operation on 1 January 2014.

3—Interpretation

(1) In these regulations—

Act means the *Local Government Act 1999*.

(2) In these regulations, a reference to a form of a particular number is a reference to a form of that number set out in Schedule 1.

4—Review of council composition and ward

For the purposes of section 12(4) of the Act, the relevant period is the period determined by the Minister from time to time by notice published in the Gazette.

5—Public initiated submissions before Panel—prescribed notice

For the purposes of section 28(21) of the Act, the notice set out as Form 1 is prescribed.

6—Member's declaration

For the purposes of section 60 of the Act—

- (a) a member must make an undertaking under that section in the form set out as Form 2; and
- (b) the undertaking must be made before a Justice of the Peace or some other person authorised to take declarations under the *Oaths Act 1936*.

7—Code of conduct for members

For the purposes of section 63 of the Act, the *Code of Conduct for Council Members* published by the Minister in the Gazette on 29 August 2013 (and as in force on that day) is adopted as a code of conduct to be observed by the members of all councils.

8—Register of interests—members

- (1) For the purposes of clause 2(1) of Schedule 3 of the Act, the prescribed form for a primary return under section 65 of the Act is set out in Form 3.
- (2) For the purposes of clause 2(2) of Schedule 3 of the Act, the prescribed form for an ordinary return under section 66 of the Act is set out in Form 4.

9—Register of interests—officers

- (1) A word or expression used in this regulation that is defined in subclause (1) of clause 1 of Schedule 3 of the Act has the same meaning in this regulation as in that subclause (and as if any reference in that subclause to a *member* were a reference to an officer to whom Division 2 of Part 4 of Chapter 7 of the Act applies).
- (2) For the purposes of this regulation, a person who is an object of a discretionary trust is to be taken to be a beneficiary of that trust.

- (3) For the purpose of this regulation, a person is an investor in a body if—
- (a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds \$10 000; or
 - (b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.
- (4) For the purposes of this regulation, in relation to a return by an officer—
- (a) 2 or more separate contributions made by the same person for or towards the cost of travel undertaken by the officer or a member of the officer's family during the return period are to be treated as 1 contribution for or towards the cost of travel undertaken by the officer; and
 - (b) 2 or more separate gifts received by the officer or a person related to the officer from the same person during the return period are to be treated as 1 gift received by the officer; and
 - (c) 2 or more separate transactions to which the officer or a person related to the officer is a party with the same person during the return period under which the officer or a person related to the officer has had the use of property of the other person (whether or not being the same property) during the return period are to be treated as 1 transaction under which the officer has had the use of property of the other person during the return period.
- (5) For the purposes of section 115 of the Act, the prescribed form for a primary return under section 65 of the Act is set out in Form 5 and the return must contain the following information:
- (a) a statement of any income source that the officer required to submit the return or a person related to the officer has or expects to have in the period of 12 months after the date of the primary return;
 - (b) the name of any company, or other body, corporate or unincorporate, in which the officer or a member of his or her family holds any office whether as director or otherwise;
 - (c) the information required by subregulation (7).
- (6) For the purposes of section 115 of the Act, the prescribed form for an ordinary return is set out in Form 6 and the return must contain the following information:
- (a) if the officer required to submit the return or a person related to the officer received, or was entitled to receive, a financial benefit during any part of the return period—the income source of the financial benefit;
 - (b) if the officer or a member of his or her family held an office whether as director or otherwise in any company or other body, corporate or unincorporate, during the return period—the name of the company or other body;
 - (c) the source of any contribution made in cash or in kind of or above the amount or value of \$750 (other than any contribution by the council, by the State, by an employer or by a person related by blood or marriage) for or towards the cost of any travel beyond the limits of South Australia undertaken by the officer or a member of his or her family during the return period, and for the purposes of this paragraph **cost of travel** includes accommodation costs and other costs and expenses associated with the travel;

- (d) particulars (including the name of the donor) of any gift of or above the amount or value of \$750 received by the officer or a person related to the officer during the return period from a person other than a person related by blood or marriage to the officer or to a member of the officer's family;
 - (e) if the officer or a person related to the officer has been a party to a transaction under which the officer or person related to the officer has had the use of property of the other person during the return period and—
 - (i) the use of the property was not acquired for adequate consideration or through an ordinary commercial transaction or in the ordinary course of business; and
 - (ii) the market price for acquiring a right to such use of the property would be \$750 or more; and
 - (iii) the person granting the use of the property was not related by blood or marriage to the officer or to a member of the officer's family,
the name and address of that person;
 - (f) the information required by subregulation (7).
- (7) For the purposes of this regulation, a return (whether primary or ordinary) must contain the following information:
- (a) the name or description of any company, partnership, association or other body in which the officer required to submit the return or a person related to the officer is an investor;
 - (b) a concise description of any trust (other than a testamentary trust) of which the officer or a person related to the officer is a beneficiary or trustee (including the name and address of each trustee);
 - (c) the address or description of any land in which the officer or a person related to the officer has any beneficial interest other than by way of security for any debt;
 - (d) any fund in which the officer or a person related to the officer has an actual or prospective interest to which contributions are made by a person other than the officer or a person related to the officer;
 - (e) if the officer or a person related to the officer is indebted to another person (not being related by blood or marriage to the officer or to a member of the officer's family) in an amount of or exceeding \$7 500—the name and address of that other person;
 - (f) if the officer or a person related to the officer is owed money by a natural person (not being related to the officer or a member of the officer's family by blood or marriage) in an amount of or exceeding \$10 000—the name and address of that person;
 - (g) any other substantial interest whether of a pecuniary nature or not of the officer or of a person related to the officer of which the officer is aware and which he or she considers might appear to raise a material conflict between his or her private interest and the duty that he or she has or may subsequently have as an officer of the council.
- (8) An officer is required by this regulation only to disclose information that is known to the officer or ascertainable by the officer by the exercise of reasonable diligence.

- (9) Nothing in this regulation requires an officer to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the officer.
- (10) An officer may include in a return such additional information as the officer thinks fit.
- (11) Nothing in this regulation will be taken to prevent an officer from disclosing information required by this regulation in such a way that no distinction is made between information relating to the officer personally and information relating to a person related to the officer.
- (12) Nothing in this regulation requires disclosure of the actual amount or extent of a financial benefit, gift, contribution or interest.

10—Annual reports

- (1) Pursuant to section 131(5)(b) of the Act, the South Australian Local Government Grants Commission is a prescribed body.
- (2) For the purposes of section 131(5) of the Act, the relevant day by which an annual report must be submitted by a council under that subsection is 31 December in the financial year immediately following the end of the financial year to which the annual report relates.

11—Recovery of amounts due to council

Pursuant to section 144(4) of the Act, a fee, cost or expense payable to a council under regulation 9(7) of the *South Australian Public Health (Wastewater) Regulations 2013* in relation to the connection of an on-site wastewater system on land to a community wastewater management system, is, while the fee, cost or expense remains unpaid, a charge on the land.

12—Service rates and charges

- (1) In this regulation—

CWMS Property Units Code means the *Code for Establishing and Applying Property Units as a Factor for the Imposition of Annual Service Charges for Community Wastewater Management Systems* published by the LGA on 20 April 2006, as in force at the time that this regulation is made.
- (2) For the purposes of this regulation—
 - (a) the LGA is declared to be a prescribed body under section 303(4) of the Act; and
 - (b) the Code is adopted by these regulations pursuant to section 303(4) of the Act; and
 - (c) the principal office of the LGA (at 148 Frome Street, Adelaide, 5000 or, if the LGA moves its principal office, at that new address) is specified for the purposes of section 303(7)(c) of the Act.
- (3) For the purposes of section 155(2a) of the Act, the prescribed circumstances in which section 155(2) of the Act does not apply are where the land is non-rateable land of 1 of the following classes and the prescribed services are not made use of at the land:
 - (a) unalienated Crown land used wholly or primarily for—
 - (i) the conservation or protection of natural resources within the meaning of the *Natural Resources Management Act 2004*; or
 - (ii) recreational or sporting activities;
 - (b) unalienated Crown land within the meaning of the *Crown Land Management Act 2009*;

- (c) land constituted as a reserve under the *National Parks and Wildlife Act 1972*;
 - (d) land constituted as a wilderness protection area or wilderness protection zone under the *Wilderness Protection Act 1992*;
 - (e) land vested, under section 15 of the *Harbors and Navigation Act 1993*, in the Minister to whom that Act is committed.
- (4) Pursuant to section 155(3)(b) of the Act, the following factors are prescribed:
- (a) any category of land use declared as a permissible differentiating factor under regulation 14;
 - (b) in respect of a service for the collection, treatment or disposal of wastewater or effluent—the number of property units that apply with respect to the relevant land, as determined under the CWMS Property Units Code.
- (5) For the purposes of section 155(5) of the Act, the cost of capital (as understood as an economic concept) may be taken into account when determining the cost to the council of establishing, operating, maintaining, improving or replacing the relevant service.

13—Rates and charges for services not provided at the land

- (1) For the purposes of section 155(11), a council is authorised to impose a service rate or annual service charge (or a combination of both) for a prescribed service in respect of the collection of domestic waste in accordance with the scheme set out in subregulation (2).
- (2) For the purposes of subregulation (1), the following provisions apply to the imposition of rates or charges in relation to a particular piece of land:
- (a) if the prescribed service is provided no more than 500 metres from the access point to the land—the full service rate or annual service charge (or a combination of both) may be charged for the prescribed service;
 - (b) if the prescribed service is provided more than 500 metres but no more than 2 kilometres from the access point to the land—75% of the service rate or annual service charge (or a combination of both) may be charged for the prescribed service;
 - (c) if the prescribed service is provided more than 2 kilometres but less than 5 kilometres from the access point to the land—50% of the service rate or annual service charge (or a combination of both) may be charged for the prescribed service;
 - (d) if the prescribed service is provided 5 kilometres or more from the access point to the land—no rate or annual service charge may be charged for the prescribed service (but nothing in this paragraph prevents a council from entering into an agreement for the provision of a prescribed service in respect of the collection of waste that involves the payment of an amount for the provision of the prescribed service).
- (3) In this regulation—
- access point*** means the point on the land where the land is generally accessed;
- domestic waste*** means waste produced in the course of a domestic activity.

14—Differentiating factors

- (1) For the purposes of section 156 and 167 of the Act, the following categories of land use are declared as permissible differentiating factors:
 - (a) *Residential* comprising the use of land for a detached dwelling, group dwelling, multiple dwelling, residential flat building, row dwelling or semi-detached dwelling within the meaning of the Development Regulations;
 - (b) *Commercial—Shop* comprising the use of land for a shop within the meaning of the Development Regulations;
 - (c) *Commercial—Office* comprising the use of land for an office within the meaning of the Development Regulations;
 - (d) *Commercial—Other* comprising any other commercial use of land not referred to in the categories specified in paragraph (b) or (c);
 - (e) *Industry—Light* comprising the use of land for a light industry within the meaning of the Development Regulations;
 - (f) *Industry—Other* comprising any other industrial use of land not referred to in the category specified in paragraph (e);
 - (g) *Primary Production* comprising—
 - (i) farming within the meaning of the Development Regulations; and
 - (ii) horticulture within the meaning of the Development Regulations; and
 - (iii) the use of land for horse keeping or intensive animal keeping within the meaning of the Development Regulations; and
 - (iv) in respect of a dairy situated on a farm—the use of land for a dairy within the meaning of the Development Regulations; and
 - (v) commercial forestry;
 - (h) *Vacant land* comprising the non-use of vacant land;
 - (i) *Other* comprising any other use of land not referred to in a previous category.
- (2) For the purposes of section 156(7) of the Act, a differentiating factor based on the locality of land must comply with the following principles:
 - (a) there may be differentiation according to the zone in which the land is situated;
 - (b) there may be differentiation according to whether the land is situated within or outside a township (with, at the discretion of the council, a separate differentiation according to zones);
 - (c) if there are 2 or more townships in the area—there may be differentiation according to the township in which the land is situated (with, at the discretion of the council, a separate differentiation in relation to land outside the townships and, at the discretion of the council, a separate differentiation according to zones).
- (3) In this regulation—

Development Regulations means the *Development Regulations 2008*;

zone means an area defined as a zone, precinct or locality by a Development Plan under the *Development Act 1993*.

15—Notice of valuation

For the purposes of section 168(3)(c) of the Act, notice of a valuation made by a valuer employed or engaged by the council must be given to the principal ratepayer in respect of the land to which the valuation relates—

- (a) by showing the valuation in an account for the payment of rates in respect of the land sent to the principal ratepayer at his or her address shown in the assessment record; or
- (b) by sending a notice to the principal ratepayer at his or her address shown in the assessment record in which the council—
 - (i) identifies the land to which the valuation relates; and
 - (ii) sets out the valuation.

16—Objections to valuations made by a council

- (1) For the purposes of section 169(9)(a) of the Act, the form set out as Form 7 is prescribed.
- (2) For the purposes of section 169 of the Act, the fees set out as items 1 and 2 in Schedule 2 are prescribed.

17—Rates notice

- (1) Pursuant to section 180(2) of the Act, a rates notice under that section must incorporate, or be accompanied by, the following information:
 - (a) the location or address of the land;
 - (b) the relevant assessment number;
 - (c) the basis on which the rate or charge is declared (see especially section 151 of the Act);
 - (d) the valuation method used for the purposes of valuing the relevant land and the valuation adopted for the land;
 - (e) in the case of a differential rate—the differentiating factor including—
 - (i) if the differentiating factor is or includes the use of the land—that land use; and
 - (ii) if the differentiating factor is or includes the locality of the land—that locality;
 - (f) the date on which the rate or charge was declared;
 - (g) if relevant, the rate in the dollar that has been declared;
 - (h) the date or dates on which a payment or payments of the rate or charge will fall due under the Act;
 - (i) if relevant, details of any minimum amount that has been fixed under section 158 of the Act as part of the declaration of a rate;
 - (j) details of any rebate, remission, concession or deduction that applies with respect to the imposition of the rate or charge in relation to the relevant land;
 - (k) the total amount payable by the ratepayer;
 - (l) the options and arrangements that are available for payment of the rate or charge;
 - (m) a brief description of the processes that apply under the Act—

- (i) to object to the attribution of a particular land use (if relevant); and
 - (ii) to object to the valuation adopted for the relevant land;
 - (n) a contact telephone number for ratepayer enquiries;
 - (o) a brief summary of the penalties that apply under the Act if an instalment of rates, or a charge, is not paid on or before the date on which it falls due (see especially section 181(8) of the Act);
 - (p) a brief statement concerning the entitlement of ratepayers to be included on the voters roll for the relevant area.
- (2) A rates notice may relate to more than 1 rate or charge (or to a combination of 1 or more rates and 1 or more charges).
- (3) Subregulation (1)(m) does not apply with respect to a second or subsequent rates notice sent to a ratepayer in a particular financial year where at least 60 days have elapsed since service on the ratepayer of the first rates notice for that financial year.

18—Postponement of rates—Seniors

- (1) For the purposes of section 182A(1) of the Act, the prescribed proportion of rates is any amount in excess of \$500.
- (2) For the purposes of section 182A(2) of the Act, the manner and form of an application will be determined by the council.
- (3) For the purposes of section 182A(3) of the Act, a council may reject an application for the postponement of rates if it appears to the council that the maximum principal or other capital liability that may be or become payable or due under a mortgage, encumbrance or charge registered over the land (assuming no default) may exceed 50% of the capital value of the land.
- (4) However—
- (a) subregulation (3) does not apply in relation to a postponement for the benefit of the same person with respect to the same land in a second or subsequent year; and
 - (b) subregulation (3) does not apply in relation to a mortgage, encumbrance or charge registered after the commencement of section 182A of the Act.
- (5) For the purposes of section 182A(8) of the Act, the period of 6 months from the day on which the entitlement to the postponement ceases to exist is prescribed.
- (6) Pursuant to section 182A(10) of the Act, where a postponement of the payment of rates has occurred under section 182A of the Act—
- (a) the council must inform the prescribed ratepayer that an entitlement to receive a remission of rates under the *Rates and Land Tax Remission Act 1986* may be applied, at the prescribed ratepayer's discretion, towards the proportion of rates that has not been postponed; and
 - (b) any subsequent rates notice that relates to rates of the same kind must (while the same person remains entitled to a postponement of rates) include or be accompanied by—
 - (i) information about the amount of rates outstanding under the postponement; and
 - (ii) information about the amount of interest that has accrued under the postponement, as at the end of the immediately preceding quarter; and

- (iii) a statement concerning the person's entitlements with respect to a postponement of rates without the need to make a further application; and
- (iv) a statement to the effect that to the extent that an amount is not paid in accordance with the notice but is capable of being the subject of a postponement under section 182A of the Act will be taken to be subject to postponement under that section; and
- (v) a statement concerning the requirement of the owner of the land to inform the council if or when the entitlement to the postponement ceases to exist.

19—Certificates of liabilities—fee

For the purposes of section 187(3)(e) of the Act, the fee set out as item 3 in Schedule 2 is prescribed.

20—Fees and charges

For the purposes of section 188(1)(h) of the Act, if a council incurs costs and expenses associated with the appointment and work of a mediator, conciliator or evaluator under section 271 of the Act, half of the costs and expenses so incurred is a prescribed matter.

21—Compulsory acquisition of land

Pursuant to section 191(2) of the Act, the following are classified as approved purposes for which Ministerial approval is not required for the compulsory acquisition of land:

- (a) a purpose for which the compulsory acquisition of land is approved or authorised under an Act;
- (b) for the acquisition of land required for the construction of a community wastewater management system;
- (c) for the acquisition of land required for the purpose of carrying out work for the prevention or mitigation of floods.

22—Exemption of certain leases or licences over community land from consultation requirements

- (1) Pursuant to section 202(3)(b) of the Act, a council is not required to comply with its public consultation policy with respect to a lease or licence over community land if—
 - (a) the lease or licence is being granted to the Crown, or to a Minister or other agency or instrumentality of the Crown; and
 - (b) it is a term of the lease or licence that there is to be no substantial change in the use of the land (disregarding trifling, insignificant or subsidiary uses).
- (2) Pursuant to section 202(3)(b) of the Act, The Corporation of the City of Adelaide is not required to comply with its public consultation policy with respect to a lease or licence over land within the Central Market Complex.
- (3) In this regulation—

Central Market Complex means the area within the Certificate of Title Register Book Volume 5307 Folio 824 or Volume 5574 Folio 706.

23—Register of community land

For the purposes of section 207(2)(a) of the Act, a register of community land under that section must contain, in respect of each piece of community land in the area—

- (a) the legal description of the land (being, in the case of land that has been brought under the provisions of the *Real Property Act 1886*, the Certificate of Title Register Book Volume and Folio Numbers); and
- (b) the street address of the land (if any); and
- (c) the name of the locality or suburb in which the land is situated; and
- (d) the name by which the land is commonly known (if any); and
- (e) the area of the land; and
- (f) the name of the owner of the land (see sections 4 and 189 of the Act); and
- (g) the following details concerning any lease or licence granted over the land:
 - (i) the name of the lessee or licensee;
 - (ii) the term of the lease or licence (including information on the term of any extension or renewal stated in the lease or licence);
 - (iii) the actual land to which the lease or licence relates (which may be identified by a plan kept in conjunction with the register);
 - (iv) the purpose for which the lease or licence has been granted.¹

Note—

- 1 The register must also contain copies of current management plans—see section 207(2)(b) of the Act.

24—Minor alterations of roads—section 221

- (1) Pursuant to section 221(3)(c) of the Act, the installation, maintenance, replacement or removal of a telecommunication subscriber connection is classified as a minor alteration to a road.
- (2) In subregulation (1)—

telecommunication subscriber connection means any pipes, wires, cables, optical fibre or other material suspended above the ground and used to connect a subscriber to a telecommunications or electronic network, and includes any fixture or fitting directly associated with making such a connection.

25—Public consultation—section 223

- (1) Pursuant to section 223(1)(c) of the Act, public consultation is required in relation to a proposal—
 - (a) to authorise the use of a road for cultivation purposes under section 222(1) of the Act where any part of the road is to be fenced; or
 - (b) to authorise the use of a road for any other business purpose under section 222(1) of the Act where any part of the road is to be fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree.

- (2) Pursuant to section 223(2) of the Act, the following administrative units of the Public Service must be notified of a proposal to grant an authorisation within the ambit of subregulation (1)(a) other than in relation to a road that has been formed and surfaced:
- (a) the administrative unit that is, under a Minister, responsible for the administration of the *Development Act 1993*;
 - (b) the administrative unit that is, under a Minister, responsible for the administration of the *Recreational Greenways Act 2000*.

26—Register of public roads

For the purposes of subsection (2) of section 231 of the Act, a register of public roads under that section must include, in respect of each public road, the following information:

- (a) the name of the public road;
- (b) the situation of the public road;
- (c) the approximate extent of the public road;
- (d) the approximate width of the public road;
- (e) within the public road—the approximate width of the carriageway, including any associated kerbing, verges or footpaths (where formed).

27—Removal of vehicles

- (1) For the purposes of section 237(1) of the Act, the notice set out as Form 8 is prescribed.
- (2) For the purposes of section 237(4)(a) of the Act, the notice set out as Form 9 is prescribed.

28—By-laws—roads

Pursuant to section 239(1)(g) of the Act, a council is authorised to make by-laws about the following:

- (a) the use of roads for camping;
- (b) the prevention of the obstruction of—
 - (i) any road; or
 - (ii) any footway, water-channel, or watercourse in a road.

29—By-laws—certificate of legal practitioner

For the purposes of section 249(4) of the Act, the form set out as Form 10 is prescribed.

30—Review of an order

- (1) For the purposes of section 256(2) of the Act, the following information is prescribed:
 - (a) a statement that it is possible for the person to whom the order is directed to apply for a review of the order under the Act;
 - (b) a statement that an application for review is made to the District Court and should be made within 14 days after service of the order;
 - (c) a statement that the operation of the order continues pending the determination of an application for review unless the District Court, or the council, makes an interim order suspending the operation of the order;

- (d) a statement that the District Court has the power, if satisfied that it is appropriate and just in the circumstances to do so, to vary or set aside the order on an application for review.
- (2) A statement under section 256(1) of the Act may also include—
- (a) a statement about the ability of the council to vary or revoke the order if satisfied that it is appropriate to do so; and
 - (b) a warning that if the order is not complied with within the time fixed for compliance or, if relevant, within 14 days after the completion of any review, then the council may—
 - (i) take the action required by the order (subject to the outcome of any review); and
 - (ii) recover the reasonable costs and expenses incurred by the council in taking that action from a person who fails to comply with the requirements of the order.

31—Prescribed percentage rate—section 257(5)(a)

For the purposes of section 257(5)(a) of the Act, the prescribed percentage rate per annum will be the cash advance debenture rate for the financial year in which the period within which the relevant amount must be paid expires.

32—Local government sector employers

The local government sector employers referred to in Schedule 3 are brought within the ambit of section 302A(1) of the Act.

33—Whistleblowing

For the purposes of section 302B of the Act, the prescribed qualifications are the qualifications determined by the Minister for the purposes of this regulation.

34—Local government indemnity schemes

For the purposes of clause 2(1)(b)(iii) of Schedule 1 of the Act, the following are prescribed bodies:

- (a) Southern Success Business Enterprise Centre Inc;
- (b) Northern Regional Development Board;
- (c) Fleurieu Regional Development Corporation;
- (d) Northern Adelaide Development Board Inc;
- (e) Control Boards established under the *Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986* (and continued in existence under clause 45 of Schedule 4 of the *Natural Resources Management Act 2004*);
- (f) Local Government Finance Authority of South Australia;
- (g) Local Government Superannuation Scheme;
- (h) Local Government Training Authority of SA Inc;
- (i) Council Purchasing Co-operative Limited;
- (j) Flinders Mobile Library;
- (k) Maxima Training Group Inc.

35—Schedule 4—Annual reports

- (1) For the purposes of clause 1(ga) of Schedule 4 of the Act—
- (a) in the case of a report on the use of section 90(2) of the Act, the following information is required:
 - (i) the total number of orders made under that subsection in the financial year;
 - (ii) the date and subject of each order within the ambit of subparagraph (i);
 - (iii) in relation to each paragraph ((a) to (n)) of section 90(3) of the Act—the number of times in the financial year that an order made under section 90(2) was made on the basis that the information or matter fell within the ambit of the paragraph; and
 - (b) in the case of a report on the use of section 91(7) of the Act, the following information is required:
 - (i) the total number of orders made under that subsection in the financial year;
 - (ii) the number of orders made under that subsection that expired, ceased to apply or were revoked during the financial year;
 - (iii) the number of orders made under that subsection that remained operative at the end of the financial year (but not including orders made before 15 November 2010);
 - (iv) the date and subject of each order within the ambit of subparagraph (i) or (iii).
- (2) Pursuant to clause 1(i) of Schedule 4 of the Act, the report required under section 270(8) of the Act is prescribed.

36—Variation of Schedule 5—Access to documents

Pursuant to section 132(4) of the Act, Schedule 5 of the Act is amended by inserting ", other than the Register of Interests kept for the purposes of Chapter 7 Part 4 Division 2" after "Registers required under this Act or the *Local Government (Elections) Act 1999*".

37—Schedule 8—Lochiel Park Lands—definition of LMC

For the purposes of the definition of *LMC* in clause 11(1) of Schedule 8, the Urban Renewal Authority established under the *Housing and Urban Development (Administrative Arrangements) Act 1995* is brought within the ambit of the definition.

Schedule 1—Forms

Form 1—Notice of the proposal

Local Government Act 1999
(section 28)

PUBLIC NOTICE is given of a proposal submitted to the Boundary Adjustment Facilitation Panel under section 28 of the *Local Government Act 1999*.

The proposal relates to the following councils and their areas:

The Panel provides the following information in relation to the proposal:

The *Local Government Act 1999* provides that a poll of electors must be conducted in relation to the proposal if the required number of electors request a poll. To request a poll, the following steps must be taken:

You should direct any questions concerning the matters contained in this notice to:

Form 2—Undertaking to be made by a member of a council before assuming office

I, *[insert full name of member of the council]*, having been elected or appointed to the office of a member of *[insert full name of council]* do hereby undertake to discharge my duties conscientiously and to the best of my abilities.

Signature: *[insert signature of member]*

This undertaking was made before me on: *[insert date on which undertaking is made]*

Signature: *[insert signature of person before whom undertaking is made]*

Note—

The undertaking must be made before a Justice of the Peace or other person authorised to take declarations under the *Oaths Act 1936* (being a Commissioner for Taking Affidavits, or a proclaimed manager of an office of a bank, building society or credit union, or a proclaimed member of the police force).

Form 3—Register of members' interests

Primary return

Please read instructions and notes below before completing this return.

SURNAME	OTHER NAMES
OFFICE HELD	
	Registrable interests
	Details
1	Provide a statement of any income source ² that you have or a person related to you ³ has or expects to have in the period of 12 months after the date of the primary return.
2	State the name of any company or other body, corporate or unincorporate, in which you hold, or a member of your family ⁴ holds, any office whether as director or otherwise.
3	State the name or description of any company, partnership, association or other body in which you or a person related to you ³ is an investor ⁵ .
4	State the name and business address of any employer for whom you work and, if you are employed, the name of the office or place where you work or a concise description of the nature of your work.
5	State the name of any political party, any body or association formed for political purposes or any trade or professional organisation ⁶ of which you are a member.
6	Provide a concise description of any trust (other than a testamentary trust) of which you or a person related to you ³ is a beneficiary or trustee, and the name and address of each trustee.
7	Provide the address or description of any land in which you have or a person related to you ³ has any beneficial interest ⁷ other than by way of security for any debt.

8	Provide details of any fund in which you or a person related to you ³ has an actual or prospective interest to which contributions are made by a person other than you or a person related to you ³ .
9	If you are or a person related to you ³ is indebted to another person (not being related by blood or marriage) in an amount of or exceeding \$7 500—state the name and address of that other person.
10	If you are or a person related to you ³ is owed money by a natural person (not being related by blood or marriage) in an amount of or exceeding \$10 000—state that person.
11	Declare any other substantial interest of yours or of a person related to you whether of a pecuniary nature or not, of which you are aware and which you consider might appear to raise a material conflict between your private interest and the public duty that you have or may subsequently have as a member of the council.
12	Provide any other additional information which you think fit.

Signature: *[insert signature of member]*

Date:

Instructions/notes

- 1 This return is to be completed in block letters except for signatures. If there is not sufficient space on this return for all of the information you are required to provide, you may attach additional papers for that purpose. Each such paper must be signed and dated.
- 2 Under the Act, **income source**, in relation to a person, means—
 - (a) any person or body of persons with whom the person entered into a contract of service or held any paid office; and
 - (b) any trade, vocation, business or profession engaged in by the person.
- 3.1 Under the Act, **a person related to a member** means—
 - (a) a member of the member's family; or
 - (b) a family company of the member; or
 - (c) a trustee of a family trust of the member.
- 3.2 A **family company** of a member means a proprietary company—
 - (a) in which the member or a member of the member's family is a shareholder; and
 - (b) in respect of which the member or a member of the member's family, or any such persons together, are in a position to cast, or control the casting or, more than one half of the maximum number of votes that might be cast at a general meeting of the company.
- 3.3 A **family trust** of a member means a trust (other than a testamentary trust)—
 - (a) of which the member or a member of the member's family is a beneficiary; and
 - (b) which is established or administered wholly or substantially in the interests of the member or a member of the member's family, or any such persons together.
- 4 Under the Act, **family**, in relation to a member, means—
 - (a) a spouse or domestic partner of the member; and

- (b) a child of the member who is under the age of 18 years and normally resides with the member.
- 5 For the purpose of this return, a person is an investor in a body if—
- (a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds \$10 000; or
- (b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.
- 6 Under the Act, *trade or professional organisation* means a body, corporate or unincorporate, of—
- (a) employers or employees; or
- (b) persons engaged in a profession, trade or other occupation,
- being a body of which the object, or 1 of the objects, in the furtherance of its own professional, industrial or economic interest or those of any of its members.
- 7 Under the Act, *beneficial interest* in property includes a right to re-acquire the property.

Notes—

- A member is required only to disclose information that is known to the member or ascertainable by the member by the exercise of reasonable diligence.
- A member is not required to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the member.
- A member may include in a return such additional information as the member thinks fit.
- Nothing in this return will be taken to prevent a member from disclosing information in such a way that no distinction is made between information relating to the member personally and information relating to a person related to the member.
- A member is not required to disclose the actual amount or extent of a financial benefit, gift, contribution or interest.

Form 4—Register of members' interests

Ordinary return

Please read instructions and notes below before completing this return.

SURNAME	OTHER NAMES
OFFICE HELD	
Registrable interests	Details
1	Provide a statement of any income source of a financial benefit ² that you have or a person related to you ³ has received, or was entitled to receive, during the return period.
2	State the name of any company or other body, corporate or unincorporate, in which you held, or a member of your family ⁴ held, any office during the return period whether as director or otherwise.
3	If you, or a member of your family, received a contribution in cash or in kind of or above the amount of \$750 for or towards the cost of travel ⁵ beyond the limits of the State during the return period (other than a contribution by the council, the State, an employer or a person related to you by blood or marriage), state the source of the contribution.

4	Provide particulars (including the name of donor) of any gift ⁶ of or above the amount or value of \$750 received by you or a person related to you ³ during the return period other than a person related by blood or marriage.
5	If you, or a person related to you ³ , has, as a party to a transaction, had the use of property of the other person during the return period and— <ul style="list-style-type: none"> (a) the use of property was not acquired for adequate consideration or through an ordinary commercial transaction or in the ordinary course of business; and (b) the market value of the right is \$750 or more; and (c) the person granting the right is not related by blood or marriage, state the name and address of that other person.
6	State the name or description of any company, partnership, association or other body in which you or a person related to you ³ is an investor ⁷ .
7	State the name of any political party, any body or association formed for political purposes or any trade or professional organisation ⁸ of which you are a member.
8	State the name and business address of any employer for whom you work and, if you are employed, the name of the office or place where you work or a concise description of the nature of your work.
9	Provide a concise description of any trust (other than a testamentary trust) of which you or a person related to you ³ is a beneficiary or trustee, and the name and address of each trustee.
10	Provide the address or description of any land in which you have or a person related to you ³ has any beneficial interest ⁹ other than by way of security for any debt.
11	Provide details of any fund in which you or a person related to you ³ has an actual or prospective interest to which contributions are made by a person other than you or a person related to you ³ .
12	If you are or a person related to you ³ is indebted to another person (not being related by blood or marriage) in an amount of or exceeding \$7 500—state the name and address of that other person.
13	If you are or a person related to you ³ is owed money by a natural person (not being related by blood or marriage) in an amount of or exceeding \$10 000—state that person.
14	Declare any other substantial interest of yours or of a person related to you whether of a pecuniary nature or not, of which you are aware and which you consider might appear to raise a material conflict between your private interest and the public duty that you have or may subsequently have as a member of the council.
15	Provide any other additional information which you think fit.

Signature: *[insert signature of member]*

Date:

Instructions/notes

- 1.1 This return is to be completed in block letters except for signatures. If there is not sufficient space on this return for all of the information you are required to provide, you may attach additional papers for that purpose. Each such paper must be signed and dated.
- 1.2 The *return period* for the purposes of this return is as follows:
 - (a) if your last return was a primary return under the Act—the period between the date of the primary return and 30 June next following;
 - (b) in any other case—the period of 12 months expiring on 30 June, or within 60 days after 30 June in any year.
- 2.1 Under the Act, *income source*, in relation to a person, means—
 - (a) any person or body of persons with whom the person entered into a contract of service or held any paid office; and
 - (b) any trade, vocation, business or profession engaged in by the person.
- 2.2 Under the Act, *financial benefit*, in relation to a person, means—
 - (a) any remuneration, fee or other pecuniary sum exceeding \$1 000 received by the person in respect of a contract of service entered into, or paid office held by, the person; and
 - (b) the total of all remuneration, fees or other pecuniary sums received by the person in respect of a trade, profession, business or vocation engaged in by the person where that total exceeds \$1 000,but does not include an annual allowance, fees, expenses or other financial benefit payable to the person under the Act.
- 3.1 Under the Act, *a person related to a member* means—
 - (a) a member of the member's family; or
 - (b) a family company of the member; or
 - (c) a trustee of a family trust of the member.
- 3.2 A *family company* of a member means a proprietary company—
 - (a) in which the member or a member of the member's family is a shareholder; and
 - (b) in respect of which the member or a member of the member's family, or any such persons together, are in a position to cast, or control the casting or, more than one-half of the maximum number of votes that might be cast at a general meeting of the company.
- 3.3 A *family trust* of a member means a trust (other than a testamentary trust)—
 - (a) of which the member or a member of the member's family is a beneficiary; and
 - (b) which is established or administered wholly or substantially in the interests of the member or a member of the member's family, or any such persons together.
- 4 Under the Act, *family*, in relation to a member, means—
 - (a) a spouse or domestic partner of the member; and
 - (b) a child of the member who is under the age of 18 years and normally resides with the member.

- 5 The *cost of travel* includes accommodation costs and other costs and expenses associated with the travel.
- 6 Under the Act, *gift* means a transaction in which a benefit of pecuniary value is conferred without consideration or for less than adequate consideration, but does not include an ordinary commercial transaction or a transaction in the ordinary course of business.
- 7 For the purpose of this return, a person is an investor in a body if—
 - (a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds \$10 000; or
 - (b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.
- 8 Under the Act, *trade or professional organisation* means a body, corporate or unincorporate, of—
 - (a) employers or employees; or
 - (b) persons engaged in a profession, trade or other occupation,being a body of which the object, or 1 of the objects, in the furtherance of its own professional, industrial or economic interest or those of any of its members.
- 9 Under the Act, *beneficial interest* in property includes a right to re-acquire the property.

Notes—

- In relation to a return by a member—
 - (a) 2 or more separate contributions made by the same person for or towards the cost of travel undertaken by the member or a member of the member's family during the return period are to be treated as 1 contribution for or towards the cost of travel undertaken by the member;
 - (b) 2 or more separate gifts received by the member or a person related to the member from the same person during the return period are to be treated as 1 gift received by the member;
 - (c) 2 or more separate transactions to which the member or a person related to the member is a party with the same person during the return period under which the member or a person related to the member has had the use of property of the other person (whether or not being the same property) during the return period are to be treated as 1 transaction under which the member has had the use of property of the other person during the return period.
- A member is required only to disclose information that is known to the member or ascertainable by the member by the exercise of reasonable diligence.
- A member is not required to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the member.
- A member may include in a return such additional information as the member thinks fit.
- Nothing in this return will be taken to prevent a member from disclosing information in such a way that no distinction is made between information relating to the member personally and information relating to a person related to the member.
- A member is not required to disclose the actual amount or extent of a financial benefit, gift, contribution or interest.

Form 5—Register of interests—officers**Primary return**

Please read instructions and notes below before completing this return.

SURNAME	OTHER NAMES
OFFICE HELD	
Registrable interests	Details
1	Provide a statement of any income source ² that you have or a person related to you ³ has or expects to have in the period of 12 months after the date of the primary return.
2	State the name of any company or other body, corporate or unincorporate, in which you hold, or a member of your family ⁴ holds, any office whether as director or otherwise.
3	State the name or description of any company, partnership, association or other body in which you or a person related to you ³ is an investor ⁵ .
4	Provide a concise description of any trust (other than a testamentary trust) of which you or a person related to you ³ is a beneficiary or trustee, and the name and address of each trustee.
5	Provide the address or description of any land in which you have or a person related to you ³ has any beneficial interest ⁶ other than by way of security for any debt.
6	Provide details of any fund in which you or a person related to you ³ has an actual or prospective interest to which contributions are made by a person other than you or a person related to you ³ .
7	If you are or a person related to you ³ is indebted to another person (not being related by blood or marriage) in an amount of or exceeding \$7 500—state the name and address of that other person.
8	If you are or a person related to you ³ is owed money by a natural person (not being related by blood or marriage) in an amount of or exceeding \$10 000—state that person.
9	Declare any other substantial interest of yours or of a person related to you whether of a pecuniary nature or not, of which you are aware and which you consider might appear to raise a material conflict between your private interest and the duty that you have or may subsequently have as an officer of the council.
10	Provide any other additional information which you think fit.

Signature: *[insert signature of officer]*

Date:

Instructions/notes

- 1 This return is to be completed in block letters except for signatures. If there is not sufficient space on this return for all of the information you are required to provide, you may attach additional papers for that purpose. Each such paper must be signed and dated.
- 2 Under the regulations, **income source**, in relation to a person, means—
 - (a) any person or body of persons with whom the person entered into a contract of service or held any paid office; and

- (b) any trade, vocation, business or profession engaged in by the person.
- 3.1 Under the regulations, a person related to an officer means—
- (a) a member of the officer's family; or
 - (b) a family company of the officer; or
 - (c) a trustee of a family trust of the officer.
- 3.2 A *family company* of an officer means a proprietary company—
- (a) in which the officer or a member of the officer's family is a shareholder; and
 - (b) in respect of which the officer or a member of the officer's family, or any such persons together, are in a position to cast, or control the casting or, more than one half of the maximum number of votes that might be cast at a general meeting of the company.
- 3.3 A *family trust* of an officer means a trust (other than a testamentary trust)—
- (a) of which the officer or a member of the officer's family is a beneficiary; and
 - (b) which is established or administered wholly or substantially in the interests of the officer or a member of the officer's family, or any such persons together.
- 4 Under the regulations, *family*, in relation to an officer, means—
- (a) a spouse or domestic partner of the officer; and
 - (b) a child of the officer who is under the age of 18 years and normally resides with the officer.
- 5 For the purpose of this return, a person is an investor in a body if—
- (a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds \$10 000; or
 - (b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.
- 6 Under the regulations, *beneficial interest* in property includes a right to re-acquire the property.

Notes—

- An officer is required only to disclose information that is known to the officer or ascertainable by the officer by the exercise of reasonable diligence.
- An officer is not required to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the officer.
- An officer may include in a return such additional information as the officer thinks fit.
- Nothing in this return will be taken to prevent an officer from disclosing information in such a way that no distinction is made between information relating to the officer personally and information relating to a person related to the officer.
- An officer is not required to disclose the actual amount or extent of a financial benefit, gift, contribution or interest.

Form 6—Register of interests—officers**Ordinary return**

Please read instructions and notes below before completing this return.

SURNAME	OTHER NAMES
OFFICE HELD	
Registrable interests	Details
1	Provide a statement of any income source of a financial benefit ² that you have or a person related to you ³ has received, or was entitled to receive, during the return period.
2	State the name of any company or other body, corporate or unincorporate, in which you held, or a member of your family ⁴ held, any office during the return period whether as director or otherwise.
3	If you, or a member of your family, received a contribution in cash or in kind of or above the amount of \$750 for or towards the cost of travel ⁵ beyond the limits of the State during the return period (other than a contribution by the council, the State, an employer or a person related to you by blood or marriage), state the source of the contribution.
4	Provide particulars (including the name of donor) of any gift ⁶ of or above the amount or value of \$750 received by you or a person related to you ³ during the return period other than a person related by blood or marriage.
5	If you, or a person related to you ³ , has, as a party to a transaction, had the use of property of the other person during the return period and— <ul style="list-style-type: none"> (a) the use of property was not acquired for adequate consideration or through an ordinary commercial transaction or in the ordinary course of business; and (b) the market value of the right is \$750 or more; and (c) the person granting the right is not related by blood or marriage, state the name and address of that other person.
6	State the name or description of any company, partnership, association or other body in which you or a person related to you ³ is an investor ⁷ .
7	Provide a concise description of any trust (other than a testamentary trust) of which you or a person related to you ³ is a beneficiary or trustee, and the name and address of each trustee.
8	Provide the address or description of any land in which you have or a person related to you ³ has any beneficial interest ⁸ other than by way of security for any debt.
9	Provide details of any fund in which you or a person related to you ³ has an actual or prospective interest to which contributions are made by a person other than you or a person related to you ³ .
10	If you are or a person related to you ³ is indebted to another person (not being related by blood or marriage) in an amount of or exceeding \$7 500—state the name and address of that other person.

11	If you are or a person related to you ³ is owed money by a natural person (not being related by blood or marriage) in an amount of or exceeding \$10 000—state that person.
12	Declare any other substantial interest of yours or of a person related to you whether of a pecuniary nature or not, of which you are aware and which you consider might appear to raise a material conflict between your private interest and the duty that you have or may subsequently have as an officer of the council.
13	Provide any other additional information which you think fit.

Signature: *[insert signature of officer]*

Date:

Instructions/notes

- 1.1 This return is to be completed in block letters except for signatures. If there is not sufficient space on this return for all of the information you are required to provide, you may attach additional papers for that purpose. Each such paper must be signed and dated.
- 1.2 The **return period** for the purposes of this return is as follows:
- (a) if your last return was a **primary return** under the Act—the period between the date of the primary return and 30 June next following;
 - (b) in any other case—the period of 12 months expiring on 30 June, or within 60 days after 30 June in any year.
- 2.1 Under the regulations, **income source**, in relation to a person, means—
- (a) any person or body of persons with whom the person entered into a contract of service or held any paid office; and
 - (b) any trade, vocation, business or profession engaged in by the person.
- 2.2 Under the regulations, **financial benefit**, in relation to a person, means—
- (a) any remuneration, fee or other pecuniary sum exceeding \$1 000 received by the person in respect of a contract of service entered into, or paid office held by, the person; and
 - (b) the total of all remuneration, fees or other pecuniary sums received by the person in respect of a trade, profession, business or vocation engaged in by the person where that total exceeds \$1 000,
- but does not include an annual allowance, fees, expenses or other financial benefit payable to the person under the Act.
- (3.1) Under the regulations, **a person related to an officer** means—
- (a) a member of the officer's family; or
 - (b) a family company of the officer; or
 - (c) a trustee of a family trust of the officer.
- 3.2 A **family company** of an officer means a proprietary company—
- (a) in which the officer or a member of the officer's family is a shareholder; and
 - (b) in respect of which the officer or a member of the officer's family, or any such persons together, are in a position to cast, or control the casting or, more than one half of the maximum number of votes that might be cast at a general meeting of the company.

- 3.3 A **family trust** of an officer means a trust (other than a testamentary trust)—
- (a) of which the officer or a member of the officer's family is a beneficiary; and
 - (b) which is established or administered wholly or substantially in the interests of the officer or a member of the officer's family, or any such persons together.
- 4 Under the regulations, **family**, in relation to an officer, means—
- (a) a spouse or domestic partner of the officer; and
 - (b) a child of the officer who is under the age of 18 years and normally resides with the officer.
- 5 The **cost of travel** includes accommodation costs and other costs and expenses associated with the travel.
- 6 Under the regulations, **gift** means a transaction in which a benefit of pecuniary value is conferred without consideration or for less than adequate consideration, but does not include an ordinary commercial transaction or a transaction in the ordinary course of business.
- 7 For the purpose of this return, a person is an investor in a body if—
- (a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds \$10 000; or
 - (b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.
- 8 Under the regulations, **beneficial interest** in property includes a right to re-acquire the property.

Notes—

- In relation to a return by an officer—
 - (a) 2 or more separate contributions made by the same person for or towards the cost of travel undertaken by the officer or a member of the officer's family during the return period are to be treated as 1 contribution for or towards the cost of travel undertaken by the officer;
 - (b) 2 or more separate gifts received by the officer or a person related to the officer from the same person during the return period are to be treated as 1 gift received by the officer;
 - (c) 2 or more separate transactions to which the officer or a person related to the officer is a party with the same person during the return period under which the officer or a person related to the officer has had the use of property of the other person (whether or not being the same property) during the return period are to be treated as 1 transaction under which the officer has had the use of property of the other person during the return period.
- An officer is required only to disclose information that is known to the officer or ascertainable by the officer by the exercise of reasonable diligence.
- An officer is not required to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the officer.
- An officer may include in a return such additional information as the officer thinks fit.
- Nothing in this return will be taken to prevent an officer from disclosing information in such a way that no distinction is made between information relating to the officer personally and information relating to a person related to the officer.
- An officer is not required to disclose the actual amount or extent of a financial benefit, gift, contribution or interest.

Form 7—Application for review of valuation

Local Government Act 1999
(section 169)

Notes—

- (1) A separate application is required for each review sought and the grounds of review must be fully stated on the application Form.
- (2) Notwithstanding this review, any rate assessed on the valuation must be paid by the due date.

To: *[insert name of council]*

I give notice that I seek a review of the Valuation No *[insert number]* located at:

House number
Street name
Suburb or town
Lot or Section
Hundred

I have previously objected to this valuation and an advice in relation to this objection from the council was dated *[insert date]*. The *value/values as determined by the council and shown on the *notice/notices *is/are:

- Annual value \$ *[insert value here]*
- Capital value \$ *[insert value here]*
- Site value \$ *[insert value here]*

I contend that the *value/values should be:

- Annual value \$ *[insert value here]*
- Capital value \$ *[insert value here]*
- Site value \$ *[insert value here]*

**Delete irrelevant items.*

A detailed statement of the grounds for this review application must be given below and should include a description of the land and premises and its present use.

(if space is insufficient, use the back of the form or attach a statement of grounds)

Rental details (if premises let)			Detailed valuation of land and premises	
Gross rents	Particulars	\$	Particulars	\$

Signature: *[insert signature of applicant]*

Date:

Postal Address:

Notes—

- If the application for review is signed by an agent, a written authority signed by the owner must be attached.
- This request must be directed to the council which made the valuation. The matter will then be referred by the council to the Valuer-General under section 169(1) of the *Local Government Act 1999*. A valuer selected from a special panel will then review the valuation.
- A valuation will not be altered on a review if the alteration would have the effect of increasing or decreasing the valuation by a proportion of one tenth or less.

Form 8—Removal of vehicles—warning notice (section 237(1))

Date and time of issue:

Name and contact details of authorised officer:

Council:

Description of vehicle (registration number, make, model, etc):

Location of vehicle:

Warning—

- (a) this vehicle has been left at the stated location for at least 24 hours; and
- (b) if the vehicle is not moved within 24 hours of the time of issue of this notice—
 - (i) the vehicle may be removed by an authorised officer to an appropriate place; and
 - (ii) notification of the removal of the vehicle and the place to which it has been removed will be given to the owner of the vehicle; and
 - (iii) if the owner of the vehicle does not, within 1 month after service of the notice referred to in subparagraph (ii)—
 - (A) take possession of the vehicle; and
 - (B) pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing the notice,the council will take steps to sell or dispose of the vehicle in accordance with section 237 of the *Local Government Act 1999*.

Form 9—Removal of vehicles—notice (section 237(4))

Date and time of service/postage (person-to-person registered post):

Name and contact details of authorised officer:

Council:

Description of vehicle (registration number, make, model, etc):

Date and time of removal of vehicle:

Location from which vehicle was removed:

Place to which vehicle was removed:

Take note—

- (a) your vehicle has been removed to the place stated in this notice; and
- (b) if you do not, within 1 month after service of this notice—
 - (i) take possession of the vehicle; and

- (ii) pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing this notice,

the council will take steps to sell or dispose of the vehicle in accordance with section 237 of the *Local Government Act 1999*.

Form 10—Certificate of validity

Local Government Act 1999

(section 249)

Please read the notes below before completing and signing this certificate

I, *[insert full name]*, of *[insert principal business address]*, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

[insert a description of the by-law]

and do certify that in my opinion *[insert name of council]* has power to make the by-law by virtue of the following statutory provision:

[insert a description of the statutory provision]

and the by-law is not in conflict with the *Local Government Act 1999*.

Date:

Signature: *[insert signature of legal practitioner]*

Schedule 2—Prescribed fees

- | | | |
|---|---|----------|
| 1 | For the purposes of section 169(9)(c) of the Act, where the valuation is— | |
| | (a) of land used by the objector solely as his or her principal place of residence, the prescribed fee is | \$96.50 |
| | (b) of any other land, the prescribed fee is | \$238.00 |
| 2 | For the purposes of section 169(16) of the Act, the fee payable in relation to a review is the amount of the allowances payable under section 25A(8) of the <i>Valuation of Land Act 1971</i> in relation to the review | |
| 3 | For the purposes of section 187(3)(e) of the Act the fee fixed under the Act is | \$29.75 |

Schedule 3—Local government sector employers

Councils

The Corporation of the City of Adelaide

Adelaide Hills Council

Alexandrina Council

The Barossa Council

District Council of Barunga West

The Berri Barmera Council

City of Burnside

The Corporation of the City of Campbelltown

The District Council of Ceduna

City of Charles Sturt

Councils

Clare and Gilbert Valleys Council
The District Council of Cleve
District Council of Coober Pedy
The Coorong District Council
District Council of the Copper Coast
The District Council of Elliston
The Flinders Ranges Council
The District Council of Franklin Harbour
Town of Gawler
Regional Council of Goyder
District Council of Grant
City of Holdfast Bay
Kangaroo Island Council
The District Council of Karoonda East Murray
The District Council of Kimba
Kingston District Council
Light Regional Council
District Council of Lower Eyre Peninsula
District Council of Loxton Waikerie
The District Council of Mallala
The Corporation of the City of Marion
Mid Murray Council
City of Mitcham
The District Council of Mount Barker
City of Mount Gambier
The District Council of Mount Remarkable
Rural City of Murray Bridge
Naracoorte Lucindale Council
Northern Areas Council
The Corporation of the City of Norwood Payneham and St Peters
City of Onkaparinga
District Council of Orroroo/Carrieton
District Council of Peterborough
City of Playford
City of Port Adelaide Enfield
The Corporation of the City of Port Augusta
City of Port Lincoln
Port Pirie Regional Council
City of Prospect

Councils

Renmark Paringa Council
The District Council of Robe
Municipal Council of Roxby Downs
City of Salisbury
Southern Mallee District Council
The District Council of Streaky Bay
The District Council of Tatiara
City of Tea Tree Gully
The District Council of Tumby Bay
The Corporation of the City of Unley
City of Victor Harbor
Wakefield Regional Council
The Corporation of the Town of Walkerville
Wattle Range Council
City of West Torrens
The Corporation of the City of Whyalla
Wudinna District Council
The District Council of Yankalilla
District Council of Yorke Peninsula

Subsidiaries established under section 42 of Act

Adelaide Central Market Authority
Adelaide Park Lands Authority
Doctor's House Management Authority
Nuriootpa Centennial Park Authority
Rundle Mall Management Authority

Regional subsidiaries established under section 43 of Act

Adelaide Hills Region Waste Management Authority
Centennial Park Cemetery Authority
Central Local Government Region of SA Inc
Council Solutions Regional Authority
Eastern Health Authority Inc
Eastern Waste Management Authority Inc
Eyre Peninsula Local Government Association
Fleurieu Regional Waste Authority
Gawler River Floodplain Management Authority
Highbury Landfill Authority
Livestock Saleyards Association of South Australia
Murray Mallee Community Transport Scheme

Regional subsidiaries established under section 43 of Act

Murray and Mallee Local Government Association

Northern Adelaide Waste Management Authority

Provincial Cities Association of South Australia

South East Local Government Association Inc

Southern & Hills Local Government Association

Southern Eyre Peninsula Subsidiary

Southern Region Waste Resource Authority

Waste Care SA

Western Region Waste Management Authority

Other entities

Local Government Association of South Australia

The Local Government Association Mutual Liability Scheme South Australia

Local Super

Local Government Disaster Fund

Stormwater Management Authority

Schedule 4—Revocation of *Local Government (General) Regulations 1999*

The *Local Government (General) Regulations 1999* are revoked.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 290 of 2013

13MSLGR08CS

South Australia

Australian Energy Market Commission Establishment (Consumer Advocacy Panel) Variation Regulations 2013

under the *Australian Energy Market Commission Establishment Act 2004*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Australian Energy Market Commission Establishment Regulations 2005*

- 4 Variation of regulation 3A—Definition of small to medium consumer
 - 5 Variation of Schedule 1—Criteria for grant allocation
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Australian Energy Market Commission Establishment (Consumer Advocacy Panel) Variation Regulations 2013*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Australian Energy Market Commission Establishment Regulations 2005*

4—Variation of regulation 3A—Definition of small to medium consumer

- (1) Regulation 3A(a)—delete "4 000" and substitute:
100
- (2) Regulation 3A(b)—delete "100 terajoules" and substitute:
1 terajoule

5—Variation of Schedule 1—Criteria for grant allocation

- (1) Schedule 1, item 1—delete item 1
- (2) Schedule 1, item 2(a)—delete "or the National Electricity Rules" and substitute:
 , the National Electricity Rules, the National Energy Retail Law or the National Energy Retail Rules
- (3) Schedule 1, item 2(b)—delete "or the National Electricity Rules" and substitute:
 , the National Electricity Rules, the National Energy Retail Law or the National Energy Retail Rules
- (4) Schedule 1, item 3(a) and (b)—delete paragraphs (a) and (b) and substitute:
 - (a) relate to the development or operation of gas pipelines, or policies associated with obtaining access to gas pipelines, or the retailing of gas, or relate to other issues covered by the National Gas Law, the National Gas Rules, the National Energy Retail Law or the National Energy Retail Rules; or
 - (b) directly relate to an aspect of the responsibilities—
 - (i) of the Australian Energy Regulator, the AEMC or AEMO under the National Gas Law, the National Gas Rules, the National Energy Retail Law or the National Energy Retail Rules; or
 - (ii) of the Economic Regulation Authority under the National Gas Law or the National Gas Rules as they apply in Western Australia; or
- (5) Schedule 1, item 5—at the end of item 5 insert:
 while recognising that an applicant without the capacity to contribute to the costs of the project should not, by that fact alone, be precluded from being a successful applicant for funding
- (6) Schedule 1, item 6—after paragraph (d) insert:
 and
 - (e) an outline of the benefits of the project in terms of making a contribution to consumer advocacy.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 291 of 2013

MRE13/016CS

South Australia

Southern State Superannuation Variation Regulations 2013

under the *Southern State Superannuation Act 2009*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Southern State Superannuation Regulations 2009*

- 4 Variation of regulation 12—Salary sacrifice by members of certain schemes
 - 5 Variation of regulation 37—Exemption from ambit of regulation 36
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Southern State Superannuation Variation Regulations 2013*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Southern State Superannuation Regulations 2009*

4—Variation of regulation 12—Salary sacrifice by members of certain schemes

Regulation 12(5), definition of *prescribed person*—after paragraph (b) insert:

- (ba) a person who is an active member of the SA Ambulance Service Superannuation Scheme; or

5—Variation of regulation 37—Exemption from ambit of regulation 36

- (1) Regulation 37(3)—delete subregulation (3) and substitute:
 - (3) Subject to subregulation (4), a member employed on a casual basis is exempted from the ambit of regulation 36 unless the member was entitled to a disability pension in the event of incapacity for work under section 33A of the repealed Act immediately before the repeal of that Act.
- (2) Regulation 37(12), definition of *casual member*—delete the definition

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the approval of the Treasurer and following consultation by the Minister for Finance with the South Australian Superannuation Board and with the advice and consent of the Executive Council on 19 December 2013

No 292 of 2013

T&F13/009CS

South Australia

Superannuation Variation Regulations 2013

under the *Superannuation Act 1988*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Superannuation Regulations 2001*

- 4 Variation of regulation 8—Persons eligible to vote
 - 5 Variation of regulation 11—Ballot papers
 - 6 Variation of regulation 25—Exclusion of certain remuneration from salary
 - 7 Variation of regulation 31—Prescribed authorities etc
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Superannuation Variation Regulations 2013*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Superannuation Regulations 2001*

4—Variation of regulation 8—Persons eligible to vote

Regulation 8(1)(b)—delete paragraph (b) and substitute:

- (b) members or spouse members of the Triple S scheme; or
- (c) persons provided with investment services or other products or services pursuant to regulations under section 30(2)(g) of the *Southern State Superannuation Act 2009*,

5—Variation of regulation 11—Ballot papers

Regulation 11(1)—after "each voter" insert:

(other than any voter who is a lost member for the purposes of the *Superannuation (Unclaimed Money and Lost Members) Act 1999* of the Commonwealth)

6—Variation of regulation 25—Exclusion of certain remuneration from salary

Regulation 25(1)—at the end of the list of allowances and payments insert:

a monetary amount to which an accrued entitlement to skills and experience retention leave has been converted;

a one-off payment paid under clause 7 of the *South Australian Public Sector Wages Parity Enterprise Agreement: Salaried 2012*.

7—Variation of regulation 31—Prescribed authorities etc

Regulation 31—after "National Measurement Institute (established under the *National Measurement Act 1960* of the Commonwealth)" insert:

Office of the National Rail Safety Regulator

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 293 of 2013

T&F13/009CS

South Australia

Superannuation Funds Management Corporation of South Australia Variation Regulations 2013

under the *Superannuation Funds Management Corporation of South Australia Act 1995*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Superannuation Funds Management Corporation of South Australia Regulations 2010*

- 4 Variation of regulation 9—Ballot papers
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Superannuation Funds Management Corporation of South Australia Variation Regulations 2013*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Superannuation Funds Management Corporation of South Australia Regulations 2010*

4—Variation of regulation 9—Ballot papers

Regulation 9(1)—after "contributor" insert:

(other than any contributor who is a lost member for the purposes of the *Superannuation (Unclaimed Money and Lost Members) Act 1999* of the Commonwealth)

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 294 of 2013

T&F13/009CS

South Australia

Public Corporations (Southern Select Super Corporation) Variation Regulations 2013

under the *Public Corporations Act 1993*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Public Corporations (Southern Select Super Corporation) Regulations 2012*

- 4 Variation of regulation 11—Confidentiality
 - 5 Insertion of Part 3 Division 4
 - Division 4—Review
 - 24 Review of decisions of subsidiary
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Public Corporations (Southern Select Super Corporation) Variation Regulations 2013*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Public Corporations (Southern Select Super Corporation) Regulations 2012*

4—Variation of regulation 11—Confidentiality

- (1) Regulation 11(1)—after paragraph (c) insert:

- (ca) to a person responsible for the administration of the Triple S scheme for purposes related to the administration of Super SA Select or the Triple S scheme; or

(2) Regulation 11—after subregulation (4) insert:

(5) In this regulation—

Triple S scheme means the scheme of superannuation continued in existence by the *Southern State Superannuation Act 2009*.

5—Insertion of Part 3 Division 4

Part 3—after Division 3 insert:

Division 4—Review

24—Review of decisions of subsidiary

A person who is dissatisfied with a decision of the subsidiary under these regulations may appeal to the Administrative and Disciplinary Division of the District Court against the decision.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 295 of 2013

T&F13/010CS

South Australia

Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013

under the *Heavy Vehicle National Law (South Australia) Act 2013*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Prescribed offences and expiation fees
- 5 Increase of expiation fees for prescribed offences

Schedule 1—Offences, prescribed offences and expiation fees

Part 1—Offences against the local application provisions of the Act

Part 2—Prescribed offences against the *Heavy Vehicle National Law (South Australia)*

Division 1—Prescribed offences for purposes of section 591 of the Law

Division 2—Prescribed offences peculiar to South Australia

Part 3—Prescribed offences against the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation (South Australia)*

1—Short title

These regulations may be cited as the *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*.

2—Commencement

These regulations will come into operation on the day on which Part 3 of the *Heavy Vehicle National Law (South Australia) Act 2013* comes into operation.

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—
Act means the *Heavy Vehicle National Law (South Australia) Act 2013*;
Law means the *Heavy Vehicle National Law (South Australia)*.
- (2) Text set out in italic type in a column headed "Description of offence" in a table in Schedule 1 is a description for convenience purposes only and is not to be taken to define the offence for which a particular amount is fixed as the expiation fee.

4—Prescribed offences and expiation fees

- (1) Pursuant to section 28(3)(f) of the Act, the expiation fees set out in a column headed "Fee" in the table in Part 1 of Schedule 1 are fixed for alleged offences against the local application provisions of the Act.
- (2) Pursuant to section 28(3)(g) of the Act—
 - (a) an offence against a section of the Law referred to in a column headed "Section" in the table in Part 2 Division 1 of Schedule 1 is a prescribed offence for the purposes of section 591 of the Law; and
 - (b) an offence against a section of the Law referred to in a column headed "Section" in the table in Part 2 Division 2 of Schedule 1 is a prescribed offence for the purposes of section 591 of the Law that is peculiar to South Australia; and
 - (c) the expiation fees set out in a column headed "Fee" in a table in Part 2 of Schedule 1 are fixed for alleged prescribed offences against the Law.
- (3) Pursuant to section 28(3)(g) of the Act—
 - (a) an offence against the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation (South Australia)* referred to in a column headed "Regulation" in the table in Part 3 of Schedule 1 is a prescribed offence for the purposes of section 591 of the Law; and
 - (b) the expiation fees set out in a column headed "Fee" in the table are fixed for alleged prescribed offences against those national regulations.

5—Increase of expiation fees for prescribed offences

- (1) Section 737 of the Law provides that, at the start of 1 July of each year, beginning with 1 July 2014, the amount of each penalty for an offence will be increased, from the amount that applied immediately before that 1 July, in accordance with the method prescribed by the national regulations for the purposes of that section.

Note—

As soon as practicable but before 1 July of each year, the Regulator will publish on the Regulator's website the amounts of each penalty applying as from that date.

- (2) The expiation fees for a prescribed offence against the Law for the first financial period are the fees set out in a table in Part 2 and Part 3 of Schedule 1.
- (3) The amount of the expiation fees for the following financial year, and each subsequent financial year, for a prescribed offence against the Law is the adjusted amount for that financial year and will be the amount as shown and published on the Regulator's website.
- (4) Subregulation (3) does not apply to expiation fees fixed for a prescribed offence against the Law peculiar to South Australia (see Part 2 Division 2 of Schedule 1).

Note—

Expiation fees fixed for prescribed offences peculiar to South Australia may be adjusted from time to time by variation of these regulations.

- (5) In this regulation—

first financial period means the period 1 September 2013 until 30 June 2014;

following financial year means the financial year commencing on 1 July 2014.

Schedule 1—Offences, prescribed offences and expiation fees

Part 1—Offences against the local application provisions of the Act

Section	Description of offence	Fee
19(2)	<i>Failure to comply with a direction given under section 19(1)</i>	\$600
21(1)	<i>Sale or other disposal of a heavy vehicle in respect of which a vehicle defect notice is in force</i>	\$300

Part 2—Prescribed offences against the *Heavy Vehicle National Law (South Australia)*

Division 1—Prescribed offences for purposes of section 591 of the Law

Section	Description of offence	Fee
60(1)	<i>Using, or permitting the use of, a heavy vehicle that contravenes a heavy vehicle standard—</i> (a) if the heavy vehicle standard relates to a speed limiter (b) in any other case	\$600 \$300
79(2)	<i>Failure to comply with notice to return vehicle standards exemption (permit) to Regulator within specified period</i>	\$400
81(1)	<i>Contravening a condition of a vehicle standards exemption</i>	\$300
81(2)	<i>Using, or permitting the use of, a heavy vehicle that contravenes a condition of a vehicle standards exemption</i>	\$300
81(3)	<i>Using or permitting the use of a heavy vehicle in a way that contravenes a condition of a vehicle standards exemption</i>	\$300
82(2)	<i>Failure of driver to comply with condition under vehicle standards exemption (notice) to keep relevant document in driver's possession</i>	\$300
82(3)	<i>Offence for relevant party if driver commits an offence against section 82(2)</i>	\$300
83(1)	<i>Failure of driver to keep a copy of vehicle standards exemption (permit) in driver's possession</i>	\$300
83(2)	<i>Failure of driver to return copy of vehicle standards exemption (permit) to relevant party when driver stops working</i>	\$300
83(3)	<i>Offence for relevant party if driver commits an offence against section 83(1)</i>	\$300
85(1)	<i>Modifying a heavy vehicle without approval by approved vehicle examiner or Regulator</i>	\$300
85(2)	<i>Using or permitting the use of a heavy vehicle that has been modified without approval by approved vehicle examiner or Regulator</i>	\$300
86(2)	<i>Failure of approved vehicle examiner to give approved certificate and ensure plate or label is fitted or affixed to vehicle</i>	\$300
89(1)	<i>Using or permitting the use of an unsafe heavy vehicle</i>	\$600
90(1)	<i>Using or permitting the use of a heavy vehicle not fitted with emission control system for each relevant emission</i>	\$300
90(2)	<i>Using or permitting the use of emission control system that is not operating in accordance with manufacturer's design</i>	\$300

Section	Description of offence	Fee
90(3)	<i>Using or permitting the use of an emission control system resulting in a failure to comply with heavy vehicle standard</i>	\$300
92(2)	<i>Using or permitting the use of a heavy vehicle displaying a warning sign where the sign is not required to be displayed</i>	\$300
96(1)	<i>Driving a heavy vehicle where vehicle or components do not comply with mass requirements—</i>	
	(a) for a minor risk breach	\$400
	(b) for a substantial risk breach	\$600
102(1)(a)	<i>Driving a heavy vehicle that does not comply with dimension requirements where vehicle does not have goods or passengers in it</i>	\$300
102(1)(b)	<i>Driving a heavy vehicle that does not comply with dimension requirements where vehicle has goods or passengers in it—</i>	
	(a) for a minor risk breach	\$300
	(b) for a substantial risk breach	\$500
109(2)	<i>Using or permitting the use of a heavy vehicle without fixing the required flag or light to back of the load</i>	\$300
111(1)	<i>Driving a heavy vehicle that does not comply, or whose load does not comply, with loading requirements—</i>	
	(a) for a minor risk breach	\$300
	(b) for a substantial risk breach	\$500
129(1)	<i>Driver or operator of heavy vehicle contravening a condition of a mass or dimension exemption</i>	\$600
129(2)	<i>Using or permitting the use of a heavy vehicle that contravenes a condition of a mass or dimension exemption</i>	\$600
129(3)	<i>Using or permitting the use of a heavy vehicle in a way that contravenes a condition of a mass or dimension exemption</i>	\$600
130(2)	<i>Failure of driver of pilot or escort vehicle to comply with conditions of a mass or dimension exemption</i>	\$600
130(3)	<i>Offence for operator of a heavy vehicle if driver of pilot or escort vehicle commits an offence against section 130(2)</i>	\$600
131(1)	<i>Failure of driver of a pilot vehicle to ensure that the accompanying heavy vehicle is not contravening a condition of exemption</i>	\$600
132(2)	<i>Failure of driver of class 1 or class 3 heavy vehicle to comply with condition under mass or dimension exemption (notice) to keep relevant document in driver's possession</i>	\$300
132(3)	<i>Offence for relevant party if driver of class 1 or class 3 heavy vehicle commits an offence against section 132(2)</i>	\$300
133(1)	<i>Failure of driver of a class 1 or class 3 heavy vehicle to keep a copy of a mass or dimension exemption (permit) in driver's possession</i>	\$300
133(2)	<i>Failure of driver of a class 1 or class 3 heavy vehicle to return copy of mass or dimension exemption (permit) to relevant party when driver stops working</i>	\$400
133(3)	<i>Offence for relevant party if driver of class 1 or class 3 heavy vehicle commits an offence against section 133(1)</i>	\$300
134(1)	<i>Displaying a heavy vehicle warning sign on a heavy vehicle not being used under a dimension exemption</i>	\$300

Section	Description of offence	Fee
134(2)	<i>Displaying a pilot vehicle warning sign on a vehicle not being used as a pilot vehicle for a heavy vehicle being used under a dimension exemption</i>	\$300
137	<i>Using or permitting the use of a class 2 heavy vehicle other than in accordance with a class 2 heavy vehicle authorisation</i>	\$600
150(1)	<i>Driver or operator of a class 2 heavy vehicle contravening a condition of a class 2 heavy vehicle authorisation</i>	\$600
151(2)	<i>Failure of driver of a class 2 heavy vehicle to comply with a condition of a class 2 heavy vehicle authorisation (notice) to keep relevant document in driver's possession</i>	\$300
151(3)	<i>Offence for a relevant party if driver commits an offence against section 151(2)</i>	\$300
152(1)	<i>Failure of driver of a class 2 heavy vehicle to keep copy of class 2 heavy vehicle authorisation (permit) in driver's possession</i>	\$300
152(2)	<i>Failure of driver to return copy of class 2 heavy vehicle authorisation (permit) to relevant party</i>	\$400
152(3)	<i>Offence for relevant party if driver commits offence against section 152(1)</i>	\$300
153(1)	<i>Failure of driver to keep copy of the PBS vehicle approval in driver's possession</i>	\$300
153(2)	<i>Offence for relevant party if driver commits offence against section 153(1)</i>	\$300
181(3)	<i>Failure to comply with notice requiring return of permit for mass or dimension authority to Regulator within specified time</i>	\$400
183(2)	<i>Offence for an employer, a prime contractor or an operator if a relevant offence is committed by the driver of a heavy vehicle—</i>	
	(a) for a mass requirement	
	(i) for a minor risk breach	\$400
	(ii) for a substantial risk breach	\$600
	(b) for a dimension requirement	
	(i) if not carrying any goods or passengers	\$300
	(ii) for a minor risk breach	\$300
	(iii) for a substantial risk breach	\$500
	(c) for a loading requirement	
	(i) for a minor risk breach	\$300
	(ii) for a substantial risk breach	\$500
184(1)	<i>Driving a heavy vehicle while towing more than 1 other vehicle other than as permitted by section 184(2)</i>	\$300
185(1)	<i>Using or permitting the use of a trailer not securely coupled to the vehicle in front of it in a heavy combination</i>	\$600
185(2)	<i>Using or permitting the use of incompatible or improperly connected components of a coupling in a heavy combination</i>	\$600
190(1)	<i>Responsible entity permitting the transport of a freight container without providing the operator or driver of the heavy vehicle with a complying container weight declaration</i>	\$600

Section	Description of offence	Fee
191(1)	<i>Operator of a heavy vehicle permitting the driver of the vehicle to transport freight container without providing the driver with a complying container weight declaration</i>	\$600
191(3)	<i>Failure of operator of a heavy vehicle to provide complying container weight declaration or prescribed particulars to carrier</i>	\$600
192(1)	<i>Driving a heavy vehicle loaded with freight container without a complying container weight declaration for the container</i>	\$600
192(2)	<i>Failure of driver of a heavy vehicle to keep the complying container weight declaration in or about the vehicle and in a way readily available to an authorised officer</i>	\$300
219(1)	<i>Offence against section 219(1)—</i>	
	(a) driver of a heavy vehicle exceeding a speed limit of 50 km/h or 60 km/h	\$300
	(b) driver of a heavy vehicle exceeding a speed limit of 70 km/h or 80 km/h—	
	(i) by less than 15 km/h	\$300
	(ii) by 15 km/h or more	\$500
	(c) driver of a heavy vehicle other than a road train exceeding a speed limit of 90 km/h	
	(i) by less than 15 km/h	\$300
	(ii) by 15 km/h or more	\$500
	(d) driver of a road train exceeding a speed limit of 90 km/h by less than 15 km/h	\$500
	(e) driver of a heavy vehicle exceeding speed limit of 100 km/h or more by less than 15 km/h	\$500
250(1)	<i>Failure of solo driver of a fatigue-regulated heavy vehicle to comply with standard hours—</i>	
	(a) for a minor risk breach	\$400
	(b) for a substantial risk breach	\$600
251(1)	<i>Failure of two-up driver of a fatigue-regulated heavy vehicle to comply with standard hours—</i>	
	(a) for a minor risk breach	\$400
	(b) for a substantial risk breach	\$600
254(1)	<i>Failure of solo driver of a fatigue-regulated heavy vehicle to comply with BFM hours—</i>	
	(a) for a minor risk breach	\$400
	(b) for a substantial risk breach	\$600
256(1)	<i>Failure of two-up driver of a fatigue-regulated heavy vehicle to comply with BFM hours—</i>	
	(a) for a minor risk breach	\$400
	(b) for a substantial risk breach	\$600
258(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with AFM hours—</i>	
	(a) for a minor risk breach	\$400

Section	Description of offence	Fee
	(b) for a substantial risk breach	\$600
260(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with exemption hours—</i>	
	(a) for a minor risk breach	\$400
	(b) for a substantial risk breach	\$600
263(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with change of work and rest hours option requirements</i>	\$400
284(2)	<i>Failure to comply with notice to return work and rest hours exemption (permit) to Regulator within specified period</i>	\$600
286(1)	<i>Failure to comply with a condition of a work and rest hours exemption</i>	\$600
287(2)	<i>Failure of driver of fatigue-regulated heavy vehicle operating under a work and rest hours exemption (notice) to keep a relevant document in driver's possession</i>	\$300
287(3)	<i>Offence for relevant party if driver commits an offence against section 287(2)</i>	\$300
288(1)	<i>Failure of driver of a fatigue-regulated heavy vehicle to keep a copy of work and rest hours exemption (permit) in the driver's possession</i>	\$300
288(2)	<i>Failure of driver of a fatigue-regulated heavy vehicle to return copy of work and rest hours exemption (permit) to relevant party in certain circumstances</i>	\$400
288(3)	<i>Offence for relevant party if driver of a fatigue-regulated heavy vehicle commits an offence against section 288(1)</i>	\$300
293(1)	<i>Failure of driver of a fatigue-regulated heavy vehicle to keep a work diary, record required information and keep the diary in the driver's possession</i>	\$600
296(1)	<i>Failure of driver to record required information in work diary in the manner and at the time prescribed by the national regulations</i>	\$150
297(2)	<i>Failure of driver to record required information immediately after starting work on a day</i>	\$300
298(1)	<i>Failure of driver of a fatigue-regulated heavy vehicle to record the odometer reading as required by the national regulations</i>	\$150
299	<i>Failure of two-up driver to provide details prescribed by the national regulations as requested by the other driver</i>	\$300
301	<i>Failure of driver to comply with requirements for recording information in written work diary</i>	\$150
302	<i>Failure of driver to comply with requirements for recording information in electronic work diary</i>	\$150
303	<i>Failure of driver to record time in work diary according to the time zone of driver's base location</i>	\$150
305(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to record required information in supplementary record</i>	\$600
305(2)	<i>Failure to comply with requirements for recording information in supplementary record not in electronic form</i>	\$300
305(3)	<i>Failure of driver to record time in supplementary record according to the time zone of driver's base location</i>	\$150

Section	Description of offence	Fee
306	<i>Failure of driver of fatigue-regulated heavy vehicle to notify the Regulator within 2 business days in the approved form when a written work diary has been filled up, destroyed, lost or stolen</i>	\$300
307(2)	<i>Failure of driver to notify the Regulator within 2 business days in the approved form when an electronic work diary has been filled up, destroyed, lost or stolen or is not in working order</i>	\$300
308(1)	<i>Failure of driver to comply with the requirements when an old work diary is found or returned</i>	\$300
309(2)	<i>Failure to inform the driver's record keeper within 2 business days of becoming aware of a matter specified in section 309(1)</i>	\$600
310(2)	<i>Failure to inform the driver's record keeper within 2 business days of becoming aware of matters specified in section 310(1)</i>	\$600
319(1)	<i>Failure of record keeper to comply with requirements specified in section 319(1)</i>	\$600
321(1)	<i>Failure of record keeper to comply with requirements specified in section 321(1)</i>	\$600
321(2)	<i>Failure of record keeper to record information required if driver is operating under BFM or AFM hours</i>	\$600
322(2)	<i>Failure of driver to give copy of work diary entry or supplementary record to each record keeper within 21 days</i>	\$300
323(2)	<i>Failure of driver to give new record keeper a copy of information recorded in a work diary relating to the 28 day period before the change to the new record keeper</i>	\$300
341(1)	<i>Failure of record keeper to keep records required under Division 3 for 3 years after specified day</i>	\$600
341(2)	<i>Failure of record keeper to keep records required under Division 9 or Division 10 for specified period</i>	\$600
341(3)	<i>Failure of record keeper to ensure record (or copy) is readily available to an authorised officer at the record location</i>	\$300
341(4)	<i>Failure of driver who is his or her own record keeper to ensure record (or copy) is readily available to an authorised officer at the record location</i>	\$300
354(3)	<i>Failure of holder of an electronic recording system approval to comply with a direction of the Regulator</i>	\$600
354(5)	<i>Failure of a person to whom a notice has been given of amended conditions of an electronic recording system approval to give a copy of the notice to each person supplied by that person with an electronic recording system or a device forming part of the system</i>	\$600
355(2)	<i>Failure of holder of approval to remove electronic work diary label relating to approval from electronic recording system</i>	\$600
355(4)	<i>Failure of holder of an approval to comply with a direction of the Regulator</i>	\$600
355(6)	<i>Failure of a person to whom a notice has been given that approval has been cancelled to give a notice containing the information set out in paragraphs (a) and (b) of section 355(6) to each person supplied by that person with an electronic recording system or a device forming part of the system</i>	\$600
373(2)	<i>Failure to comply with notice requiring return of work diary exemption (permit) to Regulator</i>	\$600

Section	Description of offence	Fee
375	<i>Contravention of a condition of a work diary exemption</i>	\$600
376(2)	<i>Failure of driver of a fatigue-regulated heavy vehicle to comply with a condition under a work diary exemption (notice) to keep relevant document in driver's possession</i>	\$300
376(3)	<i>Offence for relevant party if driver of a fatigue-regulated heavy vehicle commits an offence against section 376(2)</i>	\$300
377	<i>Failure of a driver of a fatigue-regulated heavy vehicle to keep a copy of work diary exemption (permit) in the driver's possession</i>	\$300
392(2)	<i>Failure to comply with notice requiring return of fatigue record keeping exemption (permit) to Regulator</i>	\$600
395	<i>Contravention of a condition of a fatigue record keeping exemption</i>	\$600
396(2)	<i>Failure of owner of a fatigue-regulated heavy vehicle to maintain odometer in accordance with requirements prescribed by the national regulations</i>	\$600
399(2)	<i>Driving or permitting a person to drive a fatigue-regulated heavy vehicle without complying with section 398</i>	\$600
467	<i>Failure of holder of BFM or AFM accreditation to comply with accreditation conditions</i>	\$600
468(1)	<i>Failure of a driver of a heavy vehicle operating under heavy vehicle accreditation to keep certain documents in driver's possession</i>	\$300
468(3)	<i>Offence for operator if driver of a heavy vehicle commits an offence against section 468(1)</i>	\$300
469(2)	<i>Failure of driver operating under a heavy vehicle accreditation to return document to operator as soon as reasonably practicable</i>	\$400
470(3)	<i>Failure of operator to inform driver operating under AFM accreditation of the AFM hours applying under the accreditation</i>	\$600
470(8)	<i>Failure of operator to comply with a requirement under section 470(7)</i>	\$300
471(2)	<i>Failure of operator to give notice to driver or scheduler of amendment, suspension or cessation of heavy vehicle accreditation</i>	\$600
471(3)	<i>Failure of driver to return to the operator any document relevant to the notice given to the driver by the operator for the purposes of section 468(1)</i>	\$400
476(2)	<i>Failure to return accreditation certificate to Regulator within specified period</i>	\$600
488	<i>Failure to return identity card to Regulator within specified period</i>	\$300
513(4)	<i>Failure to comply with a direction given under section 513(1)</i>	\$600
514(3)	<i>Failure to comply with a direction given under section 514(1)</i>	\$600
516(3)	<i>Failure to comply with a direction given under section 516(1)</i>	\$600
517(4)	<i>Failure to comply with a direction given under section 517(2)</i>	\$600
522(5)	<i>Failure to produce a heavy vehicle for inspection at the place and time stated in the notice</i>	\$600
524(5)	<i>Failure to comply with a direction given under section 524(2) or (3)</i>	\$600
526(4)	<i>Failure of driver of a heavy vehicle who is not the operator of the vehicle to give defect notice to operator</i>	\$300

Section	Description of offence	Fee
528(3)	<i>Removing or defacing a defective vehicle label attached to a heavy vehicle</i>	\$300
529	<i>Using or permitting the use of a heavy vehicle in contravention of a vehicle defect notice</i>	\$300
533(7)	<i>Failure to comply with a direction given under section 533</i>	\$1 000
534(5)	<i>Failure to comply with a direction given under section 534</i>	\$1 000
567(4)	<i>Failure to comply with a requirement made under section 567(2) or (3)</i>	\$300
568(3)	<i>Failure to comply with a requirement made under section 568(2)</i>	An amount equal to 10% of the amount of the maximum penalty for an offence of failing to keep the document, device or other thing in the driver's possession
568(7)	<i>Failure to comply with a requirement given under section 568(6)</i>	\$300
569(2)	<i>Failure to comply with a requirement made under section 569(1)</i>	\$600
569(7)	<i>Failure to comply with a requirement made under section 569(6)</i>	\$300

Division 2—Prescribed offences peculiar to South Australia

Section	Description of offence	Fee
183(2)	<i>Offence for a consignor, packer, loading manager or loader if a relevant offence is committed by the driver of a heavy vehicle—</i>	
	(a) for a mass requirement	
	(i) for a minor risk breach	\$400
	(ii) for a substantial risk breach	\$600
	(b) for a dimension requirement	
	(i) for a minor risk breach	\$300
	(ii) for a substantial risk breach	\$500
	(c) for a loading requirement	
	(i) for a minor risk breach	\$300
	(ii) for a substantial risk breach	\$500
261(2)	<i>Offence for an employer, a prime contractor, an operator, a scheduler, a consignor or consignee, a loading manager, a loader or an unloader if relevant offence committed by the driver of a fatigue-regulated heavy vehicle—</i>	
	(a) for a minor risk breach	\$400
	(b) for a substantial risk breach	\$600
322(4)	<i>Failure of record keeper to ensure driver complies with section 322(2)</i>	\$300
577(4)	<i>Failure to comply with a requirement made under section 577(1) or (2)</i>	\$1 000

Part 3—Prescribed offences against the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation (South Australia)*

Section	Description of offence	Fee
11(1)	<i>Failure to maintain relevant accreditation label on CML heavy vehicle in way required by section 11(2), (3) and (4)</i>	\$300
16(2)	<i>Using or permitting the use of HML heavy vehicle under higher mass limits in an area or on a route to which the HML declaration applies where vehicle is neither equipped for monitoring by an approved intelligent transport system nor covered by an intelligent access agreement</i>	\$300
28	<i>Driver or operator of HML heavy vehicle contravening a condition of HML permit</i>	\$300
34(2)	<i>Failure to comply with a notice to return HML permit</i>	\$400
36(2)	<i>Failure to maintain relevant accreditation label on HML heavy vehicle in way required by section 36(3) and (5)</i>	\$300

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 296 of 2013

MTR13/026CS

South Australia

Heavy Vehicle National Law (South Australia) (Fees) Regulations 2013

under the *Heavy Vehicle National Law (South Australia) Act 2013*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Fees

Schedule 1—Fees

1—Short title

These regulations may be cited as the *Heavy Vehicle National Law (South Australia) (Fees) Regulations 2013*.

2—Commencement

These regulations will come into operation on the day on which Part 3 of the *Heavy Vehicle National Law (South Australia) Act 2013* comes into operation.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Heavy Vehicle National Law (South Australia) Act 2013*;

further inspection of a heavy vehicle means an inspection of the vehicle undertaken to determine if matters identified by a previous inspection have been addressed;

Law means the *Heavy Vehicle National Law (South Australia)*;

Metropolitan Adelaide has the same meaning as in the *Development Act 1993*;

route assessment—see Schedule 1, item 9;

Transport Department means the administrative unit that, under the responsible Minister, is responsible for the administration of the Act.

4—Fees

- (1) The fees set out in Schedule 1 are payable as set out in the Schedule.
- (2) A fee payable for booking an inspection must be paid when the booking is made.
- (3) A fee payable for an inspection or route assessment must be paid prior to the inspection or assessment.
- (4) If a heavy vehicle is a heavy combination, a fee is payable for an inspection of each component vehicle of the combination.

- (5) If more than 1 fee becomes payable for an inspection under Schedule 1 (other than an inspection for the purposes of a route assessment), only the higher or highest fee (as the case may be) need be paid.

Example—

If a heavy vehicle is required to be inspected for a mass and dimension authority and for the purposes of a modification or defect clearance, only the higher fee is payable.

- (6) If, as a result of a heavy vehicle being required to be inspected for the purposes of both the Law and the *Road Traffic Act 1961*, an inspection fee becomes payable under both Schedule 1 and the *Road Traffic (Miscellaneous) Regulations 1999*, only the higher of the fees need be paid to either the Transport Department or the Central Inspection Authority (as the case may be).

Example—

If a bus is required to be inspected for the purpose of carrying passengers under section 163D of the *Road Traffic Act 1961* and for the purposes of a defect clearance, only the higher fee is payable.

Schedule 1—Fees

Description	Fee
1 Fee payable to the Transport Department in relation to the grant, amendment, cancellation or suspension of a mass or dimension authority, or vehicle standards exemption	
(1) for an inspection of a heavy vehicle (other than a trailer)	\$322.00
(2) for an inspection of a trailer (other than a converter dolly)	\$162.00
(3) for an inspection of a converter dolly	\$81.00
(4) for a further inspection of any vehicle referred to in a preceding subitem	\$81.00
(5) for inspecting a special purpose vehicle at premises (within Metropolitan Adelaide) specified by the operator of the vehicle on the request of the operator—in addition to any relevant fee referred to in a preceding subitem	\$83.00
(6) for booking an inspection or further inspection	\$24.00
2 Fee payable to the Transport Department in relation to compliance with a condition of a vehicle standards exemption, or mass or dimension authority	
(1) for an inspection of a heavy vehicle (other than a trailer)	\$322.00
(2) for an inspection of a trailer (other than a converter dolly)	\$162.00
(3) for an inspection of a converter dolly	\$81.00
(4) for a further inspection of any vehicle referred to in a preceding subitem	\$81.00
(5) for booking an inspection or further inspection	\$24.00
3 Fee payable to the Transport Department in relation to the approval by the Regulator of a vehicle modification (section 87 of the Law)	
(1) for an inspection of a heavy vehicle (other than a trailer)	\$241.00
(2) for an inspection of a trailer (other than a converter dolly)	\$162.00
(3) for an inspection of a converter dolly	\$81.00
(4) for a further inspection of any vehicle referred to in a preceding subitem	\$81.00
(5) for booking an inspection or further inspection	\$24.00

Description	Fee
4 Fee payable to the Transport Department—	
• in relation to heavy vehicle standards; or	
• to ensure the condition of a heavy vehicle, and any of its components or equipment, does not make use of the vehicle unsafe or endanger public safety	
(1) for an inspection of a heavy vehicle (other than a trailer)	\$241.00
(2) for an inspection of a trailer (other than a converter dolly)	\$162.00
(3) for an inspection of a converter dolly	\$81.00
(4) for a further inspection of any vehicle referred to in a preceding subitem	\$81.00
(5) for booking an inspection or further inspection	\$24.00
5 Fee payable to the Transport Department in relation to maintenance management accreditation (including the determination of an application for such accreditation (section 459 of the Law))	
(a) if the heavy vehicle is nominated to be used in a class 1, 2 or 3 heavy combination—	
(1) for an inspection of a heavy vehicle (other than a trailer)	\$322.00
(2) for an inspection of a trailer (other than a converter dolly)	\$162.00
(3) for an inspection of a converter dolly	\$81.00
(4) for a further inspection of any vehicle referred to in a preceding subsubitem	\$81.00
(5) for booking an inspection or further inspection	\$24.00
(b) in any other case—	
(1) for an inspection of a heavy vehicle (other than a trailer)	\$241.00
(2) for an inspection of a trailer (other than a converter dolly)	\$162.00
(3) for an inspection of a converter dolly	\$81.00
(4) for a further inspection of any vehicle referred to in a preceding subsubitem	\$81.00
(5) for booking an inspection or further inspection	\$24.00
6 Fee payable to the Transport Department for an inspection by order under section 522 of the Law in relation to any purpose not otherwise covered under this Schedule—	
(1) for an inspection of a heavy vehicle (other than a trailer)	\$241.00
(2) for an inspection of a trailer (other than a converter dolly)	\$162.00
(3) for an inspection of a converter dolly	\$81.00
(4) for a further inspection of any vehicle referred to in a preceding subitem	\$81.00
(5) for booking an inspection or further inspection	\$24.00
7 Fee payable to the Transport Department in relation to clearing a defect notice (section 530 of the Law)	
(1) for an inspection of a heavy vehicle (other than a trailer)	\$241.00
(2) for an inspection of a trailer (other than a converter dolly)	\$162.00
(3) for an inspection of a converter dolly	\$81.00
(4) for a further inspection of any vehicle referred to in a preceding subitem	\$81.00

Description	Fee
(5) for booking an inspection or further inspection	\$24.00
8 Fee payable to SA Police in relation to clearing a defect notice (section 530 of the Law)	
for a police officer at a police station inspecting a heavy vehicle and certifying that the required repairs have been made to the vehicle to stop the vehicle from being a defective heavy vehicle	\$56.00
9 Fee payable to a road manager (section 159 of the Law)	
for a route assessment required for the road manager to decide whether or not to give consent for a mass or dimension exemption (permit) or class 2 heavy vehicle authorisation (permit) involving (for example) the inspection of a heavy vehicle, the assessment of plans, maps or specifications, the survey or inspection of proposed routes, the examination of bridges or other transport infrastructure, the determination of road work or other work required to enable the use of a proposed route, the consideration of any conditions that may be applicable to the permit, etc	the fee payable is the reasonable cost of providing the assessment

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 297 of 2013

MTR13/026CS

South Australia

Heavy Vehicle National Law (South Australia) (Savings, Transitional and Declaratory) Regulations 2013

under the *Heavy Vehicle National Law (South Australia) Act 2013*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Interpretation

Part 2—Declaratory regulation

- 4 Exemptions from heavy vehicle standards

Part 3—Savings and transitional regulations

- 5 Continuation of approved modifications of heavy vehicles
 - 6 Exemptions from scheme for management of fatigue in drivers of heavy vehicles
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Heavy Vehicle National Law (South Australia) (Savings, Transitional and Declaratory) Regulations 2013*.

2—Commencement

These regulations will come into operation on the day on which Part 4 of the *Heavy Vehicle National Law (South Australia) Act 2013* comes into operation.

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—
 - Act* means the *Heavy Vehicle National Law (South Australia) Act 2013*;
 - general savings and transitional provision* means section 748 of the Law;
 - Law* means the *Heavy Vehicle National Law (South Australia)*;
 - Road Traffic Act* means the *Road Traffic Act 1961*.
- (2) In these regulations, the *commencement day*—
 - (a) for the purposes of regulation 4—means the day on which South Australia becomes a participating jurisdiction in relation to Chapter 14 of the Law; and
 - (b) for any other purpose—means the day on which these regulations come into operation.

Part 2—Declaratory regulation

4—Exemptions from heavy vehicle standards

- (1) This is a declaratory regulation.
- (2) It is declared that, for the purposes of the general savings and transitional provision, sections 61 and 68 of the Law correspond to section 163AA of the Road Traffic Act.
- (3) Accordingly, an exemption of the Minister under section 163AA of the Road Traffic Act that has not been revoked before the commencement day—
 - (a) will be taken to be an exemption under the Law for the purposes of the Law subject to such conditions and limitations (if any) specified in the instrument or notice of exemption; and
 - (b) will expire 5 years after the commencement day in accordance with section 749 of the Law.

Part 3—Savings and transitional regulations

5—Continuation of approved modifications of heavy vehicles

A modification of a heavy vehicle that has been approved under the Road Traffic Act as a condition of an exemption under section 163AA of that Act that has not been revoked before the commencement day will, for the purposes of the Law, be taken to be a modification approved in respect of the heavy vehicle under Chapter 3 Part 3 of the Law.

6—Exemptions from scheme for management of fatigue in drivers of heavy vehicles

A notice under regulation 86 of the *Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008* that has not been revoked before the commencement day declaring that those regulations, or specified provisions of those regulations, do not apply to, or in relation to, the use of heavy vehicles of a specified class in the circumstances specified in the notice—

- (a) will, for the purposes of the Law, continue in accordance with the terms specified in the notice; and
- (b) will expire 3 years after the commencement day.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 298 of 2013

MTR13/026CS

South Australia

Road Traffic (Light Vehicle Mass and Loading Requirements) Regulations 2013

under the *Road Traffic Act 1961*

Contents

- 1 Short title
- 2 Commencement
- 3 Schedule 1 contains light vehicle mass and loading requirements
- 4 Interpretation
- 5 Application of light vehicle mass and loading requirements
- 6 Proof of loading offences

Schedule 1—Light vehicle mass and loading requirements

Part 1—Light vehicle mass limits

- 1 Mass limit for single vehicle
- 2 Mass of vehicle towed by vehicle

Part 2—Size and projection of loads

- 3 Size limits
- 4 Front and side projections
- 5 Rear projections
- 6 Dangerous projections

Part 3—Placing and securing loads

- 7 Loading obligations
- 8 Trailers

Dictionary

1—Short title

These regulations may be cited as the *Road Traffic (Light Vehicle Mass and Loading Requirements) Regulations 2013*.

2—Commencement

These regulations will come into operation on the day on which Part 3 of the *Statutes Amendment (Heavy Vehicle National Law) Act 2013* comes into operation.

3—Schedule 1 contains light vehicle mass and loading requirements

Schedule 1 contains light vehicle mass and loading requirements made under section 113 of the *Road Traffic Act 1961*.

Note—

If a vehicle that does not comply with the light vehicle mass and loading requirements is driven on a road, a person commits an offence if the person is the driver or operator of the vehicle (sections 123 and 124 of the *Road Traffic Act 1961*).

4—Interpretation

- (1) A definition in the dictionary at the end of these regulations applies to each use of the word or expression in these regulations, unless the contrary intention appears.
- (2) A note does not form part of these regulations.
- (3) A diagram appearing in these regulations is illustrative only.

5—Application of light vehicle mass and loading requirements

- (1) Schedule 1 applies only to—
 - (a) light vehicles; and
 - (b) combinations that consist of light vehicles only.
- (2) However, Schedule 1 does not apply to a vehicle or combination that is used only on a railway or tramway.

Notes—

- 1 A light vehicle is a vehicle that is not a heavy vehicle—see section 5 of the *Road Traffic Act 1961*.
- 2 A heavy vehicle is a vehicle that has a gross vehicle mass (GVM) or aggregate trailer mass (ATM) of more than 4.5 tonnes. Also, a combination that includes a vehicle with a GVM or ATM of more than 4.5 tonnes is a heavy vehicle—see section 6 of the *Heavy Vehicle National Law (South Australia)*.

6—Proof of loading offences

- (1) In proceedings for a failure to comply with Schedule 1 clause 7 (relating to loading a vehicle), it is sufficient for the prosecution to prove that the load on the vehicle was not placed, secured or restrained (as the case requires) in a way that met the performance standards recommended in the *Load Restraint Guide* published by the National Transport Commission, as in force from time to time.
- (2) If the prosecution in proceedings for a failure to comply with Schedule 1 clause 7(2) (relating to securing a load on a vehicle) proves that the load, or part of the load, had fallen off the vehicle, the burden of proof is on the defendant to show compliance.

Schedule 1—Light vehicle mass and loading requirements**Part 1—Light vehicle mass limits****1—Mass limit for single vehicle**

- (1) The mass of any load on a vehicle must not exceed a maximum specified by the vehicle's manufacturer.
- (2) The total mass of a vehicle and any load must not exceed the vehicle's GVM.

2—Mass of vehicle towed by vehicle

The loaded mass of a vehicle towed by another vehicle must not exceed—

- (a) the capacity of the towing apparatus of the towing vehicle; or

- (b) a mass specified by the manufacturer of the towing vehicle as the maximum mass of a vehicle that may be towed by the towing vehicle; or
- (c) if a mass is not specified by the manufacturer of the towing vehicle as referred to in paragraph (b) and the towed vehicle is fitted with brakes that may be operated by the driver of the towing vehicle—one and a half times the unloaded mass of the towing vehicle; or
- (d) if a mass is not specified by the manufacturer of the towing vehicle as referred to in paragraph (b) and the towed vehicle is not fitted with brakes that may be operated by the driver of the towing vehicle—the unloaded mass of the towing vehicle.

Part 2—Size and projection of loads

3—Size limits

- (1) A vehicle or a combination, and its load, must not exceed a size limit set for the vehicle or combination in the Light Vehicle Standards.
- (2) The distance measured at right angles between the rear overhang line of a vehicle and the rear of any load it is carrying must not exceed the rear overhang that the vehicle is allowed under the Light Vehicle Standards.

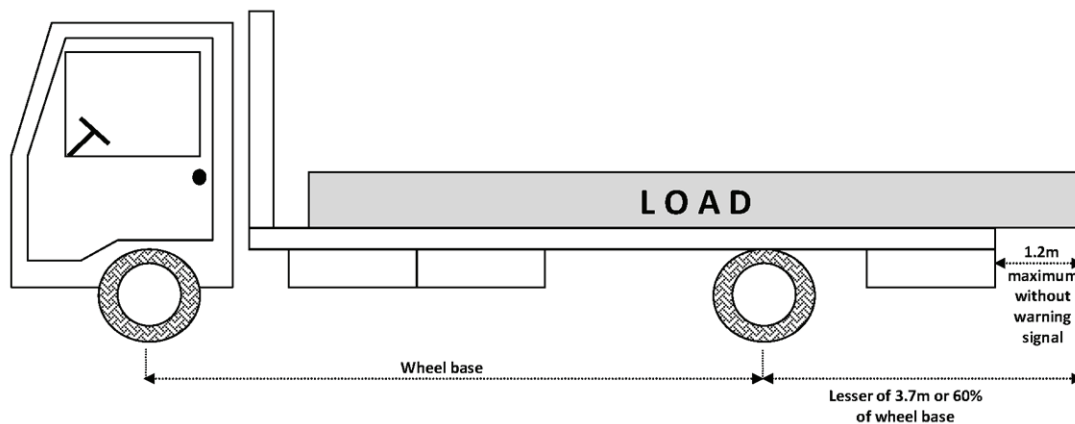
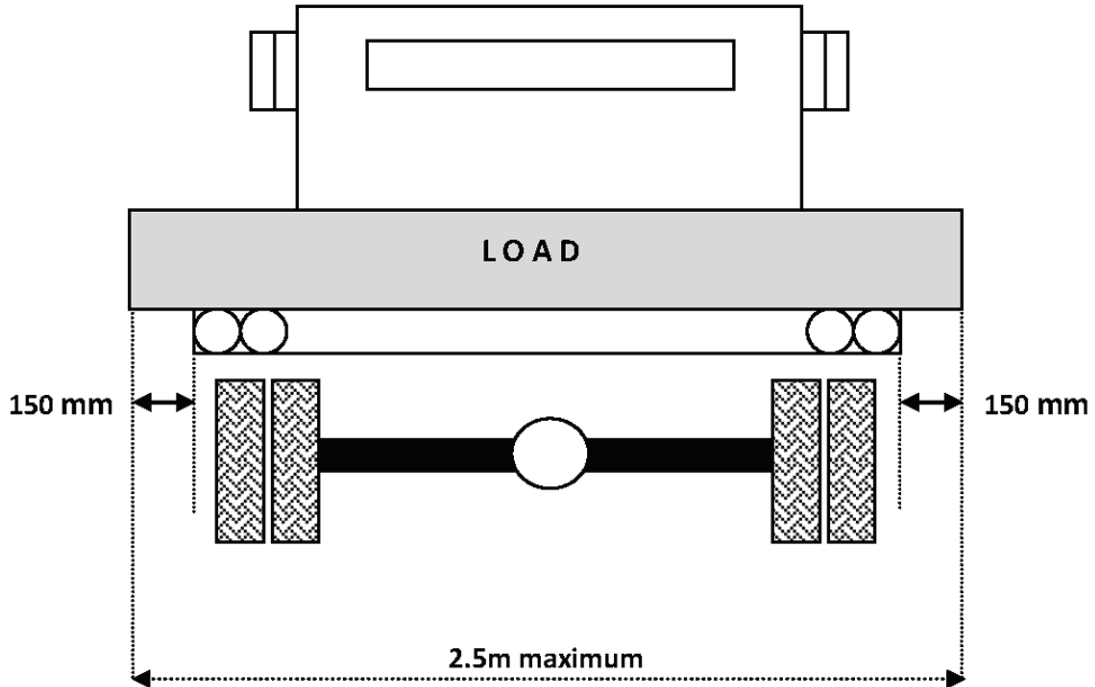


Illustration of rear overhang limit from Light Vehicle Standards and maximum rear projection of load allowed without a warning signal

4—Front and side projections

A load on a vehicle must not project more than 1.2 metres in front of the vehicle, or more than 150 millimetres from the outermost part of either side of it.



Vehicle loaded to width limits referred to in clause 3(1), with maximum side projection of load allowed under this clause

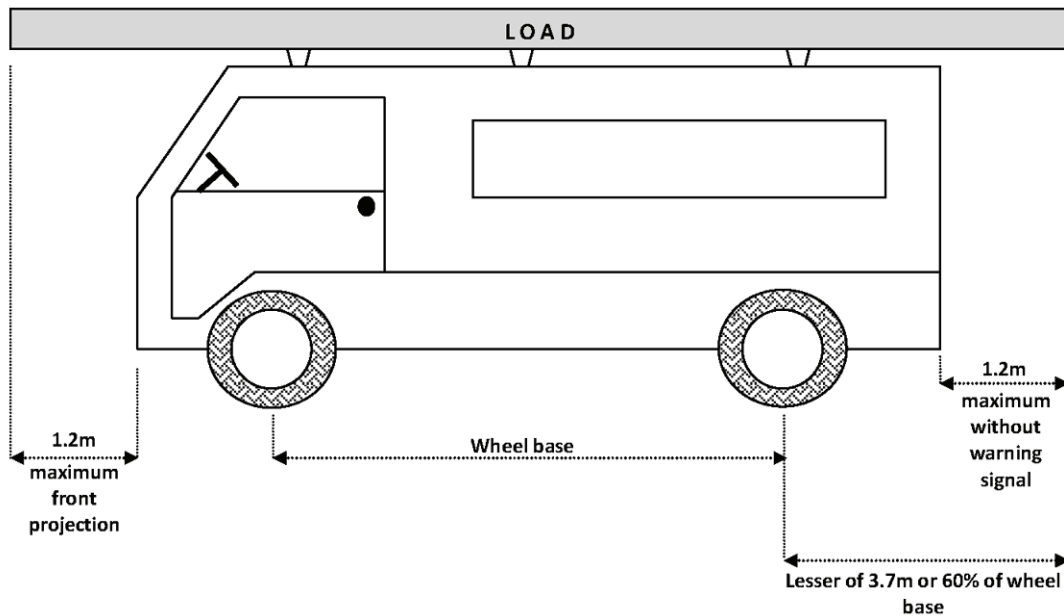


Illustration of front and rear projection limits

Note—

The combined dimensions of a vehicle and its load must still meet the requirements of clause 3 even if the load projects from the vehicle in any direction.

5—Rear projections

- (1) The rear of a load on a vehicle must carry a warning signal if the load—
 - (a) projects more than 1.2 metres behind the vehicle; or
 - (b) projects to the rear of the vehicle so that the end of the load cannot be seen easily from behind.
- (2) In daytime, the warning signal must be a brightly coloured flag or piece of material, with each side at least 300 millimetres long.
- (3) In the night the warning signal must be a red light which can be seen for 200 metres.

6—Dangerous projections

A load on a vehicle must not project in a way that is dangerous to a person or to property, even if all dimension and warning requirements are met.

Part 3—Placing and securing loads

7—Loading obligations

- (1) A load on a vehicle must not be placed in a way that makes the vehicle unstable or unsafe.
- (2) A load on a vehicle must be secured so that it is unlikely to fall or be dislodged from the vehicle.
- (3) An appropriate method must be used to restrain the load on a vehicle.

8—Trailers

- (1) A trailer in a combination must be securely coupled to the vehicle in front of it.
- (2) The components of a coupling used between vehicles must be compatible and properly connected to each other.

Dictionary

In these regulations—

ADR (Australian Design Rule) means a national standard under the *Motor Vehicle Standards Act 1989* of the Commonwealth, as in force from time to time;

axle group means a single axle group, tandem axle group or tri-axle group;

combination means a group of vehicles consisting of a motor vehicle towing 1 or more vehicles;

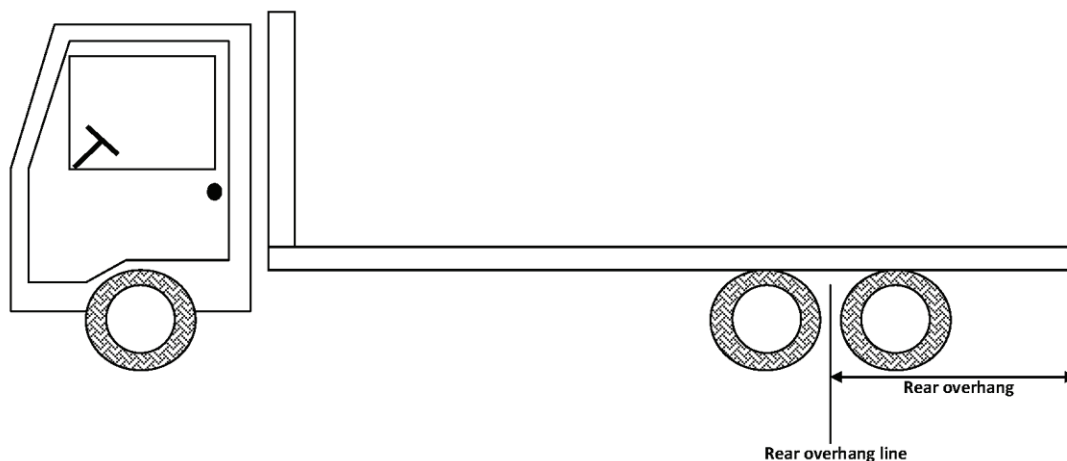
Note—

Under regulation 20A of the *Road Traffic (Miscellaneous) Regulations 1999* a light motor vehicle (other than a tractor) is only permitted to tow 1 vehicle. Tractors may tow 2 vehicles.

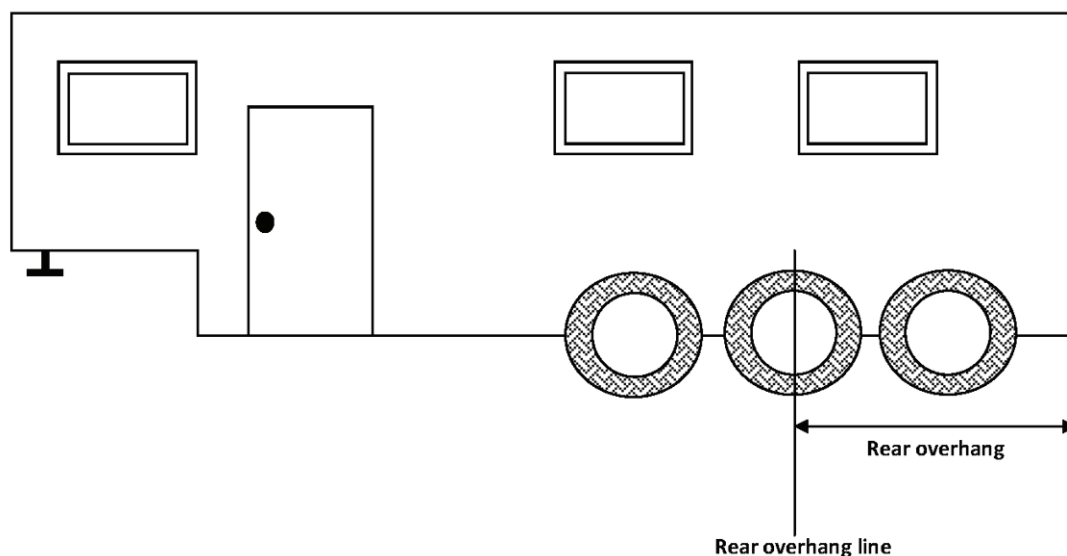
Light Vehicle Standards means the *Road Traffic (Light Vehicle Standards) Rules 2013*;

rear overhang line means—

- (a) if there is a single axle at the rear of the vehicle—the centre-line of the axle; or
- (b) if there is an axle group at the rear of the vehicle—the centre of the axle group, determined without regard to the presence of any steerable axle or retractable axle in the group unless all axles in the group are steerable or retractable;



Rear overhang line on a typical motor vehicle that has an axle group



Rear overhang line on a typical semi-trailer

retractable axle means an axle that can be raised so that the tyres on the axle do not touch the ground;

tandem axle group means a group of at least 2 axles, in which the horizontal distance between the centre-lines of the outermost axles is at least 1 metre, but not more than 2 metres;

tri-axle group means a group of at least 3 axles, in which the horizontal distance between the centre-lines of the outermost axles is more than 2 metres, but not more than 3.2 metres.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 299 of 2013

MTR13/026CS

South Australia

Road Traffic (Light Vehicle Standards) Rules 2013

under the *Road Traffic Act 1961*

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Dictionary

Part 1—Preliminary

1—Citation etc

- (1) These rules may be cited as the *Road Traffic (Light Vehicle Standards) Rules 1999*.
- (2) These rules are made under section 111 of the *Road Traffic Act 1961*.
- (3) In these rules, these rules are referred to as the ***Light Vehicle Standards***.

Note—

- 1 Under the *Road Traffic Act 1961*, a person commits an offence if there is a breach of a light vehicle standards requirement and the person is the driver or operator of the light vehicle concerned (see sections 117 and 118).
- 2 Under section 161A of the Act, certain classes of light vehicles can only be driven on roads with the approval of the Minister.

2—Commencement

These rules will come into operation on the day on which Part 3 of the *Statutes Amendment (Heavy Vehicle National Law) Act 2013* comes into operation.

3—Definitions—the dictionary etc

- (1) The dictionary at the end of the Light Vehicle Standards defines certain words and expressions, and includes signpost definitions to words and expressions defined elsewhere in the Light Vehicle Standards.

Note—

A signpost definition (eg road-related area see rule 5) is included in the dictionary if the definition applies outside the rule defining the word or expression.

- (2) The dictionary is part of the Light Vehicle Standards.
- (3) A definition in the Light Vehicle Standards applies to each use of the word or expression in the Light Vehicle Standards, unless the contrary intention appears.

4—Meaning of road

A road is an area that is open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles.

5—Meaning of road-related area

A road-related area is any of the following:

- (a) an area that divides a road; or
- (b) a footpath or nature strip adjacent to a road; or
- (c) an area that is open to the public and is designated for use by cyclists or animals; or
- (d) any public place that is not a road and on which a motor vehicle may be driven, whether or not it is lawful to drive a motor vehicle there.

6—Diagrams

- (1) A diagram in the Light Vehicle Standards is part of the Light Vehicle Standards.
- (2) A diagram of something is an illustrative example of the thing in black and white, but does not represent its dimensions or the dimensions of any part of it.

7—Notes

A note in the Light Vehicle Standards is explanatory and is not part of the Light Vehicle Standards.

8—Examples

- (1) An example (whether or not in the form of a diagram) in the Light Vehicle Standards is part of the Light Vehicle Standards.
- (2) If the Light Vehicle Standards include an example of the operation of a provision of the Light Vehicle Standards—
 - (a) the example is not exhaustive; and
 - (b) the example does not limit, and may extend, the meaning of the provision; and
 - (c) the example and the provision are to be read in the context of each other and of the other provisions of the Light Vehicle Standards, but, if the example and the provision as so read are inconsistent, the provision prevails.

Part 2—Application of the Light Vehicle Standards

9—Application to vehicles and combinations on roads and road-related areas

The Light Vehicle Standards apply to light vehicles that are motor vehicles, trailers or combinations on roads and road-related areas.

Notes—

- 1 A light vehicle is a vehicle that is not a heavy vehicle—see section 5 of the *Road Traffic Act 1961*.
- 2 Section 6 of the *Heavy Vehicle National Law (South Australia)* defines a heavy vehicle as a vehicle that has a gross vehicle mass (GVM) or aggregate trailer mass (ATM) of more than 4.5 tonnes.

The same section defines a heavy combination as either a combination consisting of 2 or more heavy vehicles or a combination of a light vehicle and a heavy vehicle. An example of a light vehicle in a heavy combination is a light commercial 4WD vehicle towing an empty field bin with an ATM greater than 4.5 tonnes.

10—Vehicles to which the Light Vehicle Standards do not apply

The Light Vehicle Standards do not apply to—

- (a) a vehicle used only on a railway or tramway; or
- (b) a vehicle designed to be controlled by a person walking next to it; or
- (c) a vehicle propelled by a motor with a maximum power output of not over 200 watts; or
- (d) a motorised wheelchair that cannot travel at over 10 kilometres an hour; or
- (e) a vehicle or combination—
 - (i) that is being repaired, or is being tested in the course of being repaired, so it will comply with the Light Vehicle Standards; or
 - (ii) that is being driven or towed directly to a place where it is to be repaired so it will comply with the Light Vehicle Standards,

provided that the vehicle or combination is safe and will not endanger other road users if driven or towed on a road or road-related area.

11—Non-application of Light Vehicle Standards—exemption under other laws

- (1) A provision of the Light Vehicle Standards does not apply to a vehicle or combination if the vehicle or combination is exempt from—
 - (a) the provision under another law of this jurisdiction; or
 - (b) the corresponding provision of the law of another jurisdiction.
- (2) However, the vehicle or combination is exempt only if all conditions of the exemption (if any) are being complied with.

12—Non-application of Light Vehicle Standards to ADR-compliant matters

A requirement of Part 5 to Part 13 of the Light Vehicle Standards does not apply to a vehicle or combination if—

- (a) the provision is inconsistent with a requirement of a second or third edition ADR applying to the vehicle or combination; and
- (b) the vehicle or combination complies with the requirement referred to in paragraph (a).

13—Non-application of Light Vehicle Standards—Motor Vehicle Standards Act approvals

A provision of Part 5 to Part 13 of the Light Vehicle Standards does not apply to a vehicle if—

- (a) the vehicle does not comply with a requirement of an ADR applying to the vehicle; and
- (b) the provision of the Light Vehicle Standards corresponds to the requirement of the ADR; and
- (c) despite the non-compliance, approval has been given, under section 10A(2) or (3) of the *Motor Vehicle Standards Act 1989* of the Commonwealth to place identification plates on vehicles of that type; and
- (d) the vehicle complies with the approval conditions (if any).

Notes—

- 1 Section 10A(2) of the *Motor Vehicle Standards Act 1989* (Cwlth) deals with vehicles that do not comply with an ADR, but the non-compliance is only in minor and inconsequential respects.
- 2 Section 10A(3) of that Act deals with vehicles that do not comply with an ADR, and the non-compliance is not minor and inconsequential, but the vehicle will be safe to use if conditions are complied with.

Part 3—Australian Design Rules**Notes—**

- 1 The Australian Design Rules (*ADRs*) are rules for designing and building vehicles. Imported vehicles must also comply with the ADRs. Certain ADRs are applied by the Light Vehicle Standards.

The Light Vehicle Standards also apply certain other standards (adopted standards) that are intended to complement the ADRs.

The ADRs do not cover the following:
 - (a) vehicles built before 1969;
 - (b) combination of vehicles of any age;

- (c) every safety feature for vehicles built between 1969 and 1988.

However, these matters are covered by provisions of the Light Vehicle Standards.

- 2 This Part applies the second and third edition ADRs to various vehicles.

Under the Part, a vehicle that is subject to ADRs when it is built or imported generally remains subject to the ADRs throughout its life. However, a vehicle need not comply with a standard if the standard is replaced by, or inconsistent with, a later standard and the vehicle complies with the later standard. Older vehicles may, therefore, be fitted with any equipment allowed on newer vehicles.

Vehicles that are modified must continue to comply with the Light Vehicle Standards.

Rule 42(4) (electrical wiring, components, connections and installations) extends the application of particular second or third edition ADRs to vehicles to which the ADRs are not expressed to apply.

The following provisions of the Light Vehicle Standards apply to a vehicle instead of the corresponding ADR requirement:

- rule 46(5) and (6) (window tinting)
- rule 53 (tyre speed category requirements)
- rule 112 (warning lights and signs on buses carrying children)
- rule 115(4) (display of certain lights and reflectors)

Rule 35(6) (horns, alarms etc) of the Light Vehicle Standards modifies the effect of the corresponding ADR requirement.

Division 1—Interpretation

14—ADRs

An Australian Design Rule (*ADR*) is a national standard.

15—National standards

A national standard is a national standard under the *Motor Vehicle Standards Act 1989* of the Commonwealth.

16—References to national standards

Unless the contrary intention appears, a reference in the Light Vehicle Standards to a national standard is a reference to the national standard.

17—Second edition ADRs

A second edition ADR is a national standard incorporated in the document described as the Australian Design Rules for Motor Vehicle Safety, Second Edition published by the Commonwealth Government.

18—Third edition ADRs

A third edition ADR is a national standard incorporated in the document described as the Australian Design Rules for Motor Vehicles and Trailers, Third Edition published by the Commonwealth Government.

Division 2—Compliance with ADRs

19—Compliance with second edition ADRs

- (1) If a second edition ADR recommends that the ADR should apply to the design and construction of a vehicle, the vehicle must comply with the ADR.

- (2) If a second edition ADR contains a requirement for a type of equipment fitted to a vehicle built on or after a stated time any equipment of the same type fitted to the vehicle after it is built must comply with—
 - (a) the requirement as in force when the vehicle was built; or
 - (b) if the requirement is amended after the vehicle is built and before the equipment is fitted, the requirement as in force—
 - (i) when the vehicle was built; or
 - (ii) when the equipment was fitted; or
 - (iii) at any time between when the vehicle was built and the equipment was fitted.
- (3) However, a vehicle, or equipment fitted to a vehicle, need not comply with a recommendation or requirement of a second edition ADR if—
 - (a) the recommendation or requirement is replaced by, or is inconsistent with, a requirement of a third edition ADR applying to the vehicle or equipment; and
 - (b) the vehicle or equipment complies with the requirement of the third edition ADR.
- (4) If a second edition ADR allows a vehicle built on or after a stated time to be fitted with equipment, a vehicle built before the time may also be fitted with the equipment.

20—Compliance with third edition ADRs

- (1) If a third edition ADR applies to the design and construction of a vehicle, the vehicle must comply with the ADR.
- (2) If a third edition ADR contains a requirement for a type of equipment fitted to a vehicle built on or after a stated time, any equipment of the same type fitted to the vehicle after it is built must comply with—
 - (a) the requirement as in force when the vehicle was built; or
 - (b) if the requirement is amended after the vehicle is built and before the equipment is fitted, the requirement as in force—
 - (i) when the vehicle was built; or
 - (ii) when the equipment was fitted; or
 - (iii) at any time between when the vehicle was built and the equipment was fitted.
- (3) However, a vehicle, or equipment fitted to a vehicle, need not comply with a requirement of a third edition ADR if—
 - (a) the requirement is replaced by, or is inconsistent with, a requirement of a later version of the ADR applying to the vehicle or equipment; and
 - (b) the vehicle or equipment complies with the requirement of the later version.
- (4) If a third edition ADR allows a vehicle built on or after a stated time to be fitted with equipment, a vehicle built before the time may also be fitted with the equipment.

21—Exception to compliance with ADRs—vehicles that are not road vehicles

A vehicle need not comply with an ADR applied by rule 19(1) or 20(1) if a determination or declaration under section 5B of the *Motor Vehicle Standards Act 1989* of the Commonwealth provides that the vehicle is not a road vehicle for that Act.

22—Exception to compliance with ADRs—Motor Vehicle Standards Act

- (1) A vehicle need not comply with an ADR applied by rule 19(1) or 20(1) if—
 - (a) despite non-compliance with the ADR, approval has been given, under section 10A(2) or (3) of the *Motor Vehicle Standards Act 1989* of the Commonwealth to place identification plates on vehicles of that type; and
 - (b) the vehicle complies with the approval conditions (if any).

Note—

See notes to rule 13.

- (2) A vehicle need not comply with an ADR applied by rule 19(1) or 20(1) if—
 - (a) the vehicle may be supplied to the market under section 14A(1) of the *Motor Vehicle Standards Act 1989* of the Commonwealth; and
 - (b) for a vehicle for which an approval has been given under that subsection—the vehicle complies with the approval conditions (if any).
- (3) A vehicle need not comply with an ADR applied by rule 19(1) or 20(1) if—
 - (a) the vehicle may be used in transport in Australia under section 15(2) of the *Motor Vehicle Standards Act 1989* of the Commonwealth; and
 - (b) for a vehicle for which an approval has been given under that subsection—the vehicle complies with the approval conditions (if any).

23—Partial exception to compliance with ADRs—personally imported vehicles

- (1) In this rule—

personally imported vehicle means a vehicle built after 1968 that has been imported into Australia by a person who—

- (a) before the vehicle was imported into Australia, owned and used it for a continuous period of at least—
 - (i) if the vehicle owned by the person before 9 May 2000—3 months; or
 - (ii) in any other case—1 year; and
 - (b) when the vehicle was imported into Australia—
 - (i) was an Australian citizen or permanent resident or an applicant for Australian citizenship or permanent residency; and
 - (ii) was old enough to hold a driver's licence or learner's permit to drive the vehicle; and
 - (c) has undertaken to comply with any requirements relating to road safety imposed in relation to the vehicle under the *Motor Vehicle Standards Regulations 1989* of the Commonwealth; and
 - (d) has not, within the previous year, imported into Australia another vehicle owned by the person.
- (2) A personally imported vehicle must be fitted with—
 - (a) seat belts that are as effective as seat belts that meet an Australian Standard or British Standard for seat belts as in force when this rule commenced; and
 - (b) seat belt anchorages that meet the number and location requirements of second or third edition ADR 5; and

- (c) child restraint anchorages that meet the number, location, accessibility, thread size and form requirements of second edition ADR 34 or third edition ADR 5 or 34; and
 - (d) head restraints that meet the number, location and size requirements of second or third edition ADR 22.
- (3) However, a personally imported vehicle need only meet the requirements of an ADR mentioned in subrule (2) if the ADR recommends that it should apply, or applies, to a vehicle of the same type.
- (4) A personally imported vehicle need not otherwise comply with an ADR applied by rule 19(1) or 20(1).

Part 4—Adopted standards

24—Adopted standards

An adopted standard is a standard, except a national standard, that is applied, adopted or incorporated by the Light Vehicle Standards.

25—Reference to adopted standards

Unless the contrary intention appears, a reference in a rule or subrule to an adopted standard is a reference to the standard as in force at the commencement of the Light Vehicle Standards, or, if the provision in which reference appears commenced after the commencement of the Light Vehicle Standards, as in force at the commencement of that provision.

26—Exception to compliance with adopted standards

A vehicle need not comply with an adopted standard if—

- (a) the standard is replaced by, or is inconsistent with, a later version of the standard; and
- (b) the vehicle complies with the later version of the standard.

Part 5—General safety requirements

Note—

For a vehicle to be operated safely, the vehicle needs to be properly designed to minimise the potential for accidents and harm to other road users.

This Part sets out various requirements covering the driver's view from a vehicle, the driver's control of a vehicle, protection of vehicle occupants and other road users, and other general safety features.

Division 1—All vehicles

27—Steering

- (1) A motor vehicle must have a right-hand drive.
- (2) A motor vehicle has a right-hand drive if the centre of at least 1 steering control of the vehicle is to the right of, or in line with, the centre of the vehicle.
- (3) A component of the steering system of a motor vehicle that is essential for effective steering of the vehicle must be built to transmit energy by mechanical means only.
- (4) Failure of a non-mechanical component of the steering system must not prevent effective steering of the vehicle.

28—Turning ability

- (1) A motor vehicle must be able to turn in a circle not over 25 metres in diameter, measured by the outer edge of the tyre track at ground level.
- (2) The vehicle must be able to comply with subrule (1) whether it turns to the left or to the right.

29—Ability to travel backwards and forwards

A motor vehicle with an unloaded mass over 450 kilograms must be able to be driven both backwards and forwards when the driver is in the normal driving position.

30—Protrusions

- (1) An object fitted to a vehicle must be designed, built and fitted to the vehicle in a way that minimises the likelihood of injury to a person making contact with the vehicle.
- (2) However, subrule (1) does not apply to an object fitted to a vehicle if—
 - (a) the vehicle was designed before 1965 and the object was part of the design of the vehicle; or
 - (b) the object was fitted to the vehicle before 1965 in accordance with the law of the place where the object was fitted.

31—Frontal protection systems

- (1) This rule applies to a motor vehicle built on or after 1 July 2013 that has a GVM not over 3.5 tonnes.
- (2) In addition to complying with rule 30, a frontal protection system fitted to a motor vehicle to which this rule applies must comply with Australian Standard AS 4876.1—2002 Motor Vehicle Frontal Protection Systems—Road User Protection (other than clause 3.2).
- (3) In this rule—

frontal protection system means a structure (other than a bumper bar) fitted to the front of a motor vehicle to reduce damage to the vehicle structure and systems if the front of the vehicle comes into contact with an animal, vehicle or other object, and includes such a structure that replaces or supplements a bumper bar.

Examples of frontal protection systems—

Bull bars, nudge bars and roo bars.

32—Driver's view and vehicle controls

A motor vehicle must be built—

- (a) to allow the driver a view of the road and of traffic to the front and sides of the vehicle so the driver can drive the vehicle safely; and
- (b) with its controls located so the driver can drive the vehicle safely.

33—Seating

A seat for a driver or passenger in a vehicle must be securely attached to the vehicle.

34—Mudguards and spray suppression

- (1) A vehicle must have firmly fitted a mudguard for each wheel or for adjacent wheels.

- (2) However, subrule (1) does not apply to a vehicle if—
- (a) the construction or use of the vehicle makes the fitting of mudguards unnecessary or impracticable and the vehicle is not driven or towed at a speed greater than 40 kilometres an hour; or
 - (b) the body or part of the body of the vehicle acts as a mudguard.

Examples of vehicles to which subrule (2)(a) applies—

- (a) Most road-making plant.
 - (b) Some agricultural equipment.
- (3) A mudguard may be up to—
- (a) 230 millimetres above ground level; or
 - (b) on a vehicle built to be used off road—300 millimetres above ground level.
- (4) The outside of a rear mudguard, except a mudflap, of a vehicle that can be seen from the rear of the vehicle must be coloured white or silver if the vehicle—
- (a) is at least 2.2 metres wide; and
 - (b) has a body the vertical measurement of which is under 300 millimetres at the rear, measured from the lowest point of the body above ground level to the highest point; and
 - (c) is not fitted with rear marking plates.
- (5) For subrule (4)(a), the width of a vehicle is measured disregarding any anti-skid device mounted on wheels, central tyre inflation systems, lights, mirrors, reflectors, signalling devices and tyre pressure gauges.

35—Horns, alarms etc

- (1) A motor vehicle must be fitted with at least 1 horn or other device that can give sufficient audible warning to other road users of the approach or position of the vehicle.
- (2) A motor vehicle must not be fitted with a device that can make a sound like the sound of a siren, exhaust whistle, compression whistle or repeater horn.
- (3) However, subrule (2) does not apply to—
- (a) a police vehicle; or
 - (b) an emergency vehicle; or
 - (c) a vehicle at least 25 years old that is fitted as a police or emergency vehicle if—
 - (i) the vehicle is only used for exhibition purposes; or
 - (ii) it is part of a collection of former police or emergency vehicles; or
 - (d) an anti-theft alarm if the alarm cannot be operated while the vehicle's ignition is on.
- (4) Also, a motor vehicle may be fitted with a device that emits a regular, intermittent sound while the vehicle is reversing or in reverse gear.
- (5) The device must not be louder than is necessary so the driver, and a person near the vehicle, can hear the device when it is operating.
- (6) The provision of the relevant ADR that corresponds to subrule (2) applies to a vehicle as if that provision did not contain a reference to a bell.

36—Rear vision mirrors

- (1) A rear vision mirror or mirrors must be fitted to a motor vehicle as required by this rule so that a driver of the vehicle can clearly see by reflection the road behind the vehicle and any following or overtaking vehicle.
- (2) At least 1 rear vision mirror must be fitted to—
 - (a) a car; and
 - (b) a motor trike with 2 front wheels; and
 - (c) a motor bike, or motor trike with 1 front wheel, built before July 1975.
- (3) At least 1 rear vision mirror must be fitted to each side of—
 - (a) a motor vehicle with a GVM over 3.5 tonnes; and
 - (b) a motor bike, or motor trike with 1 front wheel, built after June 1975.
- (4) A motor vehicle with a GVM not over 3.5 tonnes (except a motor vehicle mentioned in subrule (2) or (3)) must be fitted with—
 - (a) at least 1 rear vision mirror on the right side of the vehicle; and
 - (b) at least 1 rear vision mirror on the left side of the vehicle or inside the vehicle.
- (5) A rear vision mirror fitted to a motor vehicle with a GVM over 3.5 tonnes must not project over 150 millimetres beyond the widest part (excluding lights, signalling devices and reflectors) of the vehicle or combination.
- (6) However, the rear vision mirror may project not over 230 millimetres beyond the widest part of the vehicle or combination if it can fold to project not over 150 millimetres beyond the widest part.

37—Rear vision mirrors—surfaces

- (1) A rear vision mirror required to be fitted to the side of a motor vehicle with a GVM over 3.5 tonnes must have a reflecting surface of at least 150 square centimetres.
- (2) The reflecting surface of the rear vision mirrors that are required to be fitted to a motor bike or moped must—
 - (a) each be of the same curvature; and
 - (b) if convex, be part of a notional sphere with a radius of at least 1.2 metres.

38—Additional rear vision mirrors

A motor vehicle may be fitted with additional rear vision mirrors or mirror surfaces that are flat or convex or a combination of flat and convex surfaces.

39—Automatic transmission

- (1) A motor vehicle fitted with an automatic transmission must have an engine starter mechanism that cannot operate when the transmission control is in a position to drive the vehicle.
- (2) A vehicle built after 1975 that is fitted with an automatic transmission must have an indicator in the driver's compartment showing the transmission control position.
- (3) Subrules (1) and (2) do not apply to a motor vehicle with less than 4 wheels.

40—Diesel engines

A motor vehicle propelled by a diesel engine must be fitted with a device preventing the engine from being started accidentally or inadvertently.

41—Bonnet securing devices

- (1) A motor vehicle with a moveable body panel forward of the windscreen that covers an engine or luggage storage or battery compartment, must have a device to secure the panel.
- (2) However, if the panel opens from the front in a way that partly or completely obstructs the driver's forward view through the windscreen, the panel must have primary and secondary devices to secure the panel.

42—Electrical wiring, components, connections and installations

- (1) The wiring of electrical equipment of a vehicle, except the high tension ignition wiring, must—
 - (a) be supported at intervals of not over 600 millimetres, unless the vehicle is a pole-type trailer with a pole with an adjustable length, or an extendible trailer; and
 - (b) be insulated at each of its joints; and
 - (c) be located where it cannot—
 - (i) become overheated; or
 - (ii) contact moving parts; or
 - (iii) come near enough to the fuel system to be a fire hazard; and
 - (d) be protected from chafing.
- (2) The electrical components of a vehicle must be securely mounted.
- (3) The electrical connectors between motor vehicles and trailers, for the operation of the vehicle lights required by the Light Vehicle Standards, must comply with at least 1 of the following standards:
 - Australian Standard AS 4177.5-2004 *Caravan and Light Trailer Towing Components—Electrical Wiring*
 - *International Standards Organisation* ISO 1185-1997
 - Society of Automotive Engineers SAE J 560-1998
 - Australian Standard AS 4735-2003 *Heavy road vehicles—Electrical connectors for articulated vehicles*.
- (4) A trailer must be equipped with an electrical conductor, independent of the trailer coupling, that provides a return path between the electrical circuits of the trailer and towing vehicle.

43—Television receivers and visual display units

- (1) A television receiver or visual display unit must not be installed in a vehicle so any part of the image on the screen is visible to the driver from the normal driving position.
- (2) However, subrule (1) does not apply to—
 - (a) a television receiver or visual display unit that cannot be operated when the vehicle is moving; or
 - (b) a driver's aid in any vehicle or a destination sign in a bus.

Examples of driver's aids—

- (a) Closed-circuit television security cameras.
 - (b) Dispatch systems.
 - (c) Navigational or intelligent highway and vehicle system equipment.
 - (d) Rearview screens.
 - (e) Ticket-issuing machines.
 - (f) Vehicle monitoring devices.
- (3) A television receiver, or visual display unit, and its associated equipment in a vehicle must be securely mounted in a position that—
- (a) does not obscure the driver's view of the road; and
 - (b) does not impede the movement of a person in the vehicle.

44—Requirement for windscreen to be fitted

A motor vehicle (but not including a motor bike, a motor trike or a moped) must be fitted with a windscreen if it is manufactured or designed to have a windscreen.

45—Windscreens and windows

- (1) Transparent material used in a windscreen, window, or an interior partition, of a motor vehicle must be of approved material if—
- (a) the vehicle was built after June 1953; or
 - (b) the material was first fitted to the vehicle after June 1953.
- (2) In this rule—

approved material means material with the same characteristics as material mentioned in any of the following standards:

- (a) Australian Standard AS R1–1965 Safety Glass for Land Transport
- (b) Australian Standard AS R1–1968 Safety Glass for Land Transport
- (c) Australian Standard AS 2080–1977 Safety Glass for Vehicles
- (d) British Standard BS 857:1967 Specification for Safety Glass for Land Transport
- (e) British Standard BS 5282:1975 Specification for Road Vehicle Safety Glass
- (f) British Standard BS AU178:1980 Specification for Road Vehicle Safety Glass
- (g) Japanese Industrial Standard JIS R 3211–1979 Safety Glasses for Road Vehicles
- (h) American National Standard ANSI Z26.1–1980 Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highway;

transparent material does not include any coating added to the windscreen, window or partition after its manufacture.

46—Window tinting

- (1) Glazing used in a windscreen of a motor vehicle must have a luminous transmittance of at least—
- (a) for a motor vehicle built after 1971—75%; or
 - (b) for another motor vehicle—70%.

- (2) Windscreen glazing of a motor vehicle must not be coated in a way that reduces its luminous transmittance.
- (3) However, subrules (1) and (2) do not apply to the greater of the following areas of a windscreen:
 - (a) the area above the highest point of the windscreen that is swept by a windscreen wiper;
 - (b) the upper 10% of the windscreen.
- (4) Glazing used in a window or interior partition of a motor vehicle must have a luminous transmittance of at least 70%.
- (5) Glazing behind the rear of the driver's seat may be coated to achieve a luminous transmittance of not less than 35%.
- (6) Glazing in a side window forward of the rear of the driver's seat may be coated to achieve a luminous transmittance of not less than 35%.
- (7) Glazing that has been coated to reduce its luminous transmittance must not have a reflectance of over 10%.
- (8) The luminous transmittance requirements in subrules (5) and (6) apply to a vehicle instead of the corresponding requirements in the relevant ADR.
- (9) In this rule—

glazing means material fitted to the front, sides, rear or interior of a vehicle, through which the driver can see the road, but does not include a coating added after manufacture of the material;

luminous transmittance, for glazing, means the amount of light that can pass through the glazing as a percentage of the amount of light that would be transmitted if the glazing were absent.

47—Windscreen wipers

- (1) A motor vehicle with 3 or more wheels that is fitted with a windscreen must be fitted with at least 1 windscreen wiper unless a driver in a normal driving position can obtain an adequate view of the road ahead of the motor vehicle without looking through the windscreen.
- (2) At least 1 windscreen wiper fitted to the motor vehicle must—
 - (a) be able to remove moisture from the part of the windscreen in front of the driver to allow the driver an adequate view of the road ahead of the motor vehicle when the windscreen is wet; and
 - (b) be able to be operated from a normal driving position; and
 - (c) for a motor vehicle built after 1934—continue to operate until the wiper is switched off; and
 - (d) for a motor vehicle built after 1959 the driving position of which is nearer one side of the vehicle than the other—
 - (i) be able to remove moisture from the part of the windscreen in front of the driver, and a corresponding part of the windscreen on the other side of the centre of the motor vehicle, to allow the driver an adequate view of the road ahead of the motor vehicle when the windscreen is wet; and

- (ii) if the windscreen wipers are operated by engine manifold vacuum—be provided with a vacuum reservoir or pump to maintain the efficient operation of the wiper or wipers while the vehicle is in motion.

48—Wheels and tyres—size and capacity

The wheels and tyres fitted to an axle of a vehicle must be of sufficient size and capacity to carry the part of the vehicle's gross mass transmitted to the ground through the axle.

49—Pneumatic tyres generally

A vehicle built after 1932 must be fitted with pneumatic tyres.

50—Pneumatic tyres—carcass construction

- (1) A vehicle must not have pneumatic tyres of different carcass construction fitted to the same axle, but the tyres may have different cord materials and a different number of plies.
- (2) However, subrule (1) does not apply to a tyre being used in an emergency as a temporary replacement for a tyre complying with the subrule.

51—Pneumatic tyres—size and capacity

The size and capacity of a pneumatic tyre to be fitted to a vehicle must be decided using a cold inflation pressure that is not more than the lesser of—

- (a) the pressure recommended by the tyre manufacturer; and
- (b) a pressure of—
 - (i) for a radial ply tyre—825 kilopascals; or
 - (ii) for another tyre—700 kilopascals.

52—Tyres—defects

A tyre fitted to a vehicle must be free of any apparent defect that could make the vehicle unsafe.

53—Tyres—manufacturer's rating

- (1) This rule applies to a motor vehicle if the vehicle—
 - (a) has 4 or more wheels; and
 - (b) was built after 1972.
- (2) However, this rule does not apply to a tyre if the tyre—
 - (a) is recommended by the vehicle builder as suitable for limited use on the vehicle in special circumstances at a speed less than the speed applying to the vehicle under subrule (3); or
 - (b) is being used in an emergency as a temporary replacement for a tyre complying with this rule.
- (3) A tyre fitted to a motor vehicle must, when first manufactured, have been rated by the tyre manufacturer as suitable for road use at the lesser of—
 - (a) a speed of at least—
 - (i) for a car with special features for off-road use—140 kilometres an hour; or
 - (ii) for another car—180 kilometres an hour; or
 - (iii) for another motor vehicle—120 kilometres an hour; and

- (b) the vehicle's top speed.

Example—

Example for paragraph (a)(i):

A four-wheel drive vehicle.

- (4) This rule applies to a vehicle instead of the tyre speed category requirements in the relevant ADR.

54—Retreads

- (1) A tyre that is retreaded before the commencement of this rule must not be used on a vehicle if—
 - (a) Australian Standard AS 1973–1976 Retreaded Pneumatic Passenger Car and Light Truck Tyre or Australian Standard AS 1973–1985 Retreaded Pneumatic Passenger Car and Light Truck Tyres applies to the tyre; and
 - (b) the tyre was retreaded after publication of the Australian Standard; and
 - (c) the tyre was not retreaded in accordance with Australian Standard AS 1973–1976 Retreaded Pneumatic Passenger Car and Light Truck Tyre, Australian Standard AS 1973–1985 Retreaded Pneumatic Passenger Car and Light Truck Tyres or Australian Standard AS 1973–1993 Pneumatic Tyres—Passenger Car, Light Truck and Truck/Bus—Retreading and Repair Processes.
- (2) A tyre that is retreaded after the commencement of this rule must not be used on a vehicle if—
 - (a) Australian Standard AS 1973–1993 Pneumatic Tyres—Passenger Car, Light Truck and Truck/Bus—Retreading and Repair Processes applies to the tyre; and
 - (b) the tyre was not retreaded in accordance with the Australian Standard.

Note—

The Australian Standards mentioned in this rule require various markings on retreaded tyres. These may include a speed rating less than the rating originally marked on the tyre.

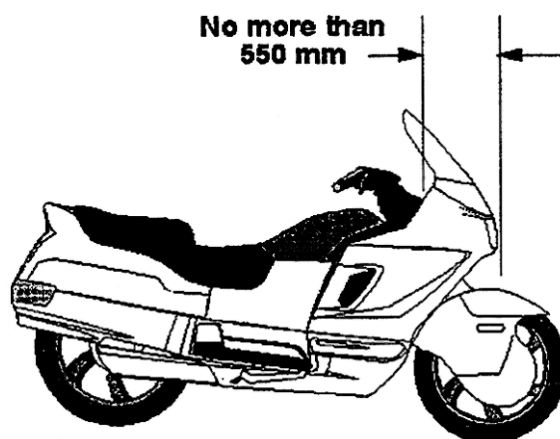
55—Tyre tread

- (1) A tyre on a motor vehicle must not have cleats or other gripping devices that could damage road surfaces.
- (2) Except at tread wear indicators, a tyre fitted to the vehicle must have a tread pattern at least 1.5 millimetres deep in a band that runs continuously—
 - (a) across the tyre width that normally comes into contact with the road; and
 - (b) around the whole circumference of the tyre.
- (3) A vehicle must not be fitted with a tyre that has been treated by recutting or regrooving the tread rubber, unless the tyre was—
 - (a) constructed with an extra thickness of rubber designed for recutting or regrooving; and
 - (b) labelled to indicate the construction.

Division 2—Additional requirements for motor bikes

56—Steering gear and handlebars

- (1) The handlebars on a motor bike must extend at least 250 millimetres, but not over 450 millimetres, on each side of the centre line of the vehicle.
- (2) In taking a measurement for subrule (1), mirrors and lights mounted on the handlebars of the motor bike are disregarded.
- (3) The lowest part of the hand grip on the handle bars must not be higher than 380 millimetres above the attachment point of the handlebars to the motor bike.
- (4) Hand grips on the handle bars must be fitted symmetrically.
- (5) If a motor bike has the head stem as the steering pivot point, the horizontal distance from the midpoint between the head stem bearings to the centre of the front wheel must not be over 550 millimetres.



Maximum horizontal distance from midpoint between head stem bearings of motor bike to centre of front wheel

57—Foot rests

A motor bike must be fitted with foot rests for the driver, and for any passenger for whom a seating position is provided.

58—Chain guards

- (1) If the engine power of a motor bike is transmitted to the rear wheel by a chain, the driver and any passenger must be protected from the front sprocket and at least the upper part of the chain by—
 - (a) the frame or equipment of the motor bike; or
 - (b) a chain guard.
- (2) A chain guard must cover the chain to a point—
 - (a) at least 300 millimetres to the rear of the rearmost foot rest; or
 - (b) above the centre of the rear drive sprocket.

59—Sidecars

A sidecar on a motor bike must be positioned on the left hand side of the motor bike.

Part 6—Vehicle marking

Note—

This Part contains requirements for a vehicle that help to identify the vehicle and, if the vehicle is unusually long, to warn other motorists.

60—Vehicle and engine identification numbers

- (1) In this rule—
number includes letter.
- (2) A motor vehicle must have an individual engine identification number clearly stamped, embossed or otherwise permanently marked on it.
- (3) A motor vehicle built after 1930 must have the engine identification number on its engine block or the main component of its engine.
- (4) A vehicle must have an individual vehicle identification number clearly stamped, embossed or otherwise permanently marked on a substantial part of its frame or chassis.
- (5) A vehicle or engine identification number must be located where a person can read it easily without having to use tools to remove a part of the vehicle that would otherwise obstruct the person's view.

61—White or silver band on certain vehicles

- (1) This rule applies to a vehicle that—
 - (a) is at least 2.2 metres wide; and
 - (b) has a body with a vertical measurement under 300 millimetres at the rear, measured from the lowest point of the body above ground level to the highest point; and
 - (c) is not fitted with rear marking plates.
- (2) For subrule (1)(a), the width of a vehicle is measured disregarding any anti-skid device mounted on wheels, central tyre inflation systems, lights, mirrors, reflectors, signalling devices and tyre pressure gauges.
- (3) The vehicle must have a white or silver band at least 75 millimetres high across the full width of the rearmost part of the body of the vehicle.

Part 7—Vehicle configuration and dimensions

Note—

This Part sets out various requirements covering the suspension on vehicles and size limits for single vehicles and combinations of vehicles, so that they can be operated safely with other traffic, without taking up too much road space or damaging the road and structures on the road.

Generally, the limits in this Part apply to a vehicle and any load it may be carrying.

Specific requirements for loaded vehicles are covered by other laws.

Division 1—Axles

62—Axle configuration

- (1) A motor vehicle must have only—
 - (a) 1 axle group, or single axle, towards the front of the vehicle; and
 - (b) 1 axle group, or single axle, towards the rear of the vehicle.

- (2) A trailer must have only—
 - (a) 1 axle group or single axle; or
 - (b) 2 axle groups, 2 single axles, or 1 axle group and single axle, in the following configuration:
 - (i) 1 axle group, or single axle, towards the front of the vehicle, with all the wheels on the axle group or single axle connected to the steering mechanism for that part of the trailer;
 - (ii) 1 axle group, or single axle, towards the rear of the vehicle.
- (3) A semi-trailer that is extendible, or is fitted with sliding axles, must—
 - (a) have a securing device that—
 - (i) can securely fix the extendible part or sliding axles to the rest of the vehicle in any position of adjustment provided; and
 - (ii) is located in a position that can prevent accidental or inadvertent release, if the device is mounted on the chassis of the vehicle; and
 - (iii) is fitted with a visible or audible warning system to indicate to a person standing beside the vehicle that the device is not engaged; and
 - (iv) is fitted with a way of preventing loss of air from the air brake supply, if the device uses air from the brake system and fails in a way allowing air to escape; and
 - (v) is held in the applied position by direct mechanical action without the intervention of an electric, hydraulic or pneumatic device; and
 - (b) be built so the adjustable parts of the vehicle remain connected if the securing device fails.

Division 2—Dimensions

63—Width

- (1) A vehicle must not be over 2.5 metres wide.
- (2) For subrule (1), the width of a vehicle is measured without taking into account any anti-skid device mounted on wheels, central tyre inflation systems, lights, mirrors, reflectors, signalling devices and tyre pressure gauges.

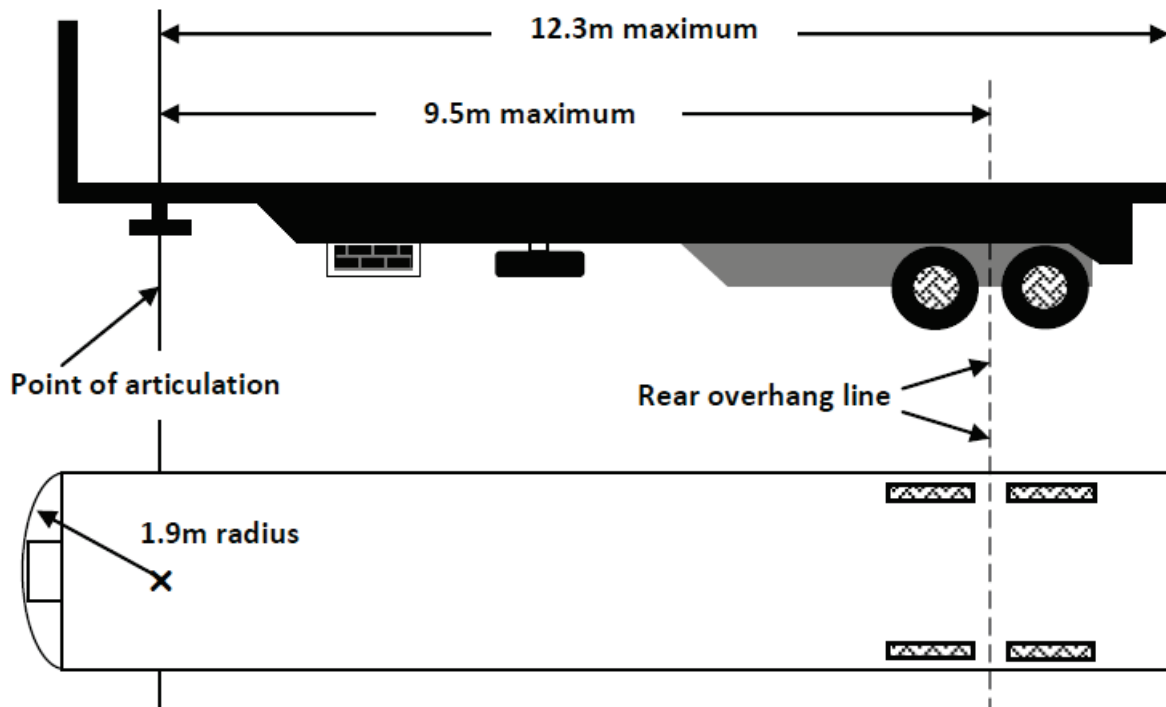
64—Length of single motor vehicles

A motor vehicle must not be over 12.5 metres long.

65—Length of single trailers

- (1) On a semi-trailer or a dog trailer—
 - (a) the distance between the point of articulation at the front of the trailer and the rear overhang line must not be over 9.5 metres; and
 - (b) the distance between the point of articulation at the front of the trailer and the rear of the trailer must not be over 12.3 metres.

- (2) A projection forward of the point of articulation at the front of a semi-trailer must be contained within a radius of 1.9 metres from the point of articulation.



Maximum dimensions of a semi-trailer

66—Length of combinations

A combination must not be over 19 metres long.

67—Rear overhang

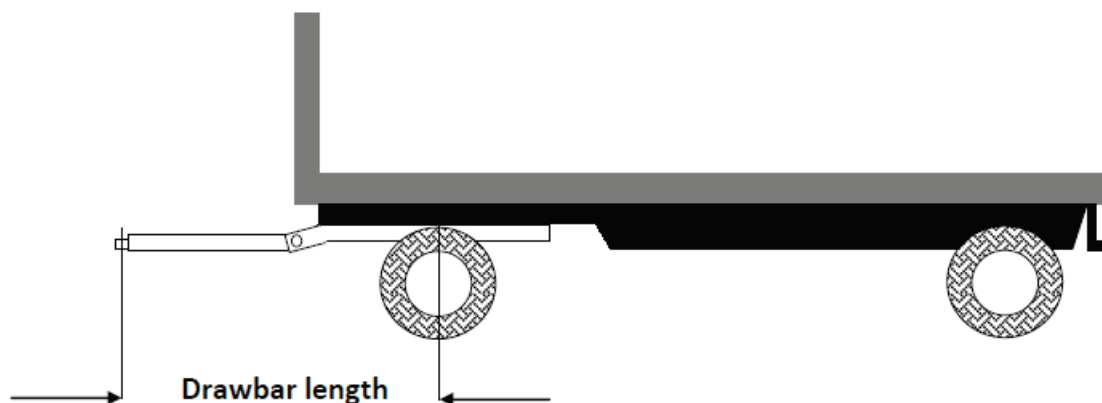
- (1) The rear overhang of a semi-trailer, or dog trailer consisting of a semi-trailer and converter dolly, must not exceed the lesser of—
- (a) 60% of the distance between the point of articulation at the front and the rear overhang line; and
 - (b) 3.7 metres.
- (2) The rear overhang of a trailer with only 1 axle group or single axle (except a semi-trailer) must not exceed the lesser of—
- (a) the length of the load carrying area ahead of the rear overhang line; and
 - (b) 3.7 metres.
- (3) The rear overhang of a vehicle not mentioned in subrule (1) or (2) must not exceed the lesser of—
- (a) 60% of the distance between the centre of the front axle and the rear overhang line; and
 - (b) 3.7 metres.

- (4) In this rule—

load carrying area, in relation to a trailer, means the part of the trailer on which a load may safely be carried, and may include the drawbar of the trailer.

68—Trailer drawbar length

- (1) The distance between the coupling pivot point on the drawbar of a dog trailer, and the centre line of the front axle group or of the front single axle of the trailer, must not be over 5 metres long.



Length of a drawbar on a dog trailer

- (2) The distance between the coupling pivot point on a drawbar, and the centre line of the axle group or single axle on a trailer with only 1 axle group or single axle (except a semi-trailer) must not be over 8.5 metres.

69—Height

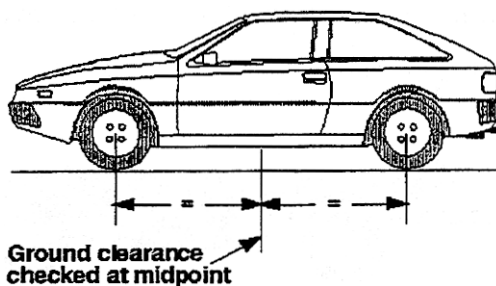
A vehicle must not be over 4.3 metres high.

70—Ground clearance

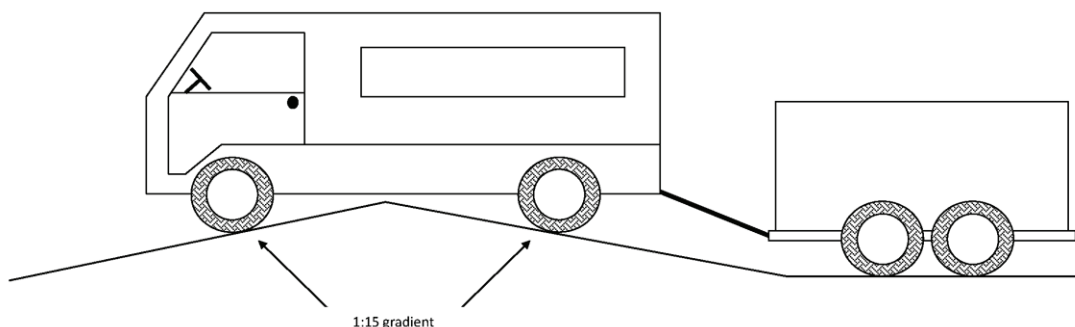
- (1) In this rule—

ground clearance, of a vehicle, means the minimum distance to the ground from a point on the underside of the vehicle, except a point on a tyre, wheel, wheel hub, brake backing plate or flexible mudguard or mudflap of the vehicle.

- (2) A motor vehicle or combination must have a ground clearance of—
- (a) at least 100 millimetres at any point within 1 metre of an axle; and
 - (b) at least one-thirtieth of the distance between the centres of adjacent axles at the midpoint between them; and
 - (c) at any other point—at least the distance that allows the vehicle or combination to pass over a peak in the road with a gradient on either side of 1:15, if the wheels of 1 axle of the vehicle or combination are on the slope on 1 side of the peak and the wheels of the next axle are on the slope on the other side.



Ground clearance at the mid-point between 2 axles



Ground clearance over a peak in the road

- (3) However, subrule (2) does not apply to—
- (a) a motor vehicle with less than 4 wheels; or
 - (b) a combination that includes a motor vehicle with less than 4 wheels.

Part 8—Lights and reflectors

Note—

This Part deals with how the lights on a vehicle must be fitted and work so that the driver can see the road, pedestrians and other vehicles at night, and can signal to others.

Other laws provide for when certain lights must be switched on.

In this Part, the description "yellow" is used as a more modern term, instead of the description "amber" which is used in earlier legislation and some ADRs.

Division 1—General requirements for lights

71—Certain requirements apply only at night

The requirements of this Part for a light, except a brake or direction indicator light, to be visible over a stated distance apply only at night.

72—Prevention of glare

A light, except a high-beam headlight, fitted to a vehicle must be built and adjusted to provide the necessary amount of light, without dazzling the driver of another vehicle approaching, or being approached by, the vehicle.

73—Pairs of lights

- (1) If lights are required under the Light Vehicle Standards to be fitted to a vehicle in pairs—
- (a) a light must be fitted on each side of the longitudinal axis of the vehicle; and

- (b) the centre of each light in a pair must be the same distance from the longitudinal axis of the vehicle; and
 - (c) the centre of each light in a pair must be at the same height above ground level; and
 - (d) each light in a pair must project approximately the same amount of light of the same colour.
- (2) Subrule (1) applies to a motor bike with an attached sidecar as if the sidecar were not attached.

Division 2—Headlights

74—Headlights to be fitted to vehicles

- (1) A motor vehicle must be fitted with—
- (a) 1 low-beam headlight if it is a moped, motor bike, or motor trike with 1 front wheel; or
 - (b) a pair of low-beam headlights if it has 4 or more wheels or is a motor trike, except a moped, with 2 front wheels.
- (2) If a motor vehicle built after 1934 can travel at over 60 kilometres an hour—
- (a) each low-beam headlight mentioned in subrule (1) must be able to work in the high-beam position; or
 - (b) the vehicle must be fitted with—
 - (i) 1 headlight that can work in the high-beam position if the vehicle is required to have 1 low-beam headlight; or
 - (ii) a pair of headlights that can work in the high-beam position.
- (3) A motor bike may be equipped with a headlight modulation system that—
- (a) varies the brightness of its high-beam headlight or low-beam headlight, but not both, at a rate of at least 200 and at most 280 flashes a minute; and
 - (b) is designed to operate only in the daylight.
- (4) Additional headlights may be fitted to a motor bike or motor trike, or a motor vehicle with 4 or more wheels that was built before 1970.
- (5) Additional pairs of headlights may be fitted to a motor vehicle with 4 or more wheels that was built after 1969.

75—How headlights are to be fitted

- (1) The centres of low-beam headlights fitted as a pair on a motor vehicle with 4 or more wheels must be at least 600 millimetres apart.
- (2) However, subrule (1) does not apply to a motor vehicle built before 1970 if the centres of its low-beam headlights—
- (a) were under 600 millimetres apart when the vehicle was built; and
 - (b) are not nearer than they were when the vehicle was built.
- (3) Each low-beam headlight of a pair on a motor trike (except a moped) with 2 front wheels must not be over 400 millimetres from the nearer side of the vehicle.

- (4) The centre of a low-beam headlight fitted to a motor vehicle built after June 1953 must be—
- (a) at least 500 millimetres above ground level; and
 - (b) not over 1.4 metres above ground level.

76—How single headlights are to be fitted

- (1) A motor bike or trike with a single headlight fitted must have the light fitted in the centre.
- (2) Subrule (1) applies to a motor bike with an attached sidecar as if the sidecar were not attached.

77—How additional headlights are to be fitted

If 2 or more additional headlights are fitted to a motor vehicle with 4 or more wheels, the additional headlights must as far as possible be fitted in pairs.

78—Performance of headlights

- (1) When on, a headlight, or additional headlight, fitted to a vehicle must—
 - (a) show only white light; and
 - (b) project its main beam of light ahead of the vehicle.
- (2) Headlights must be fitted to a vehicle so their light does not reflect off the vehicle into the driver's eyes.

79—Effective range of headlights

- (1) This rule applies to a headlight that is on at night.
- (2) A low-beam headlight must illuminate the road ahead of the vehicle for at least 25 metres.
- (3) A high-beam headlight must illuminate the road ahead of the vehicle for at least 50 metres.
- (4) However, a low-beam headlight fitted to a motor vehicle built before 1931, or a moped, need only illuminate the road ahead of the vehicle for 12 metres.

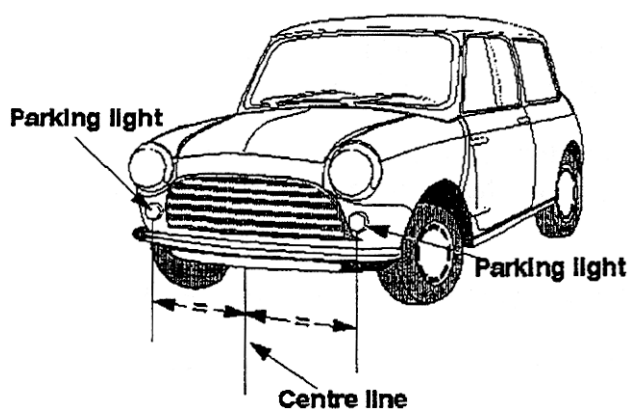
80—Changing headlights from high-beam to low-beam position

- (1) A motor vehicle built after 1934 that can travel at over 60 kilometres an hour must be fitted with—
 - (a) a dipping device enabling the driver in the normal driving position—
 - (i) to change the headlights from the high-beam position to the low-beam position; or
 - (ii) simultaneously to switch off a high-beam headlight and switch on a low-beam headlight; and
 - (b) for a vehicle built after June 1953—a device to indicate to the driver that the headlights are in the high-beam position.
- (2) A headlight fitted to a vehicle not fitted with a dipping device mentioned in subrule (1)(a) must operate in the low-beam position.
- (3) When a headlight fitted to a vehicle is switched to the low-beam position, any other headlight on the vehicle must operate only in the low-beam position or be off.

Division 3—Parking lights

81—Parking lights

- (1) A motor vehicle built after June 1953 must be fitted with—
 - (a) a pair of parking lights if it is a motor trike with 2 front wheels (except a moped) or a motor vehicle with 4 or more wheels; or
 - (b) at least 1 parking light if it is a motor bike with an attached sidecar, or a motor trike with 1 front wheel, (except a moped).
- (2) A pair of parking lights fitted to a motor vehicle with 4 or more wheels must be fitted with the centre of each light—
 - (a) at least 600 millimetres from the centre of the other light; and
 - (b) not over 510 millimetres from the nearer side of the vehicle.
- (3) However, a pair of parking lights fitted to a motor vehicle under 1300 millimetres wide may be fitted with the centre of each light not under 400 millimetres from the centre of the other light.
- (4) A parking light fitted to a motor trike with 2 front wheels must not be over 400 millimetres from the nearer side of the vehicle.
- (5) A parking light fitted to a motor bike with a sidecar must be fitted not over 150 millimetres from the side of the sidecar furthest from the motor bike.
- (6) When on, a parking light must—
 - (a) show a white or yellow light visible 200 metres from the front of the vehicle; and
 - (b) not use over 7 watts power.
- (7) A parking light fitted to a motor vehicle built after 1969 must be wired so the parking light is on when a headlight on the vehicle is on.
- (8) A parking light fitted to a sidecar attached to a motor bike must be wired to operate when a headlight, tail light or parking light on the motor bike is on.
- (9) For subrule (3), the width of a vehicle is measured disregarding any anti-skid device mounted on wheels, central tyre inflation systems, lights, mirrors, reflectors, signalling devices and tyre pressure gauges.



Location of parking lights on a vehicle

Division 4—Daytime running lights

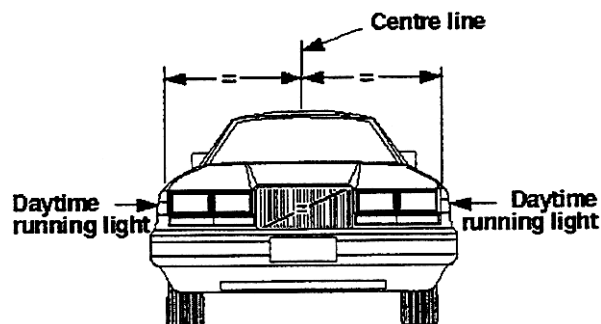
82—Daytime running lights

- (1) A pair of daytime running lights may be fitted to a motor vehicle.
- (2) A pair of daytime running lights fitted to a vehicle with 4 or more wheels must be fitted with the centre of each light—
 - (a) at least 600 millimetres from the centre of the other light; and
 - (b) not over 510 millimetres from the nearer side of the vehicle.
- (3) However, a pair of daytime running lights fitted to a motor vehicle under 1300 millimetres wide may be fitted with the centre of each light not under 400 millimetres from the centre of the other light.
- (4) When on, a daytime running light must—
 - (a) show a white or yellow light visible from the front of the vehicle; and
 - (b) not use over 25 watts power.

Note—

The third edition ADRs only allow white daytime running lights.

- (5) Daytime running lights must be wired so they are off when a headlight, except a headlight being used as a flashing signal, is on.
- (6) For subrule (3), the width of a vehicle is measured disregarding any anti-skid device mounted on wheels, central tyre inflation systems, lights, mirrors, reflectors, signalling devices and tyre pressure gauges.



Location of daytime running lights on a vehicle

Division 5—Tail lights

83—Tail lights generally

- (1) A vehicle must have at least 1 tail light fitted on or towards the rear of the vehicle.
- (2) A motor trike with 2 rear wheels, or a motor vehicle with 4 or more wheels, built after 1959 must have at least 1 tail light fitted on or towards each side of the rear of the vehicle.
- (3) A trailer built after June 1973 must have at least 1 tail light fitted on or towards each side of the rear of the vehicle.
- (4) The centre of a tail light mentioned in subrule (1), (2) or (3) must not be over—
 - (a) 1.5 metres above ground level; or
 - (b) if it is not practicable to fit the light lower—2.1 metres above ground level.

- (5) A vehicle may have 1 or more additional tail lights at any height above ground level.

84—Pattern of fitting tail lights

- (1) If only 1 tail light is fitted to a vehicle, it must be fitted in the centre or to the right of the centre of the vehicle's rear.
- (2) Subrule (1) applies to a motor bike with an attached sidecar as if the sidecar were not attached.
- (3) If 2 or more tail lights are fitted to a vehicle, at least 2 must be fitted as a pair.
- (4) Tail lights fitted in accordance with this Division may also serve as rear clearance lights if they are fitted to a vehicle in accordance with rule 90(3).

85—Performance of tail lights

- (1) When on, a tail light of a vehicle must—
 - (a) show a red light visible 200 metres from the rear of the vehicle; and
 - (b) not use over 7 watts power.
- (2) A tail light fitted to a street rod vehicle may incorporate a blue lens not over 20 millimetres in diameter.

86—Wiring of tail lights

A tail light of a motor vehicle must be wired to come on, and stay on, when a parking light or headlight on the vehicle is on, unless an external switch is fitted to operate the tail light.

Division 6—Number plate lights

87—Number plate lights

- (1) At least 1 number plate light must be fitted to the rear of a vehicle.
- (2) When on, the number plate light or lights must illuminate a number plate on the rear of the vehicle with white light, so the characters on the number plate can be read at night 20 metres from the rear of the vehicle.
- (3) A number plate light—
 - (a) may be combined with another light; and
 - (b) must not project white light to the rear of the vehicle except by reflection; and
 - (c) must not obscure the characters on the number plate; and
 - (d) must be wired to come on, and stay on, when a parking light, headlight or tail light on the vehicle is on.

Division 7—Clearance lights

88—Front clearance lights

- (1) Front clearance lights may only be fitted to a vehicle that is at least 1.8 metres wide.
- (2) A pair of front clearance lights must be fitted to a motor vehicle that is at least 2.2 metres wide, or a prime mover.
- (3) The centre of a front clearance light must be—
 - (a) not over 400 millimetres from the nearer side of the vehicle; and

- (b) if the vehicle was built after June 1953—
 - (i) at least 750 millimetres higher than the centre of any low-beam headlight fitted to the vehicle; or
 - (ii) not lower than the top of the windscreen.
- (4) However, a front clearance light may be mounted on an external rear vision mirror or a mirror support if, when the mirror is correctly adjusted, no part of the lens of the clearance light is visible to a person in the normal driving position.
- (5) When on, a front clearance light must—
 - (a) show a yellow or white light visible 200 metres from the front of the vehicle; and
 - (b) not use over 7 watts power.

89—External cabin lights

- (1) A motor vehicle fitted with front clearance lights may also have additional forward-facing lights on or above the roof of its cabin.
- (2) The additional forward-facing lights must be spaced evenly between the front clearance lights, with their centres at least 120 millimetres apart.
- (3) When on, an additional forward-facing light must—
 - (a) show a yellow or white light; and
 - (b) not use over 7 watts power.

90—Rear clearance lights

- (1) Rear clearance lights may only be fitted to a vehicle that is at least 1.8 metres wide.
- (2) A pair of rear clearance lights must be fitted to the rear of a vehicle that is at least 2.2 metres wide.
- (3) The centre of a rear clearance light must be—
 - (a) not over 400 millimetres from the nearer side of the vehicle; and
 - (b) if practicable, at least 600 millimetres above ground level.
- (4) When on, a rear clearance light must—
 - (a) show a red light visible 200 metres from the rear of the vehicle; and
 - (b) not use over 7 watts power.

Division 8—Side marker lights

91—Vehicles needing side marker lights

- (1) A pair of side marker lights must be fitted towards the rear of the sides of a motor vehicle that is over 7.5 metres long and at least 2.2 metres wide.
- (2) A pole-type trailer, and a motor vehicle built to tow a pole-type trailer, with at least 1 cross-bar or bolster must have a side marker light fitted to each side of the back or only cross-bar or bolster.
- (3) A pole-type trailer with 2 or more cross-bars or bolsters may also have a side marker light fitted to each side of the front cross-bar or bolster.

- (4) At least 2 side marker lights must be fitted to each side of—
 - (a) a trailer, except a pole-type trailer, that is at least 2.2 metres wide and not over 7.5 metres long; and
 - (b) a semi-trailer that is not over 7.5 metres long.
- (5) At least 3 side marker lights must be fitted to each side of—
 - (a) a trailer, except a pole-type trailer, that is at least 2.2 metres wide and over 7.5 metres long; and
 - (b) a semi-trailer that is over 7.5 metres long.
- (6) For subrules (1), (4) and (5), the width of a vehicle is measured disregarding any anti-skid device mounted on wheels, central tyre inflation systems, lights, mirrors, reflectors, signalling devices and tyre pressure gauges.

92—Location of side marker lights

- (1) The centre of a side marker light must not be over 150 millimetres from the nearer side of the vehicle.
- (2) A front side marker light fitted to a motor vehicle must be towards the front of the side of the vehicle with no part of the lens visible to the driver.
- (3) The centre of a front side marker light fitted to a trailer must be—
 - (a) within 300 millimetres of the front of the side of the trailer; or
 - (b) if the construction of the trailer makes it impracticable to comply with paragraph (a)—as near as practicable to the front of the trailer.
- (4) The centre of a rear side marker light fitted to a vehicle must be—
 - (a) within 300 millimetres of the rear of the side of the vehicle; or
 - (b) if the construction of the vehicle makes it impracticable to comply with paragraph (a)—as near as practicable to the rear of the vehicle.
- (5) Side marker lights fitted to a vehicle must, as far as practicable, be evenly spaced along the side of the vehicle.
- (6) Subrules (2) to (5) do not apply to side marker lights fitted to a cross-bar or bolster of a pole-type trailer.
- (7) Only the side marker lights nearest to the rear need be fitted if complying with subrules (3) and (4) would result in the front and rear side marker lights being under 2.5 metres apart.
- (8) A side marker light fitted to a vehicle must be fitted so—
 - (a) its centre is not over—
 - (i) 1.5 metres above ground level; or
 - (ii) if it is not practicable to fit it lower—2.1 metres above ground level; and
 - (b) its centre is at least 600 millimetres above ground level; and
 - (c) it is, as far as practicable, in a row of side marker lights along the side of the vehicle.
- (9) Subrule (8)(a) does not apply to a side marker light that is not required to be fitted to the vehicle by rule 91.

93—Performance of side marker lights

- (1) When on, a side marker light fitted to a vehicle must—
 - (a) show a light visible 200 metres from the vehicle; and
 - (b) not use over 7 watts power.
- (2) When on, a side marker light fitted to a vehicle must show—
 - (a) to the front of the vehicle—a yellow light; and
 - (b) to the rear of the vehicle—
 - (i) if the light also operates as a rear light or reflector—a red light; and
 - (ii) in any other case—a red or yellow light.
- (3) However, if a pole-type trailer with 2 or more cross-bars or bolsters has the side marker lights permitted by rule 91(3)—
 - (a) the side marker lights fitted to the front cross-bar or bolster may comply with subrule (2)(a) only; and
 - (b) the side marker lights fitted to the back cross-bar or bolster may comply with subrule (2)(b) only.

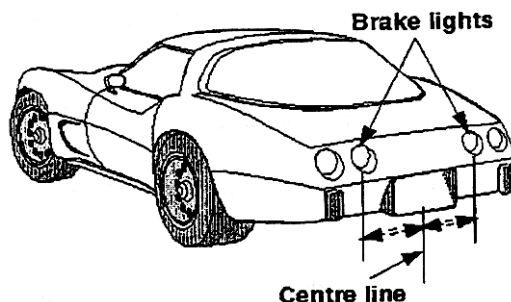
94—Side marker lights and rear clearance lights

The side marker light nearest to the rear of a vehicle may also be a rear clearance light for rule 90.

Division 9—Brake lights**95—Fitting brake lights**

- (1) A brake light must be fitted to the rear of a vehicle built after 1934.
- (2) A pair of brake lights must be fitted to the rear of—
 - (a) a motor vehicle built after 1959 that has 4 or more wheels; and
 - (b) a motor trike built after 1959 that has 2 rear wheels; and
 - (c) a trailer built after June 1973.
- (3) The centre of a brake light must be—
 - (a) at least 350 millimetres above ground level; and
 - (b) not over—
 - (i) 1.5 metres above ground level; or
 - (ii) if it is not practicable to fit the light lower—2.1 metres above ground level.
- (4) A vehicle may be fitted with 1 or more additional brake lights.
- (5) The centre of an additional brake light must be at least 350 millimetres above ground level.
- (6) If only 1 brake light is fitted to a vehicle, it must be fitted in the centre or to the right of the centre of the vehicle's rear.

- (7) Subrule (6) applies to a motor bike with an attached sidecar as if the sidecar were not attached.



Location of brake lights on a vehicle

96—Performance and operation of brake lights

- (1) When on, a brake light must show a red light visible 30 metres from the rear of the vehicle.
- (2) A brake light fitted to a street rod vehicle may incorporate a blue lens not over 20 millimetres in diameter.
- (3) A brake light fitted to a motor vehicle must come on, if it is not already on, when—
 - (a) for a vehicle with 4 or more wheels or built after 1974—a service brake is applied; or
 - (b) for another vehicle—the rear wheel brake is applied.
- (4) Subrule (3) does not apply if the controls in the vehicle that start the engine are in a position that makes it impossible for the engine to operate.
- (5) A brake light on a trailer must come on when—
 - (a) the brake light of the towing vehicle comes on; or
 - (b) a brake control on the towing vehicle, which independently activates the service brake on the trailer, is operated.
- (6) A brake light may be operated by an engine brake, retarder, or similar device if the device does not interfere with the proper operation of the brake light.

Division 10—Reversing lights

97—Reversing lights

- (1) One or more reversing lights may be fitted to the rear of a vehicle and on each side towards the rear of the vehicle.
- (2) A reversing light must have its centre not over 1.2 metres above ground level.
- (3) When on, a reversing light must show a white or yellow light to the rear or to the side and rear of the vehicle.

Note—

Third edition ADRs only allow white reversing lights.

- (4) A reversing light fitted to a motor vehicle must be wired so it operates only when the vehicle is reversing or in reverse gear.
- (5) A reversing light fitted to a trailer must be wired so it operates only when a motor vehicle towing the trailer is reversing or in reverse gear.

- (6) A yellow reversing light may also operate as a direction indicator light.

Division 11—Direction indicator lights

98—Direction indicator lights on motor vehicles

- (1) A motor vehicle with 4 or more wheels that was built after August 1966 must have—
- (a) a pair of direction indicator lights fitted on, or towards, its front that face forwards; and
 - (b) a pair of direction indicator lights fitted on, or towards, its rear that face backwards.
- (2) A motor vehicle with less than 4 wheels that was built after June 1975 must have—
- (a) a pair of direction indicator lights fitted on, or towards, its front that face forwards; and
 - (b) a pair of direction indicator lights fitted on, or towards, its rear that face backwards.
- (3) A motor vehicle that is not required to have direction indicator lights may have—
- (a) 1 or more pairs of direction indicator lights that are visible from both the front and rear of the vehicle; or
 - (b) both—
 - (i) a pair of direction indicator lights fitted on, or towards, its front that face forwards; and
 - (ii) a pair of direction indicator lights fitted on, or towards, its rear that face backwards.

99—Direction indicator lights on trailers

- (1) A trailer built after June 1973 must have a pair of direction indicator lights fitted on, or towards, its rear that face backwards.
- (2) A trailer that is not required to have direction indicator lights may have 1 or more pairs of direction indicator lights fitted on, or towards, its rear that face backwards.

100—Location of direction indicator lights

- (1) A pair of direction indicator lights fitted to a vehicle must have the centre of each light at least—
- (a) for a motor bike or the single wheel end of a motor trike—300 millimetres from the centre of the other light; and
 - (b) for lights fitted at the 2 wheel end of a motor trike—600 millimetres from the centre of the other light, unless the centre of each direction indicator light is not over 400 millimetres from the nearer side of the vehicle; and
 - (c) for another vehicle with a width of not over 1300 millimetres—400 millimetres from the centre of the other light; and
 - (d) for another vehicle with a width of over 1300 millimetres—600 millimetres from the centre of the other light.
- (2) The centre of each direction indicator light must be at least 350 millimetres above ground level.

- (3) The centre of each light in a pair of direction indicator lights required to be fitted to a vehicle must not be over—
 - (a) 1.5 metres above ground level; or
 - (b) if it is not practicable for the light to be fitted lower—2.1 metres above ground level.
- (4) For subrule (1), the width of a vehicle is measured disregarding any anti-skid device mounted on wheels, central tyre inflation systems, lights, mirrors, reflectors, signalling devices and tyre pressure gauges.

101—Operation and visibility of direction indicator lights

- (1) A direction indicator light fitted to a motor vehicle must—
 - (a) when operating, display regular flashes of light at a rate of not over 120, and—
 - (i) for a motor vehicle with 4 or more wheels—at least 60, flashes a minute; and
 - (ii) for another motor vehicle—at least 45, flashes a minute; and
 - (b) be able to be operated by a person in the normal driving position; and
 - (c) be wired to an audible or visible device in the vehicle that tells the driver that the direction indicator light is operating; and
 - (d) flash at the same time and rate as any other direction indicator lights fitted on the same side of the vehicle.
- (2) A direction indicator light fitted to a side of a trailer must, when operating, flash at the same time and rate as the direction indicator light or lights fitted to the same side of the motor vehicle towing the trailer.
- (3) The flashes of light displayed by a direction indicator light must be—
 - (a) if the light faces forwards—white or yellow; and
 - (b) if the light faces backwards—
 - (i) yellow; or
 - (ii) for a vehicle built before July 1973—yellow or red; and
 - (c) if the light faces out from the side of the vehicle—
 - (i) white or yellow towards the front and side; and
 - (ii) for a vehicle built before July 1973—yellow or red towards the rear and side; and
 - (iii) for a vehicle built after June 1973—yellow towards the rear and side.

Note—

The ADRs only allow yellow direction indicator lights.

- (4) If a motor vehicle's direction indicator lights display only yellow light, the vehicle may be equipped to allow the lights to operate simultaneously on both sides of the vehicle, if a visible or audible signal tells the driver when the lights are operating simultaneously.
- (5) When on, a direction indicator light must be visible 30 metres from—
 - (a) if the light faces forwards—the front of the vehicle; or
 - (b) if the light faces backwards—the rear of the vehicle; or

- (c) if the light faces out from the side of the vehicle—that side of the vehicle.
- (6) When on, each direction indicator light in at least 1 pair of lights fitted on or towards the front of a prime mover, or a motor vehicle over 7.5 metres long, must be visible at a point—
 - (a) 1.5 metres at right angles from the side of the vehicle where the light is fitted; and
 - (b) in line with the rear of the vehicle.

Division 12—Fog lights

102—Front fog lights

- (1) A pair of front fog lights may be fitted to a motor vehicle with 4 or more wheels.
- (2) A pair of front fog lights, or a single front fog light, may be fitted to a motor bike or trike.
- (3) A pair of front fog lights fitted to a motor vehicle with 4 or more wheels must have the centre of each light not over 400 millimetres from the nearer side of the vehicle unless the centres of the lights are at least 600 millimetres apart.
- (4) If the top of the front fog light is higher than the top of any low-beam headlight on the vehicle, the centre of the fog light must not be higher than the centre of the low-beam headlight.
- (5) A front fog light must—
 - (a) when on—
 - (i) project white or yellow light in front of the vehicle; and
 - (ii) be a low-beam light; and
 - (b) be able to be operated independently of any headlight; and
 - (c) be fitted so the light from it does not reflect off the vehicle into the driver's eyes.

103—Rear fog lights

- (1) A vehicle may have fitted to its rear—
 - (a) a pair of rear fog lights; or
 - (b) 1 rear fog light fitted on, or to the right, of the centre of the vehicle.
- (2) Subrule (1)(b) applies to a motor bike with an attached sidecar as if the sidecar were not attached.
- (3) A rear fog light must—
 - (a) have its centre—
 - (i) not over 1.5 metres above ground level; and
 - (ii) at least 100 millimetres from the centre of a brake light; and
 - (b) when on, project red light behind the vehicle; and
 - (c) not use over 27 watts power; and
 - (d) be wired to a visible device in the vehicle that tells the driver that the rear fog light is operating.

Division 13—Interior lights

104—Interior lights

A vehicle may be fitted with interior lights that illuminate any interior part of the vehicle.

Division 14—Reflectors generally

105—General requirements for reflectors

- (1) A reflector fitted to a vehicle must show a red, yellow or white reflection of light when light is projected directly onto the reflector at night by a low-beam headlight that—
 - (a) is 45 metres from the reflector; and
 - (b) complies with the Light Vehicle Standards.
- (2) The reflection must be clearly visible from the position of the headlight.

Division 15—Rear reflectors

106—Rear reflectors

- (1) A motor vehicle with 4 or more wheels, and a trailer, must have a rear-facing red reflector towards each side of its rear.
- (2) A motor bike, a sidecar attached to a motor bike, and a motor trike, must have a rear-facing red reflector.
- (3) The centre of each reflector must be—
 - (a) at the same height above ground level; and
 - (b) not over 1.5 metres above ground level.
- (4) However, subrule (3) does not apply to a reflector fitted to a sidecar attached to a motor bike.
- (5) A reflector fitted to a motor vehicle with 4 or more wheels, or a trailer, must not be over 400 millimetres from the nearer side of the vehicle.
- (6) A vehicle fitted with rear-facing red reflectors in accordance with subrule (1) or (2) may be fitted with additional red reflectors at any height above ground level or at any distance from the side of the vehicle.

Division 16—Side reflectors

107—Compulsory side reflectors on pole-type trailers

- (1) Yellow or red side-facing reflectors must be fitted to the pole of a pole-type trailer so—
 - (a) 1 reflector is fitted to the middle third of the left and right faces of the pole; and
 - (b) the front reflector is not over 3 metres from the front of the trailer; and
 - (c) the other reflectors are not over 3 metres apart.
- (2) Additional side-facing reflectors may be fitted to a pole-type trailer in accordance with rule 108.

108—Optional side reflectors

- (1) A vehicle may be fitted with side-facing reflectors.

- (2) A side-facing reflector—
 - (a) towards the front of the vehicle must be yellow or white; and
 - (b) towards the rear of the vehicle must be yellow or red; and
 - (c) on the central part of the vehicle must be yellow.

Division 17—Front reflectors

109—Compulsory front reflectors on trailers

- (1) A front-facing white or yellow reflector must be fitted towards each side of the front of—
 - (a) a semi-trailer, except a pole-type trailer; and
 - (b) the front cross-bar or bolster of a pole-type trailer; and
 - (c) a trailer that is at least 2.2 metres wide.
- (2) Each reflector must have its centre—
 - (a) at the same height above ground level; and
 - (b) not over 1.5 metres above ground level; and
 - (c) not over 400 millimetres from the nearer side of the vehicle.
- (3) Additional front-facing reflectors may be fitted to a trailer mentioned in subrule (1) in accordance with rule 110.

110—Optional front reflectors

- (1) A motor vehicle with 4 or more wheels, or a trailer, may have 1 or more front-facing white or yellow reflectors fitted towards each side of its front.
- (2) A motor vehicle with less than 4 wheels may have 1 or more front-facing white or yellow reflectors.
- (3) The centre of at least 1 reflector on each side of the front of the vehicle must be—
 - (a) at the same height above ground level as the centre of the other reflector; and
 - (b) the same distance from the longitudinal axis of the vehicle as the centre of the other reflector; and
 - (c) at least—
 - (i) for a vehicle with a width under 1300 millimetres—400 millimetres from the centre of the other reflector; and
 - (ii) for another vehicle—600 millimetres from the centre of the other reflector.
- (4) For subrule (3)(c), the width of a vehicle is measured disregarding any anti-skid device mounted on wheels, central tyre inflation systems, lights, mirrors, reflectors, signalling devices and tyre pressure gauges.

Division 18—Warning lights and signs on buses carrying children

111—Application of division

This division applies to a bus that is used mainly for carrying children if the bus is fitted with warning lights after June 1999.

Note—

For warning signs and lights fitted before July 1999—see rule 115.

112—Fitting of warning lights and signs

- (1) Two warning lights and a warning sign must be fitted to the front and rear of the bus.
- (2) The warning lights must be fitted—
 - (a) on each side of, and the same distance from, the centre of the warning sign; and
 - (b) with the edge of the warning sign not over 100 millimetres from the nearest point on the lens of the warning lights; and
 - (c) with the distance between the warning lights at least 300 millimetres at the nearest point; and
 - (d) so no part of the bus obstructs the light displayed—
 - (i) 30° to the left and right of the centre of each light; and
 - (ii) 10° above and below the centre of each light.
- (3) The warning lights may be on the warning sign if the words or image on the sign are not obscured.
- (4) The warning lights at the same end of the bus must be fitted—
 - (a) at the same height; and
 - (b) as high as practicable; and
 - (c) with the lowest point on the lens of each light not lower than midway between the highest and lowest points on the bus body.
- (5) If the centres of the warning lights are under 1.8 metres above ground level, no part of the warning lights or warning sign may be on the left of the bus.
- (6) This rule applies to a bus despite any requirement of a third edition ADR.

113—Operation and performance of warning lights

- (1) When operating, a warning light must display regular flashes of yellow light at a rate of at least 90, and not over 180, flashes a minute.
- (2) The warning lights at the same end of the bus must flash alternately.
- (3) Unless the driver has turned the warning lights off, they must operate automatically when a door on the bus opens and for at least 10, and not over 20, seconds after all the doors on the bus have closed.
- (4) The bus must have a visible or audible signal that tells the driver when the warning lights are operating.
- (5) The bus must be fitted with a switch that allows the driver to turn the warning lights off.
- (6) A warning light must have—
 - (a) an effective lit lens area of at least 60 square centimetres; and
 - (b) a luminous intensity (in candela) of at least the values mentioned in the following table when measured at the angles mentioned in the table.

Vertical angle from centre of light	Horizontal angle from centre of light								
	-30°	-20°	-10°	-5°	0°	5°	10°	20°	30°
10°				50	80	50			
5°		180	320	350	450	350	320	180	
0°	75	450	1000	1250	1500	1250	1000	450	75
-5°	40	270	450	570	600	570	450	270	40
-10°				75	75	75			

- (7) For subrule (6)(b), the luminous intensity of a light is to be measured in accordance with the test method mentioned in third edition ADR 6.

114—Specifications for warning signs

- (1) A warning sign at the front of the bus must—
- display the words "school bus" in capital letters at least 100 millimetres high; or
 - display an image of 2 children in the same proportions as the children in AS 1743 Road Signs—Specifications (image W6-3), with the image of the taller child at least 230 millimetres high.
- (2) A warning sign at the rear of the bus must display an image of 2 children in the same proportions as the children in AS 1743 Road Signs—Specifications (image W6-3), with the image of the taller child at least 230 millimetres high.
- (3) The warning sign mentioned in subrules (1)(b) and (2) must—
- be a rectangular shape at least—
 - if warning lights are on the warning sign—550 millimetres wide and 400 millimetres high; and
 - in any other case—400 millimetres wide and 250 millimetres high; and
 - have a black border; and
 - have black graphics and be coated with yellow retro-reflective material of class 1 or 2 that meets Australian/New Zealand Standard AS/NZS 1906.1:1993 Retroreflective Materials and Devices for Road Traffic Control Purposes.

Division 19—Other lights, reflectors, rear marking plates or signals

115—Other lights and reflectors

- (1) In this rule—

exempt vehicle means—

- a police vehicle; or
- an emergency vehicle;

special use vehicle means—

- a vehicle built, fitted or acquired for a special use that when so used may result in a hazardous situation on a road; or
- a vehicle, or combination, that because of its dimensions is permitted to be driven on a road only in accordance with an exemption under section 163AA of the Act; or

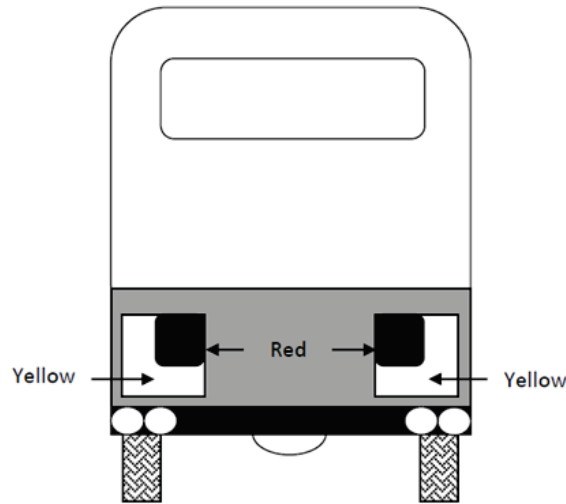
- (c) a vehicle built or fitted to accompany a vehicle, or combination, mentioned in paragraph (b); or
- (d) a bus fitted, before July 1999, with a sign telling road users that the bus carries children.

Examples of special use vehicles to which paragraph (a) applies—

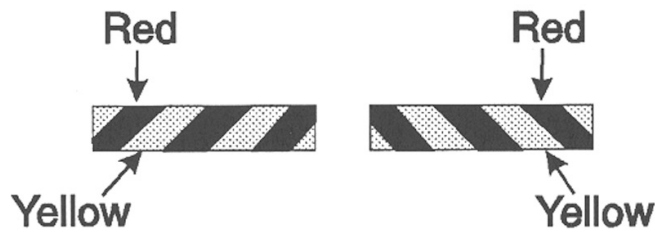
- 1 Tow trucks.
 - 2 Vehicle breakdown service vehicles.
 - 3 Weed spraying vehicles.
 - 4 Power driven lawn mowers.
 - 5 Animal rescue vehicles.
 - 6 Vehicles used by primary producers droving stock between paddocks.
- (2) A vehicle may be fitted with a light or reflector not mentioned in the Light Vehicle Standards only if another law of this jurisdiction allows that light or reflector to be fitted.
 - (3) However, unless subrule (4) applies, a vehicle must not be fitted with—
 - (a) a light that flashes; or
 - (b) a light or reflector that—
 - (i) shows a red light to the front; or
 - (ii) shows a white light to the rear; or
 - (iii) is shaped or located in a way that reduces the effectiveness of a light or reflector that is required to be fitted to the vehicle under the Light Vehicle Standards.
 - (4) Despite any requirement of a third edition ADR—
 - (a) an exempt vehicle may be fitted with any light or reflector;
 - (b) a special use vehicle may be fitted with 1 or more flashing yellow lights;
 - (c) a State Government enforcement vehicle may be fitted with 1 or more flashing magenta lights.

116—Rear marking plates

Rear marking plates may be fitted to a vehicle.



An example of rear marking plates



An alternative pattern for rear marking plates

117—Signalling devices

- (1) This rule applies to a motor vehicle if—
 - (a) the vehicle is not fitted with a brake light or direction indicator light mentioned in Division 9 or Division 11; and
 - (b) the construction of the vehicle would otherwise prevent the driver from hand signalling an intention—
 - (i) to turn or move the vehicle to the right; or
 - (ii) to stop or suddenly reduce the speed of the vehicle.
- (2) The vehicle must be fitted with a mechanical signalling device or a pair of turn signals.

118—Mechanical signalling devices

- (1) A mechanical signalling device must—
 - (a) be fitted to the right side of the vehicle; and
 - (b) be able to be operated by the driver from a normal driving position; and
 - (c) consist of a white or yellow representation of an open human hand at least 15 centimetres long; and

- (d) be constructed so that the driver of the vehicle can keep the device—
 - (i) in a neutral position so it is unlikely that the driver of another vehicle or anyone else would regard it as a signal; and
 - (ii) in a horizontal position with the palm of the hand facing forwards and the fingers pointing out at a right angle to the vehicle to signal an intention to turn or move right; and
 - (iii) with the palm of the hand facing forwards and the fingers pointing upwards to signal an intention to stop or reduce speed suddenly.
- (2) When the mechanical signalling device is in a position mentioned in subrule (1)(d)(ii) or (iii), the complete hand must be clearly visible from both the front and the rear of the vehicle, at a distance of 30 metres.

119—Turn signals

A turn signal must—

- (a) consist of a steady or flashing illuminated yellow sign at least 15 centimetres long and 25 millimetres wide that—
 - (i) when in operation—is kept horizontal; and
 - (ii) when not in operation—is kept in a position so it is unlikely that the driver of another vehicle or anyone else would regard it as a signal; and
- (b) be fitted to the side of the motor vehicle at least 50 centimetres and not over 2.1 metres above ground level, in a position so the driver of the vehicle, from the normal driving position, can see whether the signal is in operation; and
- (c) be able to be operated by the driver from the normal driving position; and
- (d) when in operation, be visible from both the front and rear of the vehicle at a distance of 30 metres.

Division 20—Vehicles not required to have lights or reflectors

120—Certain vehicles used in daylight

This Part does not apply to a vehicle built before 1931 that is used only in the daylight.

121—Certain vehicles used for exhibition purposes

This Part does not apply to a vehicle built before 1946 that is used mainly for exhibition purposes.

Part 9—Braking systems

Note—

This Part sets out the braking system requirements for vehicles to ensure that they can be reliably slowed or stopped even if a part of a braking system fails, and to ensure that a vehicle can be prevented from rolling away when parked.

Division 1—Brake requirements for all vehicles

122—Parts of a braking system

A brake tube or hose fitted to a vehicle must—

- (a) be manufactured from a material appropriate to its intended use in the vehicle; and
- (b) be long enough to allow for the full range of steering and suspension movements of the vehicle; and
- (c) be fitted to prevent it being damaged during the operation of the vehicle by—
 - (i) a source of heat; or
 - (ii) any movement of the parts to which it is attached or near.

123—Provision for wear

The braking system of a vehicle must allow for adjustment to take account of normal wear.

124—Supply of air or vacuum to brakes

- (1) If air brakes are fitted to a vehicle—
 - (a) the compressor supplying air to the brakes must be able to build up air pressure to at least 80% of the governor cut-out pressure in not over 5 minutes after the compressed air reserve is fully used up; and
 - (b) there must be an automatic or manual condensate drain valve at the lowest point of each air brake reservoir in the system; and
 - (c) any spring brake fitted to the vehicle must not operate before the warning mentioned in rule 125(4)(a) or rule 131(3)(a) has been given.
- (2) If vacuum brakes are fitted to a vehicle, the vacuum supply must be able to build up vacuum—
 - (a) to the level when the warning signal mentioned in rule 125(4)(a) or rule 131(3)(a) no longer operates within 30 seconds after the vacuum reserve is fully used up; and
 - (b) to the normal working level within 60 seconds after the vacuum reserve is fully used up.

125—Performance of braking systems

- (1) One sustained application of the brake of a motor vehicle built after 1930, or a combination that includes a motor vehicle built after 1930, must be able to produce the performance mentioned in subrule (2) to (7)—
 - (a) when the vehicle or combination is on a dry, smooth, level road surface, free from loose material; and
 - (b) whether or not the vehicle or combination is loaded; and
 - (c) without part of the vehicle or combination moving outside a straight path—
 - (i) centred on the longitudinal axis of the vehicle or combination before the brake was applied; and
 - (ii) 3.7 metres wide.

- (2) The braking system of a motor vehicle or combination with a gross mass under 2.5 tonnes must bring the vehicle or combination from a speed of 35 kilometres an hour to a stop within—
 - (a) 12.5 metres when the service brake is applied; and
 - (b) 30 metres when the emergency brake is applied.
- (3) The braking system of a motor vehicle or combination with a gross mass of at least 2.5 tonnes must bring the vehicle or combination from a speed of 35 kilometres an hour to a stop within—
 - (a) 16.5 metres when the service brake is applied; and
 - (b) 40.5 metres when the emergency brake is applied.
- (4) The braking system of a motor vehicle or combination with a gross mass under 2.5 tonnes must decelerate the vehicle or combination, from any speed at which the vehicle or combination can travel, by an average of at least—
 - (a) 3.8 metres a second a second when the service brake is applied; and
 - (b) 1.6 metres a second a second when the emergency brake is applied.
- (5) The braking system of a motor vehicle or combination with a gross mass of at least 2.5 tonnes must decelerate the vehicle or combination, from any speed at which the vehicle or combination can travel, by an average of at least—
 - (a) 2.8 metres a second a second when the service brake is applied; and
 - (b) 1.1 metres a second a second when the emergency brake is applied.
- (6) The braking system of a motor vehicle or combination with a gross mass under 2.5 tonnes must achieve a peak deceleration of the vehicle or combination, from any speed at which the vehicle or combination can travel, of at least—
 - (a) 5.8 metres a second a second when the service brake is applied; and
 - (b) 1.9 metres a second a second when the emergency brake is applied.
- (7) The braking system of a motor vehicle or combination with a gross mass of at least 2.5 tonnes must achieve a peak deceleration of the vehicle or combination, from any speed at which the vehicle or combination can travel, of at least—
 - (a) 4.4 metres a second a second when the service brake is applied; and
 - (b) 1.5 metres a second a second when the emergency brake is applied.
- (8) The parking brake of a vehicle or combination must be able to hold the vehicle or combination stationary on a 12% gradient—
 - (a) when the vehicle or combination is on a dry, smooth road surface, free from loose material; and
 - (b) whether or not the vehicle or combination is loaded.

Division 2—Motor vehicle braking systems

126—Motor vehicle braking system requirements

- (1) In this rule—

independent brake, for a vehicle, means a brake that is operated entirely separately from any other brake on the vehicle, except for any drum, disc or part, on which a shoe, band or friction pad makes contact, that is common to 2 or more brakes.

- (2) A motor vehicle with 4 or more wheels built, or used, mainly for transporting goods or people by road must be fitted with—
 - (a) a braking system that—
 - (i) consists of brakes fitted to all wheels of the vehicle; and
 - (ii) has at least 2 separate methods of activation, arranged so effective braking remains on at least 2 wheels if a method fails; or
 - (b) 2 independent brakes, each of which, when in operation, acts directly on at least half the number of wheels of the vehicle.
- (3) The braking system of a motor vehicle mentioned in subrule (2) that was built after 1945 must have a service brake operating on all wheels that, when applied—
 - (a) acts directly on the wheels and not through the vehicle's transmission; or
 - (b) acts on a shaft between a differential of the vehicle and a wheel.
- (4) The braking system of a motor vehicle with 4 or more wheels must have a parking brake that—
 - (a) is held in the applied position by direct mechanical action without the intervention of an electrical, hydraulic or pneumatic device; and
 - (b) is fitted with a locking device that can hold the brake in the applied position; and
 - (c) has its own separate control.
- (5) The parking brake may also be the emergency brake.
- (6) If 2 or more independent brakes are fitted to a motor vehicle with 4 or more wheels, the brakes must be arranged so brakes are applied to all the wheels on at least 1 axle of the vehicle when any brake is operated.
- (7) A motor bike or motor trike must be fitted with—
 - (a) 2 independent brakes; or
 - (b) a single brake that acts directly on all wheels of the vehicle and is arranged so effective braking remains on at least 1 wheel if a part of the system fails.
- (8) Subrule (7) applies to a motor bike with a sidecar attached as if the sidecar were not attached.
- (9) A motor trike must have a parking brake that is held in the applied position by mechanical means.

127—Operation of brakes on motor vehicles

The braking system on a motor vehicle must be arranged to allow the driver of the motor vehicle to apply the brakes from a normal driving position.

128—Air or vacuum brakes on motor vehicles

- (1) If a motor vehicle has air brakes, the braking system of the vehicle must include at least 1 air storage tank.
- (2) If a motor vehicle has vacuum brakes, the braking system of the vehicle must include at least 1 vacuum storage tank.
- (3) An air or vacuum storage tank must be built so the service brake can be applied to meet the performance standards of rule 125 at least twice if the engine of the vehicle stops or the source of air or vacuum fails.

- (4) If air or vacuum brakes are fitted to a motor vehicle equipped to tow a trailer, the brakes of the motor vehicle must be able to stop the motor vehicle, at the performance standards for emergency brakes under rule 125 if the trailer breaks away.

Division 3—Trailer braking systems

129—Trailer braking requirements

- (1) A trailer with a GTM over 750 kilograms must have brakes that operate on at least 1 wheel at each end of 1 or more axles of the trailer.
- (2) A semi-trailer or converter dolly with a GTM over 2 tonnes must have brakes that operate on all its wheels.

130—Operation of brakes on trailers

- (1) The braking system of a trailer with a GTM over 2 tonnes must allow the driver of a motor vehicle towing the trailer to operate the brakes from a normal driving position.
- (2) The brakes on a trailer with a GTM over 2 tonnes must—
 - (a) operate automatically and quickly if the trailer breaks away from the towing vehicle; and
 - (b) remain in operation for at least 15 minutes after a break-away; and
 - (c) be able to hold the trailer on a 12% grade while in operation after a break-away.

131—Air or vacuum brakes on trailers

- (1) If a trailer has air brakes, its braking system must include at least 1 air storage tank.
- (2) If a trailer has vacuum brakes, its braking system must include at least 1 vacuum storage tank.
- (3) An air or vacuum storage system must—
 - (a) be built to give a visible or audible warning to the driver of the towing vehicle, while in a normal driving position, of a lack of air or vacuum that would prevent the brakes from meeting the performance standards of rule 125; and
 - (b) be safeguarded by a check valve or other device against loss of air or vacuum if the supply fails or leaks.
- (4) Subrules (1), (2) and (3) do not apply to a trailer with a GTM of 2 tonnes or less.

Part 10—Control of emissions

Note—

This Part sets out requirements to ensure that motor vehicles do not emit too much smoke or noise and that exhaust gases cannot enter the passenger compartment of a vehicle.

Division 1—Crank case gases and visible emissions

132—Crank case gases

- (1) This rule applies to a motor vehicle with 4 or more wheels that is powered by a petrol engine and was built after 1971.
- (2) The vehicle must be built to prevent, or fitted with equipment that prevents, crank case gases from escaping to the atmosphere.

133—Visible emissions

- (1) This rule applies to a motor vehicle that is propelled by an internal combustion engine and was built after 1930.
- (2) The vehicle must not emit visible emissions for a continuous period of at least 10 seconds.
- (3) However, this rule does not apply to emissions that are visible only because of heat or the condensation of water vapour.

134—Exhaust emissions—diesel-powered vehicles

- (1) When a registered motor vehicle (other than a motor bike or motor trike) powered by a diesel engine is subjected to a DT80 test—
 - (a) the vehicle must not emit oxides of nitrogen (NO_x) at a rate (measured in grams of NO_x emitted per kilometre travelled per tonne of the vehicle's test mass) greater than that specified for the vehicle according to its GVM and age in the following table:

Vehicle's GVM (t)	Rate of NO _x emissions (g/km/t)	
	Vehicle manufactured in December 1995 or earlier	Vehicle manufactured in January 1996 or later
not greater than 3.5	1.5	1.5
more than 3.5	2.0	2.0

and

- (b) the vehicle must not emit particulate matter (PM) at a rate (measured in grams of PM emitted per kilometre travelled per tonne of the vehicle's test mass) greater than that specified for the vehicle according to its GVM and age in the following table:

Vehicle's GVM (t)	Rate of PM emissions (g/km/t)	
	Vehicle manufactured in December 1995 or earlier	Vehicle manufactured in January 1996 or later
not greater than 3.5	0.23	0.23
more than 3.5	0.23	0.15

and

- (c) the opacity of the exhaust gas emitted by the vehicle must not be greater than 25%, averaged over a DT80 test cycle in the way described or mentioned in the test procedure set out in rule 135 that complies with the requirements in rule 136.
- (2) For the purposes of this rule—
 - (a) the **test mass** of a vehicle is—
 - (i) if the vehicle is a prime mover—half the sum of the unladen mass of the vehicle and its GCM; or
 - (ii) in any other case—half the sum of the unladen mass of the vehicle and its GVM; and
 - (b) the **unladen mass** of a vehicle is the mass of the vehicle without any load other than the fuel, oil, tools or prescribed equipment carried (either habitually or intermittently) on the vehicle; and

- (c) if the mass of a vehicle has been specified by an Australian Authority, that mass may be used as the unladen mass of the vehicle for the purposes of determining the test mass unless there is reason to believe that it is not an accurate record of the unladen mass of the vehicle at the time of the test.
- (3) In this rule—
- DT80 test** means a test that—
- (a) is carried out in accordance with rule 135; and
- (b) complies with the requirements of rule 136;

registered means registered on the register of motor vehicles under the *Motor Vehicles Act 1959*.

135—DT80 test procedure

For the purposes of rule 134, the procedure for testing is as follows:

- Step 1** Secure the vehicle on the dynamometer.
- Step 2** Set the dynamometer to simulate the correct load and inertia for the vehicle.
- Step 3** Start sampling.
- Step 4** Idle for 60 seconds.
- Step 5** Accelerate rapidly to 80 km/h under simulated inertia, using wide open throttle, making gear changes as required for smooth acceleration.
- Step 6** Decelerate by removing all pressure from the accelerator pedal, disengaging the gears and gently applying brakes to bring the vehicle to a standstill.
- Step 7** Idle for 10 seconds.
- Step 8** Accelerate rapidly to 80 km/h under simulated inertia, using wide open throttle, making gear changes as required for smooth acceleration.
- Step 9** Decelerate by removing all pressure from the accelerator pedal, disengaging the gears and gently applying brakes to bring the vehicle to a standstill.
- Step 10** Idle for 10 seconds.
- Step 11** Accelerate rapidly to 80 km/h under simulated inertia, using wide open throttle, making gear changes as required for smooth acceleration.
- Step 12** Maintain speed at 80 km/h for 60 seconds, then stop sampling and bring the vehicle to rest.

Note—Explanation of the test procedure—

This test has been designed to evaluate vehicle emissions during typical 'real-world' operating modes and conditions. There are 3 simple modes:

- 3 idle periods
- acceleration to 80 km/h 3 times
- maintain speed at 80 km/h.

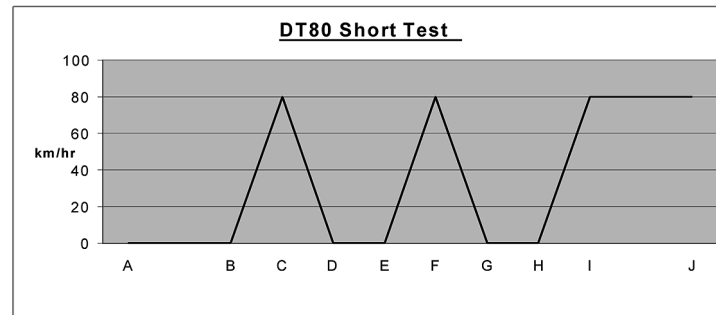
The graph below indicates the modes of operation. The actual test will result in a graph that has more variation than the indicative graph below, because of the need to change gears when accelerating. Modes B – D and E – G and H – I have no specific time interval. All the specified time periods have an error margin of ± 1 second.

The vehicle is accelerated rapidly to 80 km/h 3 times by applying wide-open throttle.

The driver selects the most appropriate gear change points for the vehicle being tested to achieve the correct speed.

The vehicle's rolling resistance (based on tyre and bearing losses, frontal area and drag coefficient) must also be calculated and continuously factored into the dynamometer tractive effort calculations to ensure correct loading.

Empirical algorithms, based on the vehicle's test mass, GVM or other known parameters, may be used to automatically calculate realistic coefficients for these variables.



136—Requirements of DT80 test cycle

- (1) The requirements stated in the following subrules are the minimum standards for the dynamometer, emissions measurement and data management systems necessary to enable the proper conduct of the DT80 test cycle referred to in rule 134(1)(c).
- (2) The DT80 test cycle must be conducted on a chassis dynamometer system that—
 - (a) can undertake a full throttle transient DT80 test cycle, as described in rule 135, for the vehicle being tested; and
 - (b) provides for vehicle speed measurement and display, to an accuracy of $\pm 1\%$ of actual speed; and
 - (c) provides internal steady state accuracy of $\pm 1\%$ of calculated required tractive load over ambient temperatures of 20° – 400° C; and
 - (d) provides a T95 response time of 3 seconds or less; and
 - (e) provides inertial loading as required by the DT80 protocol at speeds >15 km/h; and
 - (f) compensates for aerodynamic drag, rolling resistance and other parasitic losses; and
 - (g) corrects for ambient temperature, humidity and air density; and
 - (h) provides torque measurement accuracy of better than 1% full scale; and
 - (i) maintains roller speed within ± 10 km/h through gear changes; and
 - (j) restricts overshoot upon initial acceleration of rollers from rest; and
 - (k) incorporates a driver control panel for remote operation of critical functions from driver's seat, including controls for start test and stop test; and
 - (l) incorporates an emergency system override function; and
 - (m) is able to communicate speed, load and status signals to enable the driver to undertake the test in accordance with the DT80 procedure; and
 - (n) is integrated with the gas and particulate analysis system to initiate the start and finish of sampling and measurement, and generates emission results without the need for post-test processing.
- (3) The emissions measurement system used for the DT80 test cycle must—
 - (a) be integrated with the dynamometer system stated in subrule (2); and

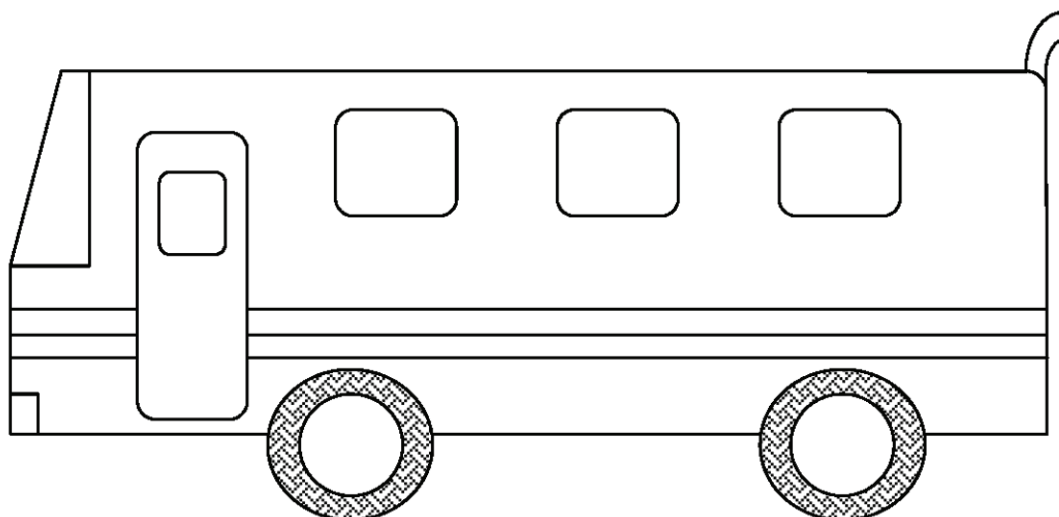
- (b) have a data averaging interval of 1 second for all equipment; and
 - (c) provide emissions data sampling output $< 5\text{Hz}$; and
 - (d) measure oxides of nitrogen (from a diluted and conditioned sample) with an accuracy of $\pm 30\text{ppm}$ over the range 0-1000ppm and $\pm 5\%$ over the range 1001-5000ppm; and
 - (e) measure particulate matter (from diluted sample) as TSP or PM 10 with an accuracy of $\pm 10\%$ on a real time continuous basis over a range of 0-1000 mg/m³ actual exhaust concentration at a sample temperature of $< 51.70\text{C}$; and
 - (f) measure opacity (from raw exhaust gas sample) with an accuracy of $\pm 1\%$ over a range of 0-100% opacity; and
 - (g) measure flow rate with an accuracy of $\pm 5\%$; and
 - (h) measure ambient temperature with an accuracy of $\pm 10\text{C}$ over a range of 0-500C; and
 - (i) measure ambient humidity with an accuracy of $\pm 5\%$ over a range of 0-100%; and
 - (j) compensate/correct for ambient humidity and temperature; and
 - (k) compensate for exhaust gas transport times and delays; and
 - (l) provide on-line calibration of the analytical system; and
 - (m) provide an exhaust sample collection and conditioning system—
 - (i) that is optimised to accommodate the exhaust temperature and flow rate, and emission concentration, for the vehicle being tested; and
 - (ii) that provides adequate conditioning of the exhaust gas to eliminate water in the sample stream and reduce temperatures to enable PM to be sampled at $< 51.70\text{C}$; and
 - (iii) utilise materials and equipment compatible with the exhaust from diesel fuelled vehicles.
- (4) The data management system used for the DT80 test cycle must—
- (a) be integrated with the dynamometer and emissions measurement systems stated in subrules (2) and (3); and
 - (b) record the following items for each test:
 - (i) date, time, location and operator;
 - (ii) emissions analyser calibration data;
 - (iii) vehicle input data, including test mass tractive load corrections and identifying information;
 - (iv) dynamometer data on a second by second basis (load, speed, distance);
 - (v) test data on a second by second basis from which a mass emission test result in g/km/t can be generated; and
 - (c) display, store and report all data in SI units; and
 - (d) provide a system for electronic backup of test data to local and remote media; and
 - (e) incorporate a quality control system that—
 - (i) ensures calibrations are carried out in accordance with manufacturers' specifications; and

- (ii) provides records consistent with normal audit requirements; and
- (f) print a test report containing at least the following items:
 - (i) registered business name, ABN and address of the test facility;
 - (ii) registration number, make, model, GVM rating and date of manufacture of the tested vehicle;
 - (iii) date and location of test;
 - (iv) the final calculated NO_x and PM results in g/km/t;
 - (v) the final calculated opacity results in %;
 - (vi) a statement of pass or fail for each emission compared to the emission limits stated in rule 134;
 - (vii) the signature of the test facility operator confirming that the test was conducted in accordance with the test procedures set out in rule 135 and the requirements of this rule.

Division 2—Exhaust systems

137—Exhaust systems

- (1) The outlet of the exhaust system fitted to a motor vehicle must extend—
 - (a) behind the back seat; and
 - (b) at least 40 millimetres beyond the outermost joint of the floorpan that is not continuously welded or permanently sealed; and
 - (c) to the edge of the vehicle, if—
 - (i) the body of the vehicle is permanently enclosed; and
 - (ii) the vehicle is not fitted with a vertical exhaust system; and
 - (d) no further than the edge of the vehicle at its widest point.
- (2) The outlet must discharge the main exhaust flow to the air—
 - (a) if the vehicle is fitted, or required under a law of this jurisdiction to be fitted, with an exhaust system with a vertical outlet pipe—
 - (i) at an angle above the horizontal; and
 - (ii) at least 150 millimetres above the cab of the vehicle; and
 - (iii) rearwards or to the right of the vehicle; and
 - (b) in any other case—
 - (i) horizontally or at an angle of not over 45° downwards; and
 - (ii) under 750 millimetres above ground level; and
 - (iii) rearwards or to the right of the vehicle.



Bus exhaust outlet pipe

Division 3—Noise emissions

138—Measurement of stationary noise levels

- (1) For this Division, the stationary noise level of a motor vehicle is to be measured in accordance with the procedure set out for the kind of vehicle in the *National Stationary Exhaust Noise Test Procedures for In-Service Motor Vehicles—September 2006* (ISBN: 1 921168 50 1) published by the Commission.
- (2) In this rule—

Commission means the National Transport Commission established by the *National Transport Commission Act 2003* of the Commonwealth.

Note—

The *National Stationary Exhaust Noise Test Procedures for In-Service Motor Vehicles—September 2006* is available on the Commission's website at <http://www.ntc.gov.au>.

139—Silencing device for exhaust systems

A motor vehicle propelled by an internal combustion engine must be fitted with a silencing device through which all the exhaust from the engine passes.

140—Stationary noise levels—car-type vehicles and motor bikes and motor trikes

- (1) In this rule—

car-type vehicle means—

 - (a) a car; or
 - (b) a utility truck, panel van, or another motor vehicle derived from a car design; or
 - (c) another motor vehicle with 4 or more wheels that is built mainly to carry not over 9 people including the driver.
- (2) The stationary noise level of a car-type vehicle, or motor bike or trike, must not exceed—
 - (a) for a car-type vehicle built after 1982—90 dB(A); or
 - (b) for another car-type vehicle—96 dB(A); or
 - (c) for a motor bike or trike built after February 1985—94 dB(A); or

(d) for another motor bike or trike—100 dB(A).

141—Stationary noise levels—other vehicles with spark ignition engines

- (1) This rule applies to a motor vehicle (except a motor vehicle to which rule 140 applies) with a spark ignition engine.
- (2) The stationary noise level of the motor vehicle must not exceed the noise level applying to the vehicle under the table.

Column 1 Item	Column 2 GVM(t)	Column 3 Exhaust height (mm)	Column 4 When vehicle built	Column 5 Noise level (dB(A))
1	≤3.5	<1500	before July 1983	92
			after June 1983	89
2	>3.5	<1500	before July 1983	98
			after June 1983	95
3	≤3.5	≥1500	before July 1983	88
			after June 1983	85
4	>3.5	≥1500	before July 1983	94
			after June 1983	91

142—Stationary noise levels—other vehicles with diesel engines

- (1) This rule applies to a motor vehicle (except a motor vehicle to which rule 140 applies) with a diesel engine.
- (2) The stationary noise level of the motor vehicle must not exceed the noise level applying to the vehicle under the table.

Column 1 Item	Column 2 GVM (t)	Column 3 Exhaust height (mm)	Column 4 When vehicle built	Column 5 Noise level (dB(A))
1	≤3.5	<1500	before July 1980	105
			after June 1980 but before July 1983	102
			after June 1983	99
2	>3.5	<1500	before July 1980	107
			after June 1980 but before July 1983	104
			after June 1983	101
3	≤3.5	≥1500	before July 1980	101
			after June 1980 but before July 1983	98
			after June 1983	95
4	>3.5	≥1500	before July 1980	103
			after June 1980 but before July 1983	100
			after June 1983	97

Part 11—Alternative fuel systems for vehicle engines

Note—

This Part sets out requirements to ensure that LPG (Liquid Petroleum Gas) and NG (Natural Gas) fuel systems are safely installed in motor vehicles. In the case of vehicles with an LPG system installed, there is an additional requirement to ensure that they can be identified as LPG-powered vehicles.

143—LPG-powered vehicles

- (1) An LPG system installed in a motor vehicle, and the vehicle, must comply with all relevant requirements set out in the version of Australian/New Zealand Standard AS/NZS 1425 current at the time of installation of the system in the vehicle.
- (2) A motor vehicle that has an LPG system installed must have fixed conspicuously to its front and rear number plates the labels required by the version of Australian/New Zealand Standard AS/NZS 1425 current at the time of installation of the system in the vehicle.
- (3) If a motor vehicle had an LPG system installed before Australian Standard AS 1425–1973 was published, the vehicle must have fixed conspicuously to its front and rear number plates a label—
 - (a) that is made of durable material; and
 - (b) that is at least 25 millimetres wide and 25 millimetres high; and
 - (c) that is of a reflective red that conforms with either Australian Standard AS 1743–1975 or Australian Standard AS 1906.1-1976; and
 - (d) that states "LPGAS" or "LPG", or similar words or acronyms that have the same meaning, in capital letters at least 6 millimetres high.

144—Vehicles powered by natural gas

A natural gas system installed in a motor vehicle, and the vehicle, must comply with all relevant requirements set out in the version of Australian/New Zealand Standard AS/NZS 2739 current at the time of installation of the system in the vehicle.

Examples—

Forms of natural gas include CNG (Compressed Natural Gas) and LNG (Liquid Natural Gas).

Part 12—Mechanical connections between vehicles

Note—

This Part sets out various requirements to ensure that the couplings used when operating motor vehicles and trailers in combinations are strong enough to hold them together.

145—General coupling requirements

- (1) A fifth wheel coupling, the mating parts of a coupling, a kingpin or a towbar must not be used for a load more than the manufacturer's load rating.
- (2) A kingpin must be used only with a fifth wheel coupling that has a corresponding jaw size.

Example—

An adaptor must not to be used to fit a kingpin to a fifth wheel coupling.

- (3) The mating parts of a coupling used to connect a semi-trailer to a towing vehicle must not allow the semi-trailer to roll to an extent that makes the towing vehicle unstable.

146—Drawbar couplings

- (1) A coupling for attaching a trailer, except a semi-trailer or pole-type trailer, to a towing vehicle must be built and fitted so—
 - (a) the coupling is equipped with a positive locking mechanism; and
 - (b) the positive locking mechanism can be released regardless of the angle of the trailer to the towing vehicle.
- (2) If the trailer is in a combination and is not fitted with breakaway brakes in accordance with rule 130(2), it must be connected to the towing vehicle by at least 1 chain, cable or other flexible device, as well as the coupling required by subrule (1).
- (3) The connection must be built and fitted so—
 - (a) the trailer is kept in tow if the coupling breaks or accidentally detaches; and
 - (b) normal angular movement of the coupling is permitted without unnecessary slack.
- (4) If practicable, the connection must be built and fitted so the drawbar of the trailer is prevented from hitting the ground if the coupling accidentally detaches.
- (5) For the purposes of subrules (3) and (4), a connection between a trailer and a towing vehicle includes anything which connects the trailer and the towing vehicle.

Examples of what is included in a connection—

- 1 Chains.
- 2 Cables.
- 3 A thing fixed to a trailer or a towing vehicle to which a chain is attached.
- 4 Shackles.

Part 13—Other matters**147—Vehicle equipment**

A vehicle is taken to have equipment mentioned in the Light Vehicle Standards only if the equipment is in working order.

148—Restored vehicles

- (1) For the Light Vehicle Standards, a restored vehicle is taken to have been built when it was originally built and not when it was restored.
- (2) In this rule—

restored vehicle means a vehicle that is being, or has been, restored to its manufacturer's specifications, so far as it is practicable to meet the specifications.

149—Retractable axles

- (1) For the Light Vehicle Standards, a retractable axle is taken to be an axle only when it is in the lowered position.
- (2) In this rule—

retractable axle means an axle with a means of adjustment enabling it to be raised or lowered relative to the other axles in the axle group.

150—Measurement of distance between parallel lines

For the Light Vehicle Standards, a distance between 2 parallel lines is measured at right angles between the lines.

151—Interpretation of certain second edition ADRs

The words "left" and "right" in the following second edition ADRs have the opposite meaning in the application of the ADRs, in accordance with the Light Vehicle Standards, to a motor vehicle with a left-hand drive:

- (a) ADR 8 Safety Glass
- (b) ADR 12 Glare Reduction in Field of View
- (c) ADR 14 Rear Vision Mirrors
- (d) ADR 16 Windscreen Wipers and Washers
- (e) ADR18 and ADR 18A Location and Visibility of Instruments
- (f) ADR 35 and ADR 35A Commercial Vehicle Braking Systems.

Note—

The following table contains a list of some terms used in the third edition ADRs and the corresponding term used in the Light Vehicle Standards.

Third edition ADRs	Light Vehicle Standards
dipped-beam headlamp	low-beam (for a headlight)
front fog lamp	front fog light
rear fog lamp	rear fog light
wheelguard	mudguard
main-beam headlamp	high-beam (for a headlight)
reversing lamp	reversing light
direction indicator lamp	direction indicator light
stop lamp	brake light
rear registration plate lamp	number plate light
front position (side) lamp	parking light
rear position (side) lamp	tail light
end-outline marker lamp	front or rear clearance light
external cabin lamp	external cabin light
internal lamp	interior light
side marker lamp	side marker light
daytime running lamp	daytime running light
rear reflex reflector, non-triangular	rear reflector
front reflex reflector, non-triangular	front reflector
side reflex reflector, non-triangular	side reflector

152—References to Australian Standards and Australian/New Zealand Standards

For the Light Vehicle Standards, each version of—

- (a) an Australian Standard (or AS) of a specified number; and
 - (b) an Australian/New Zealand Standard (or AS/NZS) of the same number,
- will be taken to be a version of the same standard.

Dictionary

adopted standard—see rule 24;

ADR—see rule 14;

air brake means an air-operated or air-assisted brake;

another jurisdiction means another State or a Territory of the Commonwealth;

AS or *Australian Standard* or *AS/NZS* or *Australian/New Zealand Standard* means a standard approved for publication by Standards Australia;

axle means 1 or more shafts, positioned in a line across a vehicle, on which 1 or more wheels intended to support the vehicle turn;

axle group means a single, tandem or tri-axle group;

braking system, of a vehicle, means all the brakes of the vehicle and all the components of the mechanisms by which they are operated;

British Standard means a standard approved for publication on behalf of the British Standards Institution;

British Standards Institution means the institution of that name established under royal charter in the United Kingdom;

bus means a motor vehicle built mainly to carry people that seats over 9 adults (including the driver);

car means a motor vehicle built mainly to carry people that—

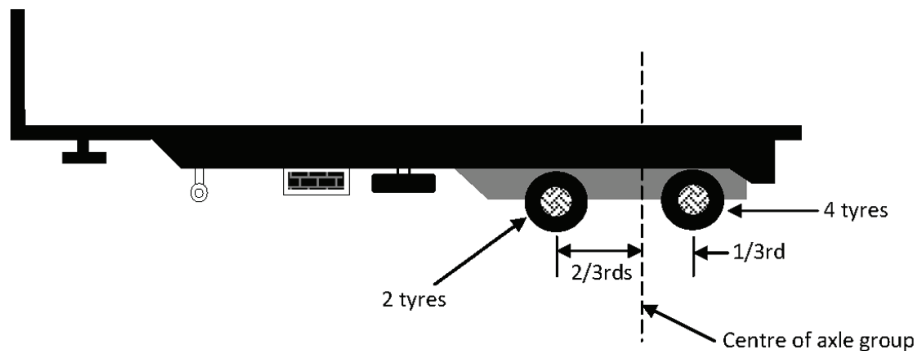
- (a) seats not over 9 adults (including the driver); and
- (b) has a body commonly known as a sedan, station wagon, coupe, convertible, or roadster; and
- (c) has 4 or more wheels;

centre line, of an axle group, means—

- (a) a line located midway between the centre lines of the outermost axles of the group; or
- (b) if the group consists of 2 axles, 1 of which is fitted with twice the number of tyres as the other axle—a line located one-third of the way from the centre line of the axle with more tyres towards the centre line of the axle with fewer tyres;



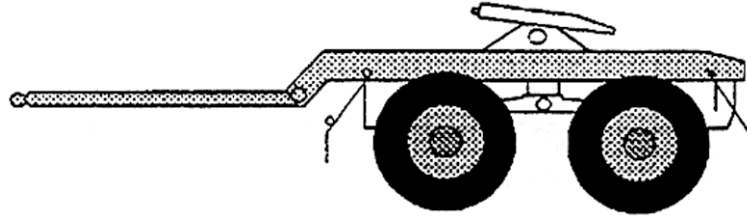
Centre line of a tandem axle group fitted with an equal number of tyres on each axle



Centre line of a tandem axle group fitted with a different number of tyres on each axle

combination means a group of vehicles consisting of a motor vehicle connected to 1 or more vehicles;

converter dolly means a trailer with 1 tandem axle group or single axle and a fifth wheel coupling, designed to convert a semi-trailer into a dog trailer;



Converter dolly

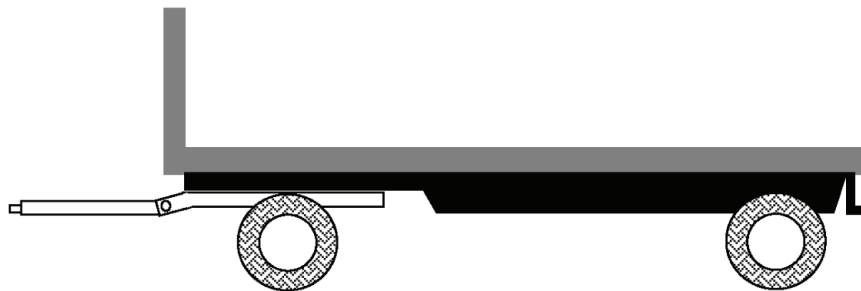
dangerous goods has the same meaning as in the *Dangerous Substances (Dangerous Goods Transport) Regulations 2008*;

daytime means the period beginning at sunrise and ending at sunset;

diesel engine means a compression ignition engine commonly known as a diesel engine;

dog trailer means a trailer (including a trailer consisting of a semi-trailer and converter dolly) with—

- (a) 1 axle group or single axle at the front that is steered by connection to the towing vehicle by a drawbar; and
- (b) 1 axle group or single axle at the rear;



Dog trailer

drawbar means a part of a trailer (except a semi-trailer) connecting the trailer body to a coupling for towing purposes;

drive includes be in control of;

driver, of a vehicle, means the person driving the vehicle;

emergency brake means a brake designed to be used if a service brake fails;

emergency vehicle means a vehicle driven by any of the following in the course of his or her duty:

- (a) a member of an emergency services organisation within the meaning of the *Fire and Emergency Services Act 2005*;
- (b) an authorised officer under the *Emergency Management Act 2004*;
- (c) a person engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008* on behalf of—
 - (i) SA Ambulance Service Inc; or
 - (ii) St Johns Ambulance Australia South Australia Incorporated;
- (d) any other person engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008*;
- (e) a member of the Australian Customs Service;

- (f) a member of the armed forces of the Commonwealth engaged in police, fire fighting or ambulance duties or duties in connection with the urgent disposal of explosives or any emergency;
- (g) an employee of Airservices Australia engaged in fire fighting duties or duties in connection with any emergency;

fifth wheel coupling means a device (other than an upper rotating element and a kingpin) used with a prime mover, semi-trailer or converter dolly to—

- (a) permit quick coupling and uncoupling; and
- (b) provide for articulation;

front fog light means a light used to improve the illumination of the road in case of fog, snowfall, heavy rain or a dust storm;

GCM of a vehicle means the greatest possible sum of the maximum loaded mass of the vehicle and of any vehicles that may lawfully be towed by it at any 1 time—

- (a) as specified by the vehicle's manufacturer; or
- (b) as specified by an Australian Authority if—
 - (i) the manufacturer has not specified the sum of the maximum loaded mass; or
 - (ii) the manufacturer cannot be identified; or
 - (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate;

GTM (gross trailer mass) means the maximum loaded mass transmitted to the ground by the axles of a trailer when it is connected to a towing vehicle—

- (a) as specified by the manufacturer; or
- (b) as specified by an Australian Authority if—
 - (i) the manufacturer has not specified a maximum loaded mass transmitted to the ground by the axles of the trailer when connected to a towing vehicle; or
 - (ii) the manufacturer cannot be identified; or
 - (iii) the trailer has been modified to the extent that the manufacturer's specification is no longer appropriate;

GVM, of a vehicle, means the maximum loaded mass of the vehicle—

- (a) as specified by the vehicle's manufacturer; or
- (b) as specified by an Australian Authority if—
 - (i) the manufacturer has not specified a maximum loaded mass; or
 - (ii) the manufacturer cannot be identified; or
 - (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate;

high-beam, for a headlight or front fog light fitted to a vehicle, means that the light is built or adjusted so, when the vehicle is standing on level ground, the top of the main beam of light projected is above the low-beam position;

left, for a vehicle, means to the left of the centre of the vehicle when viewed by a person in the vehicle who is facing to the front of the vehicle;

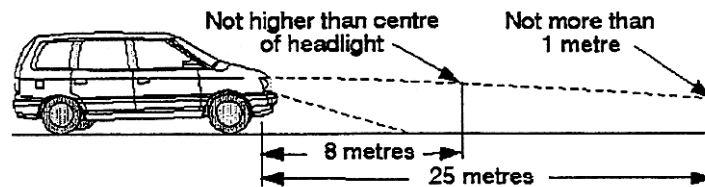
load of a vehicle, or in or on a vehicle, means—

- (a) all the goods, passengers and drivers in or on the vehicle; and
- (b) all fuel, water, lubricants and readily removable equipment carried in or on the vehicle and required for its normal operation; and
- (c) personal items used by a driver of the vehicle; and
- (d) anything that is normally removed from the vehicle when not in use,

and includes a part of a load as so defined;

low-beam, for a headlight or front fog light fitted to a vehicle, means that the light is built or adjusted so, when the vehicle is standing on level ground, the top of the main beam of light projected is—

- (a) not higher than the centre of the headlight or fog light, when measured 8 metres in front of the vehicle; and
- (b) not over 1 metre higher than the level where the motor vehicle is standing, when measured 25 metres in front of the vehicle;



A headlight in the low-beam position

manufactured—a vehicle will be taken to have been manufactured in the month shown on its vehicle identification plate (within the meaning of Part 3A of the Act) as its month of manufacture;

moped means a motor bike or trike with an engine cylinder capacity of not over 50 millilitres and a maximum speed of not over 50 kilometres an hour;

motor bike means a motor vehicle with 2 wheels, and includes a 2 wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel;

motor trike means a motor vehicle with 3 wheels, but does not include a 2 wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel;

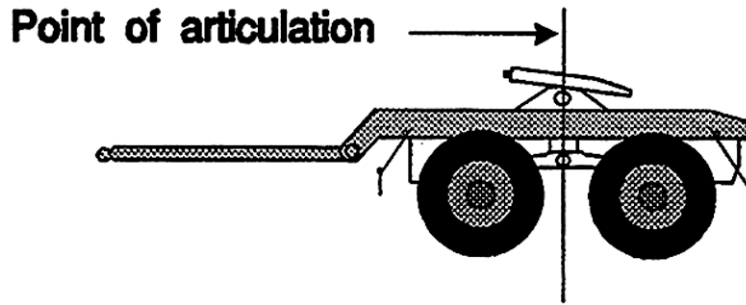
motor vehicle means a vehicle built to be propelled by a motor that forms part of the vehicle;

mudguard means a fitting or device, with or without a mudflap, that is built and fitted to a vehicle in a way that will, as far as practicable, catch or deflect downwards any stone, mud, water, or other substance, thrown up by the rotation of the wheel to which the fitting or device is fitted;

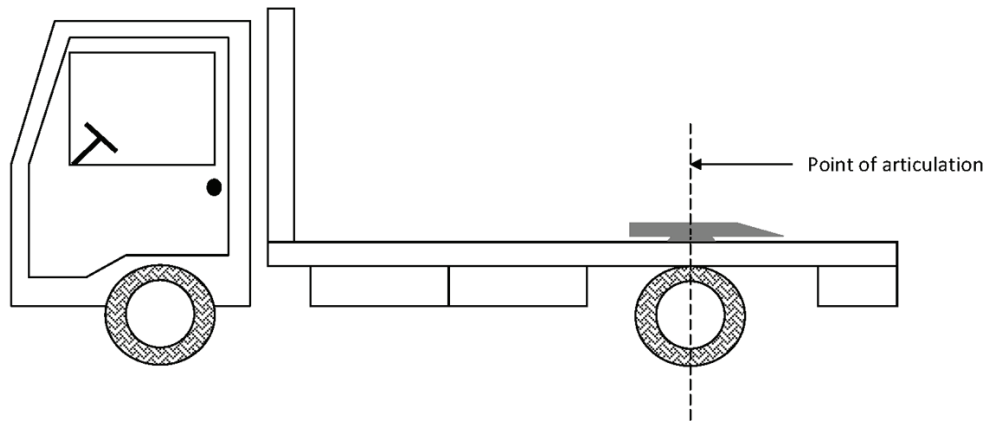
national standard—see rule 15;

point of articulation means—

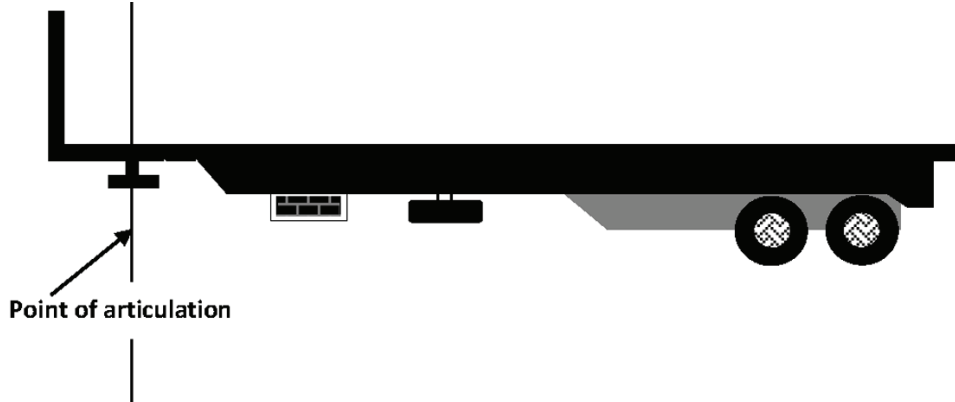
- (a) the axis of a kingpin for a fifth wheel; or
- (b) the vertical axis of rotation of a fifth wheel coupling; or
- (c) the vertical axis of rotation of a turntable assembly; or
- (d) the vertical axis of rotation of the front axle group, or single axle, of a dog trailer; or
- (e) the coupling pivot point of a semi trailer;



Point of articulation—fifth wheel coupling on a converter dolly (forming the front axle group of a dog trailer)



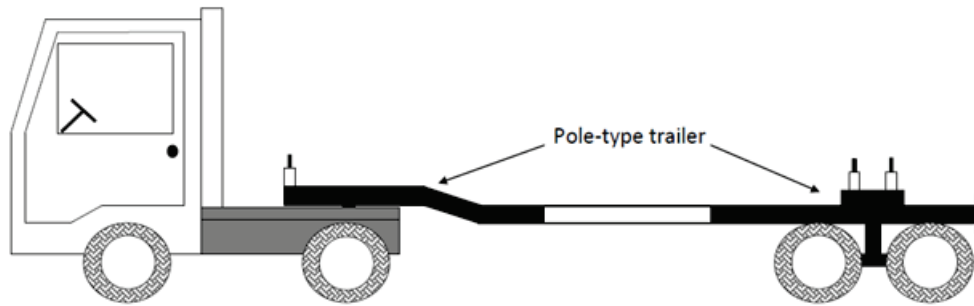
Point of articulation—fifth wheel on a prime mover



Point of articulation—kingpin for fifth wheel

pole-type trailer means a trailer that—

- (a) is attached to a towing vehicle by a pole, or an attachment fitted to the pole; and
- (b) is ordinarily used for transporting loads, such as logs, pipes, structural members or other long objects, that are generally capable of supporting themselves like beams between supports;



Pole-type trailer

police officer means a member of South Australia Police, a member of the Australian Federal Police or a service police officer within the meaning of the *Defence Force Discipline Act 1982* of the Commonwealth;

police vehicle means a vehicle driven by a police officer in the course of his or her duty;

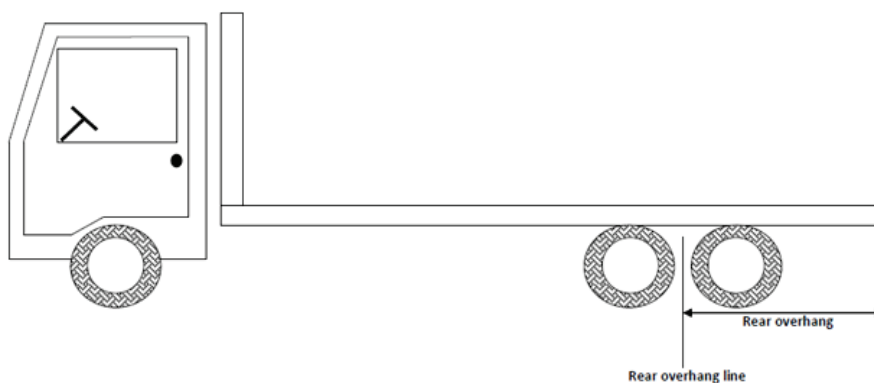
prime mover means a motor vehicle built to tow a semi-trailer;

rear fog light means a light used on a vehicle to make it more easily visible from the rear in dense fog;

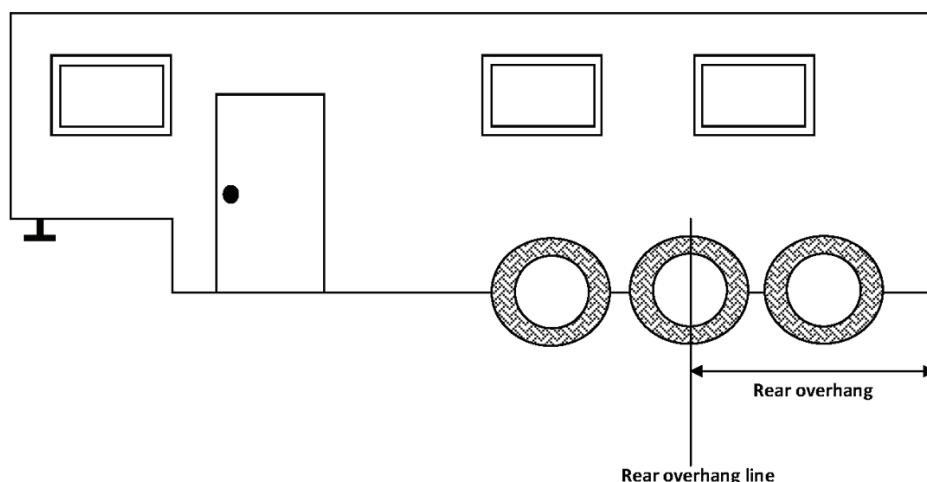
rear overhang, of a vehicle, means the distance between the rear overhang line and the rear of the vehicle;

rear overhang line means—

- (a) if there is a single axle at the rear of the vehicle—the centre line of the axle; or
- (b) if there is an axle group at the rear of the vehicle—the centre line of the axle group, determined without regard to the presence of any steerable axle or retractable axle in the group unless all axles in the group are steerable or retractable;



Rear overhang and rear overhang line—motor vehicle



Rear overhang and rear overhang line—semi-trailer

rear marking plate means a rear marking plate complying with *Vehicle Standards Bulletin VSB 12*;

repeater horn means a device that makes a sound alternating between different tones or frequencies on a regular time cycle;

right, for a vehicle, means to the right of the centre of the vehicle when viewed by a person in the vehicle who is facing to the front of the vehicle;

road—see rule 4;

road-related area—see rule 5;

second edition ADR—see rule 17;

semi-trailer means a trailer that has—

- (a) 1 axle group or a single axle towards the rear; and
- (b) a means of attachment to a prime mover that results in some of the mass of the trailer's load being imposed on the prime mover;

service brake, for a vehicle, means the brake normally used to decelerate the vehicle;

single axle means an axle not forming part of an axle group;

single axle group means a group of 2 or more axles, in which the horizontal distance between the centre lines of the outermost axles is less than 1 metre;

spring brake means a brake using 1 or more springs to store the energy needed to operate the brake;

Standards Australia means Standards Australia Limited, or any body to which Standards Australia Limited is a successor in law or that is a successor in law to Standards Australia Limited;

State Government enforcement vehicle means a vehicle driven by any of the following in the course of his or her duty:

- (a) an authorised officer under the *Agricultural and Veterinary Products (Control of Use) Act 2002*;
- (b) an authorised officer under the *Dangerous Substances Act 1979*;
- (c) a fisheries officer under the *Fisheries Management Act 2007*;
- (d) an inspector under the *Livestock Act 1997*;
- (e) an inspector under the *Plant Health Act 2009*;

- (f) an authorised person under the *Primary Produce (Food Safety Schemes) Act 2004*;
- (g) an authorised officer under the *Road Traffic Act 1961*;

street rod vehicle means a vehicle that has been modified for safe road use and that—

- (a) has a body and frame that were built before 1949; or
- (b) is a replica of a vehicle the body and frame of which were built before 1949;

tandem axle group means a group of at least 2 axles in which the horizontal distance between the centre lines of the outermost axles is at least 1 metre, but not over 2 metres;

third edition ADR—see rule 18;

trailer means a vehicle that is built to be towed, or is towed, by a motor vehicle, but does not include a motor vehicle that is being towed;

tri-axle group means a group of at least 3 axles in which the horizontal distance between the centre lines of the outermost axles is over 2 metres, but not over 3.2 metres;

turntable means a bearing built to carry vertical and horizontal loads, but does not allow quick separation of its upper and lower rotating elements, and that is used to connect and allow articulation between—

- (a) a prime mover and semi-trailer; or
- (b) the steering axle or axle group of a dog trailer and the body of the trailer; or
- (c) a fifth wheel coupling and the vehicle to which it is mounted;

vacuum brakes means vacuum-operated or vacuum-assisted brakes;

vehicle includes the equipment fitted to, or forming part of, the vehicle;

Vehicle Standards Bulletin (VSB) means a standards bulletin on the design, manufacture, sale, modification, maintenance, import or repair of motor vehicles or trailers made available by the Commonwealth Department of Transport and Regional Services;

Note—

These bulletins are published on the Department's web site—see <http://www.dotars.gov.au/roads/safety/bulletin/index.aspx>.

yellow includes amber.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these rules come into operation as set out in these rules.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 300 of 2013

MTR13/026CS

South Australia

Road Traffic (Miscellaneous) Variation Regulations 2013

under the *Road Traffic Act 1961*

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 - 20 Substitution of regulation 43A
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 - 21 Variation of Schedule 9—Expiation fees
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Miscellaneous) Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on the day on which Part 3 of the *Statutes Amendment (Heavy Vehicle National Law) Act 2013* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Road Traffic (Miscellaneous) Regulations 1999*

4—Variation of regulation 4—Interpretation

- (1) Regulation 4(1), definition of ***B-double***—delete the definition and substitute:

B-double means a combination consisting of a prime mover towing 2 semi-trailers, with the first semi-trailer being attached directly to the prime mover by a fifth wheel coupling and the second semi-trailer being mounted on the rear of the first semi-trailer by a fifth wheel coupling on the first semi-trailer;

- (2) Regulation 4(1), definition of ***converter dolly***—delete the definition and substitute:

commercial motor vehicle means—

- (a) a light motor vehicle constructed or adapted solely or mainly for the carriage of goods; or
- (b) a light motor vehicle of the type commonly called a utility; or
- (c) a bus that is a light motor vehicle;

converter dolly means a pig trailer with a fifth wheel coupling designed to convert a semi-trailer into a dog trailer;

- (3) Regulation 4(1), definition of ***fifth wheel coupling***—delete the definition and substitute:

fifth wheel coupling means a device (other than an upper rotating element and a kingpin) used with a prime mover, semi-trailer or converter dolly to—

- (a) permit quick coupling and uncoupling; and
- (b) provide for articulation;

- (4) Regulation 4(1)—after the definition of ***GTM*** insert:

pig trailer means a trailer—

- (a) with 1 axle group or a single axle near the middle of its load carrying surface; and
- (b) connected to the towing vehicle by a drawbar;

- (5) Regulation 4(1), definition of ***road train***—delete "(counting as a single trailer a converter dolly supporting a semi-trailer)" and substitute:

, excluding any converter dolly supporting a semi-trailer

- (6) Regulation 4(1), definition of ***tractor***—delete the definition and substitute:

towtruck has the same meaning as in the *Motor Vehicles Act 1959*;

tractor means a light motor vehicle used for towing purposes, other than—

- (a) a motor vehicle designed to carry goods or passengers; or
- (b) a towtruck; or
- (c) a prime mover;

- (7) Regulation 4(3)(a)—delete "*Road Transport (General) Act 2005*" and substitute:
Road Transport Act 2013
- (8) Regulation 4(4)(a)—delete "*Road Transport (General) Act 2005*" and substitute:
Road Transport Act 2013
- (9) Regulation 4(5)(a)—delete "*Road Transport (General) Act 2005*" and substitute:
Road Transport Act 2013

5—Variation of regulation 14—Apparatus approved as photographic detection devices

Regulation 14(2), definition of *prescribed heavy vehicle driving offence*—delete the definition and substitute:

prescribed heavy vehicle driving offence means an offence against regulation 44(1) of these regulations constituted of a contravention of or failure to comply with—

- (a) regulation 19B(1) of these regulations (Heavy vehicles and minimum allowable travel time); or
- (b) regulation 19E of these regulations (Evasive action in relation to Safe-T-Cam photographic detection device).

6—Variation of regulation 15—Prescribed offences for the purposes of section 79B

Regulation 15(2)(j) and (k)—delete paragraphs (j) and (k) and substitute:

- (j) regulation 44(1) of these regulations constituted of a contravention of or failure to comply with—
 - (i) regulation 19AD of these regulations (Evasive action in relation to average speed camera); or
 - (ii) regulation 19B(1) of these regulations (Heavy vehicles and minimum allowable travel time); or
 - (iii) regulation 19E of these regulations (Evasive action in relation to Safe-T-Cam photographic detection device).

7—Variation of regulation 19B—Heavy vehicles and minimum allowable travel time

Regulation 19B(3)—after "*Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008*" insert:

or the *Heavy Vehicle (Fatigue Management) National Regulation (South Australia)*

8—Revocation of Part 3A

Part 3A—delete the Part

9—Substitution of regulation 20A

Regulation 20A—delete the regulation and substitute:

20A—Prohibition on towing more than 1 vehicle

- (1) Subject to this regulation, a light motor vehicle towing more than 1 vehicle must not be driven on a road.

- (2) If a light motor vehicle is driven in contravention of subregulation (1), the driver and the owner and the operator of the motor vehicle are each guilty of an offence.
- (3) Subregulation (1) does not apply to a tractor towing 2 vehicles.

10—Variation of regulation 23A—Warrants

Regulation 23A—delete "or police officer" wherever occurring

11—Revocation of regulations 23B, 23C and 23D

Regulations 23B, 23C and 23D—delete regulations 23B, 23C and 23D

12—Variation of regulation 24—Vehicle identification plates and numbers

- (1) Regulation 24(5)—delete "a police officer or"
- (2) Regulation 24(5)—delete "police officer or"

13—Variation of regulation 25—Modification of motor vehicles

- (1) Regulation 25(1)—before "motor vehicle" insert:
light
- (2) Regulation 25(2)—before "motor vehicle" insert:
light
- (3) Regulation 25(4)—delete "motor vehicle with a GVM of 4.5 tonnes or less" and substitute:
light motor vehicle
- (4) Regulation 25(5)—delete subregulation (5)

14—Variation of regulation 26—Wheels and tyres

- (1) Regulation 26(1)—before "vehicle" insert:
light
- (2) Regulation 26(2)—before "vehicle" first occurring insert:
light
- (3) Regulation 26(3)—after "motor vehicle or trailer" insert:
that is a light vehicle
- (4) Regulation 26(3)(d)—delete "(other than a motor vehicle with a GVM over 4.5 tonnes or a trailer)"
- (5) Regulation 26(4)—after "motor vehicle or trailer" insert:
that is a light vehicle
- (6) Regulation 26(4)(c)—delete "(other than a vehicle with a GVM over 4.5 tonnes)"
- (7) Regulation 26(5)—before "motor vehicle" insert:
light
- (8) Regulation 26(6)—delete "motor vehicle with a GVM of 4.5 tonnes or less" and substitute:
light motor vehicle

15—Variation of regulation 32—Prescribed classes of light vehicles for purposes of section 145(1b)

Regulation 32—delete "the following are vehicles of a prescribed class" and substitute:

the following classes of light vehicles are prescribed:

16—Revocation of regulation 34A

Regulation 34A—delete the regulation

17—Substitution of regulation 35

Regulation 35—delete the regulation and substitute:

35—Prescribed class of vehicles for purposes of section 161A

For the purposes of section 161A of the Act, wind-powered light vehicles commonly known as land yachts are prescribed.

18—Variation of regulation 42—Design, maintenance etc requirements for vehicles to which Part 4A of Act applies

Regulation 42—after subregulation (5) insert:

(6) In this regulation—

vehicle standards—

- (a) in relation to a heavy vehicle—means the heavy vehicle standards under the *Heavy Vehicle National Law (South Australia)*;
- (b) in relation to a light vehicle—means the light vehicle standards.

19—Variation of regulation 43—Fees for inspections

- (1) Regulation 43(1), definition of *heavy vehicle*—delete the definition
- (2) Regulation 43(1), definition of *Transport Department inspection*, (c)—delete paragraph (c) and substitute:
 - (c) section 139(1)(ab)(i), (ab)(ii) or (ac)(ii)(A) or (B) of the *Motor Vehicles Act 1959*; or
- (3) Regulation 43(2) and (2a)—delete subregulations (2) and (2a) and substitute:
 - (2) The following fees are payable for a Transport Department inspection or Central Inspection Authority inspection of a vehicle (or, where a particular inspection is specified, for a Transport Department inspection or Central Inspection Authority inspection of that kind):

Type of vehicle and inspection	Fee
1. Heavy vehicles and buses	
(1) Inspection of a motor vehicle (other than a bus)	\$241
(2) Inspection of—	
(a) a converter dolly	\$81
(b) a trailer other than a converter dolly	\$162
(3) Inspection of a bus	\$241
(4) Further inspection of a vehicle	\$81

Type of vehicle and inspection	Fee
2. Vehicles other than heavy vehicles or buses	
(1) Inspection of a vehicle for the purposes of an exemption under section 163AA of the Act or regulation 46	\$241
(2) Inspection of a vehicle for the purposes of section 139(1)(ab)(i) or (ii) or (1)(ac)(ii)(A) or (B) of the <i>Motor Vehicles Act 1959</i>	\$241
(3) Inspection of LPG-converted vehicle for the purposes of the <i>Dangerous Substances Act 1979</i>	\$241
(4) Any other inspection of a vehicle	\$162
(5) Further inspection of a vehicle	\$81

(4) Regulation 43(3)—delete subregulation (3)

(5) Regulation 43(3a)—delete "or (2a)"

20—Substitution of regulation 43A

Regulation 43A—delete the regulation and substitute:

43A—Fees for light vehicle permits

(1) In this regulation—

light vehicle permit means an exemption under section 163AA of the Act in relation to a dimension limit for a light vehicle or light vehicle combination in the *Road Traffic (Light Vehicle Standards) Rules 2013* or the *Road Traffic (Light Vehicle Mass and Loading Requirements) Regulations 2013*;

supplied vehicle specifications in relation to an application for assessment, means details of a vehicle's dimensions and mechanical and other specifications supplied to the Transport Department by the applicant.

(2) The following fees are payable to the Transport Department:

(a) on application for the issue or renewal of a light vehicle permit—\$71;

(b) on application for an assessment of supplied vehicle specifications for the purposes of a light vehicle permit—

(i) \$47; and

(ii) for inspection of a vehicle to verify the supplied vehicle specifications—\$241;

(c) if—

(i) a detailed or complex assessment is required in relation to an application for the issue or renewal of a light vehicle permit; and

- (ii) such an assessment involves the detailed inspection (or inspection other than at Transport Department premises) of a vehicle, the survey or inspection of proposed routes, the assessment of plans, maps or specifications, the examination of bridges or other transport infrastructure, the determination of road work or other work required to enable the use of a proposed route, the consideration of conditions that may be applicable to the permit, or any other exceptional action or costs,

a fee of the Minister's estimate of the reasonable cost of providing that detailed and complex assessment.

- (3) A fee under subregulation (2)(b) is payable for each vehicle whose specifications are to be assessed (including each vehicle forming part of a combination) and is payable in addition to any fee payable under subregulation (2)(a) and (c).

21—Variation of Schedule 9—Expiation fees

- (1) Schedule 9, Part 2—delete Part 2 and substitute:

Part 2—Offences against the *Road Traffic Act 1961*

Section	Description of offence against <i>Road Traffic Act 1961</i>	Fee
40H(5)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to stop vehicle, or not move it, or not interfere with vehicle or its equipment or load</i>	
	(a) if direction relates to heavy vehicle	\$600
	(b) if direction relates to light vehicle	\$247
40I(2)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to move vehicle to specified location—</i>	
	(a) if direction relates to heavy vehicle	\$600
	(b) if direction relates to light vehicle	\$247
40J(3)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to move light vehicle or do anything else reasonably required by officer to avoid causing harm or obstruction</i>	\$247
40K(5)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to vacate or not occupy driver's seat, or to leave or not enter vehicle—</i>	
	(a) if direction relates to heavy vehicle	\$600
	(b) if direction relates to light vehicle	\$247
40V(4)	<i>Person subject to direction contravening or failing to comply with section—</i>	
	contravention specified in section 40V(4)(b)(i)	\$664
40W(4)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to produce records, devices or other things</i>	\$664

Section	Description of offence against <i>Road Traffic Act 1961</i>	Fee
40X(3)	<i>Person subject to direction contravening or failing to comply with section—</i> contravention specified in section 40X(3)(b)(i)	\$600
40Y(5)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to provide assistance to officer to enable effective exercise of officer's powers</i>	\$600
45A	<i>Driving at speed exceeding applicable speed limit by 45 kph or more—</i> (a) if vehicle being driven is a road train being driven on a prescribed road	\$1 030
	Note— See clause 3 of this Schedule.	
	(b) in any other case	\$927
47B(1)	<i>Driving whilst having prescribed concentration of alcohol in blood—</i> contravention involving less than 0.08 grams of alcohol in 100 millilitres of blood	\$548
47BA(1)	<i>Driving with prescribed drug in oral fluid or blood</i>	\$548
91(3)	<i>Failing to comply with direction of ferry operator</i>	\$300
110C(2)	<i>Selling or offering for sale for use on roads motor vehicle or trailer not bearing vehicle identification plate for that vehicle or trailer—</i> offence not committed in course of trade or business	\$243
110C(3)	<i>Driving motor vehicle or trailer not bearing vehicle identification plate for that vehicle or trailer</i>	\$243
117(1)	<i>Light vehicle in breach of light vehicle standards or maintenance requirement driven on road—being driver of vehicle</i>	\$373
118(1)	<i>Light vehicle in breach of light vehicle standards or maintenance requirement driven on road—being operator of vehicle</i>	\$373
123	<i>Light vehicle not complying with light vehicle mass, dimension or load restraint requirement driven on road—being driver of vehicle—</i> (a) exceeding a mass limit by less than 50% (b) exceeding a mass limit by 50% or more (c) contravening a dimension or load restraint requirement	\$200 \$400 \$200
124(1)	<i>Light vehicle not complying with light vehicle mass, dimension or load restraint requirement driven on road—being operator of vehicle—</i> (a) exceeding a mass limit by less than 50% (b) exceeding a mass limit by 50% or more (c) contravening a dimension or load restraint requirement	\$200 \$400 \$200

Section	Description of offence against <i>Road Traffic Act 1961</i>	Fee
146(3)	<i>Engaging in conduct in contravention of direction of authorised officer to driver or operator of light vehicle to rectify specified breaches of light vehicle mass, dimension or load restraint requirement, or move vehicle to specified location and not proceed from there until breaches are rectified</i>	\$247
146(8)	<i>Engaging in conduct in contravention of condition of authorisation granted by authorised officer to driver of light vehicle authorising vehicle to continue journey</i>	\$247
164A(1)	<i>Contravening or failing to comply with provision of Act</i>	
	Contravention of or failure to comply with—	
s 33(9)	<i>Failing to comply with direction of police officer</i>	\$247
s 53B(1)	<i>Selling radar detector or jammer or storing or offering radar detector or jammer for sale</i>	\$384
s 82(1)	<i>Speeding while passing school bus</i>	
	Exceeding the speed limit while passing a school bus—	
	by less than 10 kph	\$155
	by 10 kph or more but less than 20 kph	\$340
	by 20 kph or more but less than 30 kph	\$690
	by 30 kph or more	\$824
s 83(1)(a)	<i>Speeding while passing emergency vehicle</i>	
	Exceeding 40 kph while passing an emergency vehicle—	
	by less than 10 kph	\$155
	by 10 kph or more but less than 20 kph	\$340
	by 20 kph or more but less than 30 kph	\$690
	by 30 kph or more	\$824
s 83A(1)	<i>Standing etc or placing goods or sign on carriageway, dividing strip or traffic island for purpose of soliciting business etc</i>	\$93
s 83A(2)	<i>Buying or offering to buy goods from person standing etc on carriageway etc in contravention of section 83A(1)</i>	\$93
s 85(2)	<i>Leaving stationary vehicle in prohibited area near Parliament House etc without authority</i>	\$110
s 87	<i>Walking without due care or attention etc</i>	\$44
s 95	<i>Riding on vehicle without consent of driver</i>	\$93
s 99A	<i>Bicycle rider riding on footpath or other road-related area failing to give warning to pedestrians etc</i>	\$52
s 99B(1)	<i>Riding wheeled recreational device or wheeled toy without due care or attention etc</i>	\$52

Section	Description of offence against <i>Road Traffic Act 1961</i>	Fee
s 99B(2)	<i>Riding wheeled recreational device or wheeled toy on footpath or other road-related area abreast of another vehicle etc</i>	\$52
s 99B(3)	<i>Riding wheeled recreational device or wheeled toy on footpath or other road-related area without giving warning to pedestrians etc</i>	\$52
s 107(1)	<i>Driving, drawing, hauling, dragging over road any implement, sledge etc</i>	\$218
s 107(2)	<i>Removing or interfering with road infrastructure, or damaging road infrastructure other than by reasonable use</i>	\$218
s 108(1)	<i>Depositing certain articles or materials on road</i>	\$208
s 110	<i>Failing to keep whole of vehicle on sealed surface when driving on sealed road</i>	\$93
s 145(3)	<i>Failing to comply with direction of police officer or authorised officer to stop light vehicle or produce light vehicle for examination</i>	\$247
s 145(5f)	<i>Defacing, altering, obscuring or removing defective vehicle label affixed to light vehicle</i>	\$373
s 145(6)	<i>Driving, selling etc light vehicle contrary to terms of defect notice</i>	\$533
s 161A(1)	<i>Driving light vehicle to which section 161A applies without Ministerial approval</i>	\$269
s 162C(1)	<i>Riding wheeled recreational device or wheeled toy without wearing safety helmet complying with regulations and properly adjusted and securely fastened</i>	\$93
s 162C(2)	<i>Riding wheeled recreational device or wheeled toy on which is carried child under 16 years not wearing safety helmet complying with regulations and properly adjusted and securely fastened</i>	\$93
s 162C(2a)	<i>Parent or other person having custody or care of child under 16 years causing or permitting child to ride or be carried on wheeled recreational device or wheeled toy without wearing safety helmet complying with regulations and properly adjusted and securely fastened</i>	\$90
167(1)	<i>Causing or permitting another person to commit an offence against Act or regulations—</i> causing or permitting commission of expiable offence	the expiation fee prescribed for the expiable offence
174B	<i>Further offence for continued parking contravention</i>	\$45

- (2) Schedule 9, Parts 4, 5 and 6—delete Parts 4, 5 and 6
- (3) Schedule 9, Part 7, table, item relating to regulation 20A—before "*vehicles*" insert:
light
- (4) Schedule 9, Part 7, table, item relating to regulation 25(2)—before "*vehicle*" first occurring insert:
light

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 301 of 2013

MTR13/026CS

South Australia

Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Variation Regulations 2013

under the *Road Traffic Act 1961*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999*

- 4 Variation of regulation 6—Prescribed provisions for purposes of sections 35, 174A, 174B, 174C and 174D of Act
 - 5 Variation of regulation 9—Road trains
 - 6 Variation of regulation 9A—Speed limits applying to driving of road trains
 - 7 Substitution of regulation 21
 - 21 Lights to be fitted to vehicles
 - 8 Variation of regulation 33—Prohibition of use of mobile phone by holder of learner's permit, P1 licence etc
 - 9 Variation of regulation 35—Vehicles that may be towed away etc
 - 10 Substitution of regulations 40 to 42
 - 40 Hazard warning lights
 - 41 Mechanical signalling devices
 - 42 Oversize vehicles
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on the day on which Part 3 of the *Statutes Amendment (Heavy Vehicle National Law) Act 2013* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999*

4—Variation of regulation 6—Prescribed provisions for purposes of sections 35, 174A, 174B, 174C and 174D of Act

Regulation 6(1)(a)—delete "(Authorised officers)" and substitute:

(Appointment of authorised officers)

5—Variation of regulation 9—Road trains

Regulation 9—delete "*Road Traffic (Mass and Loading Requirements) Regulations 1999*" and substitute:

Road Traffic (Miscellaneous) Regulations 1999

6—Variation of regulation 9A—Speed limits applying to driving of road trains

Regulation 9A(4)—delete "*Road Traffic (Mass and Loading Requirements) Regulations 1999*" and substitute:

Road Traffic (Miscellaneous) Regulations 1999

7—Substitution of regulation 21

Regulation 21—delete the regulation and substitute:

21—Lights to be fitted to vehicles

For the purposes of rule 215(4) (Using lights when driving at night or in hazardous weather conditions) and rule 220(3) (Using lights on vehicles that are stopped), the lights required to be fitted to a vehicle are—

- (a) in the case of a heavy vehicle—those required to be fitted to the vehicle under the *Heavy Vehicle (Vehicle Standards) National Regulation (South Australia)*; or
- (b) in the case of a light vehicle—those required to be fitted to the vehicle under the *Road Traffic (Light Vehicle Standards) Rules 2013*.

8—Variation of regulation 33—Prohibition of use of mobile phone by holder of learner's permit, P1 licence etc

Regulation 33(2)(b)—delete "*Road Transport (Driver Licensing) Act 1998*" and substitute:

Road Transport Act 2013

9—Variation of regulation 35—Vehicles that may be towed away etc

- (1) Regulation 35(a)—before "remove" insert:

move or

- (2) Regulation 35(a)—after subparagraph (ii) insert:

(iia) section 22 of the *Heavy Vehicle National Law (South Australia) Act 2013*;
or

(iib) section 518 or 519 of the *Heavy Vehicle National Law (South Australia)*; or

- (3) Regulation 35(b)—before "remove" insert:

move or

10—Substitution of regulations 40 to 42

Regulations 40 to 42 (inclusive)—delete the regulations and substitute:

40—Hazard warning lights

For the purposes of the Rules and the definition of *hazard warning lights* in the dictionary at the end of the Rules, the lights referred to in the definition are—

- (a) in the case of a heavy vehicle—lights of a kind referred to in the *Heavy Vehicle (Vehicle Standards) National Regulation (South Australia)*;
- (b) in the case of a light vehicle—lights of a kind referred to in the *Road Traffic (Light Vehicle Standards) Rules 2013*.

41—Mechanical signalling devices

For the purposes of the Rules and the definition of *mechanical signalling device* in the dictionary at the end of the Rules—

- (a) in the case of a heavy vehicle—mechanical signalling devices conforming to the requirements of the *Heavy Vehicle (Vehicle Standards) National Regulation (South Australia)* are mechanical signalling devices;
- (b) in the case of a light vehicle—mechanical signalling devices conforming to the requirements of the *Road Traffic (Light Vehicle Standards) Rules 2013* are mechanical signalling devices.

42—Oversize vehicles

For the purposes of the Rules and the definition of oversize vehicle in the dictionary at the end of the Rules, vehicles are oversize vehicles if oversize and travelling under a mass or dimension exemption within the meaning of the *Heavy Vehicle National Law (South Australia)*.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 302 of 2013

MTR13/026CS

South Australia

Road Traffic (Vehicle Standards) Revocation Rules 2013

under the *Road Traffic Act 1961*

Contents

- | | |
|---|--|
| 1 | Short title |
| 2 | Commencement |
| 3 | Revocation of <i>Road Traffic (Vehicle Standards) Rules 1999</i> |
-

1—Short title

These rules may be cited as the *Road Traffic (Vehicle Standards) Revocation Rules 2013*.

2—Commencement

These rules will come into operation on the day on which Part 3 of the *Statutes Amendment (Heavy Vehicle National Law) Act 2013* comes into operation.

3—Revocation of *Road Traffic (Vehicle Standards) Rules 1999*

The *Road Traffic (Vehicle Standards) Rules 1999* are revoked.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these rules come into operation as set out in these rules.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 303 of 2013

MTR13/026CS

South Australia

Road Traffic Revocation Regulations 2013

under the *Road Traffic Act 1961*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Revocation of regulations

- 3 Revocation of regulations
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic Revocation Regulations 2013*.

2—Commencement

These regulations will come into operation on the day on which Part 3 of the *Statutes Amendment (Heavy Vehicle National Law) Act 2013* comes into operation.

Part 2—Revocation of regulations

3—Revocation of regulations

The following regulations are revoked:

Road Traffic (Approved Road Transport Compliance Schemes) Regulations 2008

Road Traffic (Driving Hours) Revocation Regulations 2008

Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008

Road Traffic (Heavy Vehicle Speeding Compliance) Regulations 2009

Road Traffic (Intelligent Access Program) Regulations 2009

Road Traffic (Mass and Loading Requirements) Regulations 1999

Road Traffic (Oversize or Overmass Vehicle Exemptions) Regulations 1999.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 304 of 2013

MTR13/026CS

South Australia

Motor Vehicles (Accident Towing Roster Scheme) Variation Regulations 2013

under the *Motor Vehicles Act 1959*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Motor Vehicles (Accident Towing Roster Scheme) Regulations 2000*

- 4 Variation of regulation 23—Towtrucks to comply with certain standards
 - 5 Variation of regulation 24—Requirements for approval of towtruck
 - 6 Variation of regulation 28—Applicant to satisfy Registrar as to qualifications
 - 7 Variation of regulation 37—Duties
 - 8 Variation of regulation 42—Cause for disciplinary action
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Motor Vehicles (Accident Towing Roster Scheme) Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on the day on which Part 2 of the *Statutes Amendment (Heavy Vehicle National Law) Act 2013* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Motor Vehicles (Accident Towing Roster Scheme) Regulations 2000*

4—Variation of regulation 23—Towtrucks to comply with certain standards

Regulation 23(d)—after "under that Act" insert:

and, if the towtruck is a heavy vehicle, it also complies with the *Heavy Vehicle National Law (South Australia) Act 2013* and any regulations (whether national or local) made under that Act

5—Variation of regulation 24—Requirements for approval of towtruck

Regulation 24(a)—after "under that Act" insert:

and, if the towtruck is a heavy vehicle, it also complies with the requirements of the *Heavy Vehicle National Law (South Australia) Act 2013* and any regulations (whether national or local) made under that Act

6—Variation of regulation 28—Applicant to satisfy Registrar as to qualifications

Regulation 28(a)—after subparagraph (ii) insert:

- (iia) if any of the towtrucks to be used in the applicant's towing business is a heavy vehicle—the *Heavy Vehicle National Law (South Australia) Act 2013* and any regulations (whether national or local) made under that Act relating to towtrucks and towtruck equipment; and

7—Variation of regulation 37—Duties

Regulation 37(1)(v)—after subparagraph (ii) insert:

- (iia) the *Heavy Vehicle National Law (South Australia) Act 2013* and any regulations (whether national or local) made under that Act in relation to any towtruck used in the towtruck operator's business that is a heavy vehicle; and

8—Variation of regulation 42—Cause for disciplinary action

Regulation 42—after paragraph (e) insert:

- (ea) has habitually contravened the provisions of the *Heavy Vehicle National Law (South Australia) Act 2013* or any regulations (whether national or local) made under that Act; or

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 305 of 2013

MTR13/026CS

South Australia

Motor Vehicles Variation Regulations 2013

under the *Motor Vehicles Act 1959*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Motor Vehicles Regulations 2010*

- 4 Variation of regulation 4—Meaning of interstate non-provisional licence, interstate provisional licence and unconditional licence
 - 5 Variation of regulation 19—Other prescribed classes of vehicles
 - 6 Variation of regulation 68—Demerit points for offences interstate—corresponding laws
 - 7 Variation of regulation 99—Corresponding laws declared for purposes of section 141(2) of Act
 - 8 Variation of Schedule 2—Classification of driver's licences
 - 9 Variation of Schedule 4—Demerit points
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Motor Vehicles Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on the day on which Part 2 of the *Statutes Amendment (Heavy Vehicle National Law) Act 2013* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Motor Vehicles Regulations 2010*

4—Variation of regulation 4—Meaning of interstate non-provisional licence, interstate provisional licence and unconditional licence

- (1) Regulation 4(1)(d)—delete "*Road Transport (Driver Licensing) Act 1998*" and substitute:
Road Transport Act 2013
- (2) Regulation 4(2)(d)—delete "*Road Transport (Driver Licensing) Act 1998*" and substitute:
Road Transport Act 2013

5—Variation of regulation 19—Other prescribed classes of vehicles

Regulation 19(f)—after subparagraph (ii) insert:

or

- (iii) a mass or dimension exemption or vehicle standards exemption granted under the *Heavy Vehicle National Law (South Australia)*.

6—Variation of regulation 68—Demerit points for offences interstate—corresponding laws

Regulation 68(d)—delete paragraph (d) and substitute:

- (d) the *Road Transport Act 2013* of New South Wales and regulations and rules made under that Act;

7—Variation of regulation 99—Corresponding laws declared for purposes of section 141(2) of Act

- (1) Regulation 99(d)—delete "*Road Transport (Driver Licensing) Act 1998*" and substitute:

Road Transport Act 2013

- (2) Regulation 99(f)—delete paragraph (f)

8—Variation of Schedule 2—Classification of driver's licences

- (1) Schedule 2, table, item relating to licence class LR, 4—after "*Road Traffic Act 1961*" insert:

or the *Heavy Vehicle National Law (South Australia)*

- (2) Schedule 2, table, item relating to licence class MR, 3—delete "*Road Traffic Act 1961*" and substitute:

Heavy Vehicle National Law (South Australia)

- (3) Schedule 2, table, item relating to licence class HR, 3—delete "*Road Traffic Act 1961*" and substitute:

Heavy Vehicle National Law (South Australia)

9—Variation of Schedule 4—Demerit points

- (1) Schedule 4, Part 1, clause 1, table, items relating to sections 40I(2), 40J(3) and 91(3) of the *Road Traffic Act 1961*—delete the items

- (2) Schedule 4, Part 1, clause 1, table, item relating to section 164A(1) of the *Road Traffic Act 1961*—delete the entries relating to section 145(6) of that Act

- (3) Schedule 4, Part 1, clause 3—delete clause 3 and substitute:

3—Offences against *Heavy Vehicle National Law (South Australia)*

Section	Description of offence against <i>Heavy Vehicle National Law (South Australia)</i>	Demerit points
228(1)	<i>Driving a fatigue-regulated heavy vehicle on a road while the driver is impaired by fatigue</i>	3
250(1)	<i>Failure of solo driver of a fatigue-regulated heavy vehicle to comply with standard hours—</i>	
	(a) for a severe risk breach	3
	(b) for a critical risk breach	4
251(1)	<i>Failure of two-up driver of a fatigue-regulated heavy vehicle to comply with standard hours—</i>	
	(a) for a severe risk breach	3
	(b) for a critical risk breach	4
254(1)	<i>Failure of solo driver of a fatigue-regulated heavy vehicle to comply with BFM hours—</i>	
	(a) for a severe risk breach	3
	(b) for a critical risk breach	4
256(1)	<i>Failure of two-up driver of fatigue-regulated heavy vehicle to comply with BFM hours—</i>	
	(a) for a severe risk breach	3
	(b) for a critical risk breach	4
258(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with AFM hours—</i>	
	(a) for a severe risk breach	3
	(b) for a critical risk breach	4
260(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with work and rest hours exemption hours—</i>	
	(a) for a severe risk breach	3
	(b) for a critical risk breach	4

- (4) Schedule 4, Part 2, clause 4, table, item relating to section 40H(5) of the *Road Traffic Act 1961*—delete "or police officer"
- (5) Schedule 4, Part 2, clause 4, table—after the item relating to section 40H(5) of the *Road Traffic Act 1961* insert:

40I(2)	<i>Engaging in conduct in contravention of direction of authorised officer to move vehicle to specified location</i>	3
40J(3)	<i>Engaging in conduct in contravention of direction of authorised officer to move vehicle or do anything else reasonably required by officer to avoid causing harm or obstruction</i>	3

- (6) Schedule 4, Part 2, clause 4, table—after the item relating to section 82(1) of the *Road Traffic Act 1961* insert:

91(3) *Failing to comply with direction of ferry operator* 3

- (7) Schedule 4, Part 2, clause 4, table, item relating to section 164A(1) of the *Road Traffic Act 1961*—after the entries relating to section 110 of that Act insert:

s 145(6)—*Driving contrary to terms of defect notice* 3

- (8) Schedule 4, Part 2—after clause 7 insert:

8—Offences against *Heavy Vehicle National Law (South Australia)*

Section	Description of offence against <i>Heavy Vehicle National Law (South Australia)</i>	Demerit points
529	Using heavy vehicle in contravention of a vehicle defect notice	3

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 306 of 2013

MTR13/026CS

South Australia

Dangerous Substances (Dangerous Goods Transport) Variation Regulations 2013

under the *Dangerous Substances Act 1979*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Dangerous Substances (Dangerous Goods Transport) Regulations 2008*

- 4 Variation of regulation 4—Interpretation
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Dangerous Substances (Dangerous Goods Transport) Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on the day on which Part 3 of the *Statutes Amendment (Heavy Vehicle National Law) Act 2013* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Dangerous Substances (Dangerous Goods Transport) Regulations 2008*

4—Variation of regulation 4—Interpretation

- (1) Regulation 4(1), definition of *converter dolly*—delete the definition and substitute:

converter dolly—

- (a) in relation to a light vehicle (as defined in the *Road Traffic Act 1961*)—has the same meaning as in the *Road Traffic (Light Vehicle Standards) Rules 2013*;
- (b) in relation to a heavy vehicle (as defined in the *Road Traffic Act 1961*)—has the same meaning as in the *Heavy Vehicle National Law (South Australia)*;

- (2) Regulation 4(1)—after the definition of *goods too dangerous to transport* insert:

Heavy Vehicle National Law (South Australia) has the same meaning as in the *Heavy Vehicle National Law (South Australia) Act 2013*;

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 307 of 2013

MTR13/026CS

South Australia

Electricity (General) Variation Regulations 2013

under the *Electricity Act 1996*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Electricity (General) Regulations 2012*

- 4 Variation of regulation 87—Transportation
 - 5 Variation of Schedule 1—Requirements for aerial lines
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Electricity (General) Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on the day on which Part 3 of the *Statutes Amendment (Heavy Vehicle National Law) Act 2013* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Electricity (General) Regulations 2012*

4—Variation of regulation 87—Transportation

Regulation 87(1)—delete "under Part 4 of the *Road Traffic Act 1961*" and substitute:
under the *Road Traffic Act 1961* or the *Heavy Vehicle National Law (South Australia) Act 2013*

5—Variation of Schedule 1—Requirements for aerial lines

Schedule 1, clause 13, table 3—delete "under Part 4 of the *Road Traffic Act 1961*" and substitute:

established under the *Road Traffic Act 1961* or the *Heavy Vehicle National Law (South Australia) Act 2013*

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 308 of 2013

MTR13/026CS

South Australia

Second-hand Vehicle Dealers Variation Regulations 2013

under the *Second-hand Vehicle Dealers Act 1995*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Second-hand Vehicle Dealers Regulations 2010*

- 4 Variation of Schedule 4—Defects in vehicles
 - Part 2—Left-hand drive configuration
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Second-hand Vehicle Dealers Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on the day on which Part 3 of the *Statutes Amendment (Heavy Vehicle National Law) Act 2013* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Second-hand Vehicle Dealers Regulations 2010*

4—Variation of Schedule 4—Defects in vehicles

Schedule 4, Part 2—delete Part 2 and substitute:

Part 2—Left-hand drive configuration

A dealer is not under a duty to modify a vehicle that is in left-hand drive configuration so that it complies with—

- (a) in the case of a light vehicle (as defined in the *Road Traffic Act 1961*)—the *Road Traffic Act 1961*; or
- (b) in the case of a heavy vehicle (as defined in the *Road Traffic Act 1961*)—the *Heavy Vehicle National Law (South Australia)* and the *Heavy Vehicle National Regulations (South Australia)*,

if the dealer has stated in the Section 16 Notice or in the Auction Notice (as the case may be) that the vehicle cannot be registered until it has been converted to right-hand drive configuration to the standard required by the Registrar of Motor Vehicles and that the dealer does not accept a duty to perform those modifications.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 309 of 2013

MTR13/026CS

South Australia

Road Traffic (Miscellaneous) Variation Regulations 2013

under the *Road Traffic Act 1961*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Miscellaneous) Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on the day on which the *Road Traffic (Average Speed) Amendment Act 2012* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Road Traffic (Miscellaneous) Regulations 1999*

4—Variation of regulation 4—Interpretation

- (1) Regulation 4(1)—after the definition of *approved courier* insert:

average speed, in relation to a vehicle travelling between 2 average speed camera locations, means the average speed of the vehicle between those locations calculated in accordance with section 175A(4)(b)(ii) of the Act;

average speed camera—see regulation 19AB(3)(a);

average speed camera location has the same meaning as in section 175A of the Act;

average speed camera location offence means—

- (a) an offence against rule 132(2) (Keeping to the left of a dividing line) or rule 150(1) (Driving on or across a continuous white edge line) of the *Australian Road Rules*; or
- (b) an offence against regulation 44(1) of these regulations constituted of a contravention of or failure to comply with regulation 19AD of these regulations (Evasive action in relation to average speed camera); or
- (c) an offence against section 164A(1) of the *Road Traffic Act 1961* constituted of a contravention of or failure to comply with section 110 of the Act (Driving on sealed surface);

- (2) Regulation 4(1)—after the definition of *speeding offence* insert:

stub line—see regulation 19AB;

5—Variation of regulation 13B—Apparatus approved as traffic speed analysers

- (1) Regulation 13B—after paragraph (da) insert:

(db) REDFLEXpoint-to-point camera system manufactured by Redflex Traffic Systems Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector;

- (2) Regulation 13B(ea)—delete "a" first occurring

- (3) Regulation 13B(eb)—delete "a" first occurring

6—Substitution of regulation 13C

Regulation 13C—delete the regulation and substitute:

13C—Interpretation

For the purposes of this Part—

- (a) a requirement in this Part relating to the installation or setting up of a photographic detection device of a kind referred to in regulation 14(1)(a), (b) or (e) to provide evidence of offences will be taken to also apply to the removal of such a device (or portion of such a device) with recording media in place to a new location from another location at which it was previously being used to provide evidence of offences; and
- (b) an average speed camera location is, in relation to 2 average speed camera locations whose location and shortest distance from each other along a particular route are specified in a notice under section 175A(3) of the Act—
 - (i) a *start location* if it is the first of the locations that is reached by a vehicle travelling along that route in the general direction of travel specified in the notice; and
 - (ii) an *end location* if it is the second of the locations reached by such a vehicle.

7—Variation of regulation 14—Apparatus approved as photographic detection devices

(1) Regulation 14(1)(b)—after subparagraph (ii) insert:

- (iii) a REDFLEXpoint-to-point camera system manufactured by Redflex Traffic Systems Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector;

(2) Regulation 14(1)—after paragraph (d) insert:

- (e) in relation to a reckless or dangerous driving offence, a registration offence, a speeding offence or an average speed camera location offence—a system incorporating—
 - (i) a module comprising a REDFLEXpoint-to-point camera system manufactured by Redflex Traffic Systems Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector (or more than 1 such module) situated at an average speed camera location; and
 - (ii) such a module (or more than 1 such module) situated at another average speed camera location,

that are linked to and used in conjunction with each other for the purpose of enabling the average speed of vehicles travelling between the 2 locations to be calculated from electronic records of the vehicles made at each location by those modules.

8—Variation of regulation 15—Prescribed offences for the purposes of section 79B

- (1) Regulation 15(2)—after paragraph (a) insert:
 - (ab) section 164A(1) of the Act constituted of a contravention of or failure to comply with section 110 of the Act (Driving on sealed surface);
- (2) Regulation 15(2)—after paragraph (g) insert:
 - (ga) rule 132(2) of the *Australian Road Rules* (Keeping to the left of a dividing line);
 - (gb) rule 150(1) of the *Australian Road Rules* (Driving on or across a continuous white edge line);
- (3) Regulation 15(2)(j)—delete paragraph (j) and substitute:
 - (j) regulation 44(1) of these regulations constituted of a contravention of or failure to comply with—
 - (i) regulation 19AD of these regulations (Evasive action in relation to average speed camera); or
 - (ii) regulation 19B(1) of these regulations (Heavy vehicles and minimum allowable travel time);

9—Variation of regulation 18—Operation and testing of photographic detection devices referred to in regulation 14(1)(a) or (b)(iii) for offences committed other than at intersections, marked foot crossings or level crossings

- (1) Regulation 18(1)—delete "Where a photographic detection device referred to in regulation 14(1)(a) is used to provide evidence of speeding offences committed other than at an intersection, marked foot crossing or level crossing," and substitute:

Where a photographic detection device referred to in regulation 14(1)(a) or (b)(iii) is used to provide evidence of speeding offences committed other than at an intersection, marked foot crossing or level crossing (not being evidence of the average speed of vehicles between 2 average speed camera locations),
- (2) Regulation 18(2)—delete "regulation 14(1)(a)" and substitute:

regulation 14(1)(a) or (b)(iii)

10—Variation of regulation 18A—Operation and testing of photographic detection devices referred to in regulation 14(1)(b)(i) or (ii) for offences committed other than at intersections, marked foot crossings or level crossings

- (1) Regulation 18A(1)—delete "regulation 14(1)(b)" and substitute:

regulation 14(1)(b)(i) or (ii)
- (2) Regulation 18A(2)—delete "regulation 14(1)(b)" and substitute:

regulation 14(1)(b)(i) or (ii)

11—Substitution of regulation 19AA

Regulation 19AA—delete the regulation and substitute:

19AA—Operation and testing of average speed cameras

- (1) Where a photographic detection device that is an average speed camera is used to provide evidence of speeding offences (being evidence of the average speed of vehicles between 2 average speed camera locations), the following provisions must be complied with:
 - (a) the induction loop vehicle detector (*induction loop*) must be installed under the surface of the road;
 - (b) the camera or cameras forming part of the device at a given location must be positioned and aimed, and the induction loop linked up with the other parts of the device, so that when vehicles approach or pass the stub line at the average speed camera location, a photograph or series of photographs may be taken of the vehicles from the front or from the rear;
 - (c) the device must be programmed and set to operate so that—
 - (i) if a vehicle is detected by the device passing over the induction loop at or near a start location, at least 1 electronic record containing a photograph of that vehicle on which is recorded the date, time and code for the location is made from the front or from the rear before the whole of the vehicle passes the stub line at that location; and
 - (ii) if a vehicle is detected by the device passing over the induction loop at or near an end location, at least 1 electronic record containing a photograph of that vehicle on which is recorded the date, time and code for the location is made from the front or from the rear when or after any part of the vehicle reaches the stub line at that location;
 - (d) when the device is set up at a given start location and end location, the device must be checked (either on-site or from a remote location) to ensure—
 - (i) that—
 - (A) the correct date; and
 - (B) the correct time (being Australian Central Standard Time or Australian Central Daylight Time determined with the accuracy specified in regulation 19AB(1)(c)); and
 - (C) the correct codes for the start and end locations, are set on the device; and
 - (ii) that the device is set to operate in accordance with paragraph (c),

and thereafter the same checks must be carried out—

- (iii) in the case of the check to ensure that the correct date and time are set on the device—at least once in relation to each day (either on the day or else subsequently by reference to records created on the day by the device); and
- (iv) in every other case—once in every 28 days,

and if a fault is indicated by a check referred to above, corrective action must be taken until no fault is indicated;

(e) if—

- (i) a check; or
- (ii) any electronic record made by the device,

indicates a fault that has affected the proper operation of the device as required by these regulations, those electronic records affected by the fault must be rejected for evidentiary purposes.

- (2) Where a photographic detection device that is an average speed camera is used to provide evidence of reckless or dangerous driving offences, registration offences or average speed camera location offences, the provisions of subregulation (1) must be complied with.

12—Insertion of Part 3 Division 3A

After Part 3 Division 3 insert:

Division 3A—Special provisions relating to average speed cameras

19AB—Average speed evidence (section 175A of Act)—identification of average speed cameras, average speed camera locations etc

- (1) For the purposes of section 175A of the Act—
 - (a) a notice under section 175A(3) of the Act must identify an average speed camera location by specifying—
 - (i) the road on which vehicles will be photographed by the average speed camera; and
 - (ii) the place on that road at which vehicles will be photographed, identified by reference to—
 - (A) a stub line at that place; and
 - (B) the approximate coordinates of the point at which that stub line meets the centre of the road; and
 - (iii) whether the average speed camera location is a start location or end location; and
 - (iv) the general direction of travel (for example, north bound) of vehicles moving between the 2 average speed camera locations for which this is the start or end location; and

- (b) the shortest distance between 2 average speed camera locations along a route specified in a notice under section 175A(3) must be measured between the stub line at the start location and the stub line at the end location; and
 - (c) the time taken for a vehicle to travel between 2 average speed camera locations must be determined by reference to the total period elapsed between—
 - (i) a time before which the whole of the vehicle passes the stub line at the start location; and
 - (ii) a time at or after which any part of the vehicle reaches the stub line at the end location,

where the time at each location is determined according to Australian Central Standard Time, or according to Australian Central Daylight Time, with an accuracy equal to or better than plus or minus 1 second.
- (2) A notice under section 175A(3) of the Act may, for the purposes of identifying an average speed camera location, include a reference to—
- (a) a nearby landmark or other feature; or
 - (b) the approximate distance along the road between the location and a specified town or intersection (or, if the location is at an intersection, by reference to that intersection),
- but such a notice will not be regarded as defective on the basis of anything included or not included under this subregulation.
- (3) For the purposes of the definitions in section 175A(10) of the Act—
- (a) a photographic detection device of a kind referred to in regulation 14(1)(e) is an *average speed camera*;
 - (b) a *prescribed road law speeding offence* means—
 - (i) a speeding offence; or
 - (ii) a reckless or dangerous driving offence comprised of driving a vehicle at a speed which is dangerous to the public.
- (4) In this regulation—
- coordinates* means coordinates expressed in terms of either the Geocentric Datum of Australia 1994 or the World Geodetic System 1984;
- dividing line, marked lane* and *median strip* have the same respective meanings as in the *Australian Road Rules*;
- short white line* means a straight white line approximately 100 millimetres wide and 400 millimetres long;
- stub line* means a short white line, or series of short white lines, marked in a straight line on the sealed surface of 1 or both sides of a two-way road at right angles to a boundary of the road, with each short white line positioned—
- (a) if a side of the road has 1 or more marked lanes for vehicles travelling in the same direction—

- (i) at or near the centre of each lane; or
 - (ii) at or near the left-hand side and at or near the right-hand side of each lane; or
- (b) if a side of the road has no marked lanes for vehicles travelling in the same direction—
- (i) at or near the centre of the sealed portion of that side of the road; or
 - (ii) at or near the left-hand side and at or near the right-hand side of the sealed portion of that side of the road,

and includes the whole of the straight line formed by the short white line or series of short white lines as well as the extension of that straight line—

- (c) to each boundary of the road; or
- (d) where the short white line or lines is or are marked on 1 side of the road only, to the boundary on that side of the road and to the centre of the road;

two-way road means a road divided by a dividing line or median strip into 2 sides, 1 of which is for vehicles travelling in 1 direction and the other of which is for vehicles travelling in the opposite direction.

19AC—Expiation fee for certain offences at average speed camera locations

Despite regulation 45 and Schedule 9, the expiation fee for—

- (a) an alleged offence constituted of a contravention of or failure to comply with—
 - (i) rule 132(2) of the *Australian Road Rules* (Keeping to the left of a dividing line); or
 - (ii) rule 150(1) of the *Australian Road Rules* (Driving on or across a continuous white edge line); or
- (b) an alleged offence against section 164A(1) of the *Road Traffic Act 1961* constituted of a contravention of or failure to comply with section 110 of the Act (Driving on sealed surface),

is \$824 if the contravention or failure to comply takes place within 100 metres of a stub line at an average speed camera location.

19AD—Evasive action in relation to average speed camera

The driver of a vehicle must not take any action, other than a contravention referred to in regulation 19AC, that is designed to avoid an electronic record being made of the vehicle through the operation of an average speed camera as the vehicle is driven towards, through or away from an average speed camera location.

13—Variation of Schedule 4—Notice

Schedule 4, Notice, examples under the heading "Statutory Declarations"—delete "Similarly, in relation to an offence against section 79B of the *Road Traffic Act 1961*, if you are nominating another person as the driver of the vehicle at the relevant time you would need to provide that person's name and address or if you do not know the identity of the driver you would need to specify that fact and outline why the driver's identity is not known and what enquiries you have made to ascertain the driver's identity." and substitute:

Similarly, in relation to an offence against section 79B of the *Road Traffic Act 1961*, if you are nominating another person as the driver of the vehicle at the relevant time you would need to provide that person's name and address or if you do not know the identity of the driver you would need to specify that fact and outline why the driver's identity is not known and what enquiries you have made to ascertain the driver's identity. If the allegation of an offence against section 79B, or an allegation of a speeding or reckless or dangerous driving offence, is based on evidence of the average speed of the vehicle between 2 locations you would need to provide this information in relation to each person who drove the vehicle during that time (if there was more than 1) and in the case of an offence against section 79B state whether or not you were 1 of those persons.

14—Variation of Schedule 9—Expiation fees

Schedule 9, Part 7, items relating to regulation 44(1)—before sub-item relating to regulation 19B(1) insert:

r 19AD	<i>Evasive action in relation to average speed camera</i>	\$824
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Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 310 of 2013

MRS13/07CS

South Australia

Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Variation Regulations 2013

under the *Road Traffic Act 1961*

Contents

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- 3 Variation provisions

Part 2—Variation of *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999*

- 4 Insertion of regulation 48A
48A Stop line
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on the day on which the *Road Traffic (Average Speed) Amendment Act 2012* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999*

4—Insertion of regulation 48A

After regulation 48 insert:

48A—Stop line

- (1) Despite the definition of *stop line* in the dictionary at the end of the Rules, a stop line does not for the purposes of the Rules or that definition include a stub line.

(2) In this regulation—

stub line has the same meaning as in the *Road Traffic (Miscellaneous) Regulations 1999*.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 311 of 2013

MRS13/07CS

South Australia

Land and Business (Sale and Conveyancing) Variation Regulations 2013

under the *Land and Business (Sale and Conveyancing) Act 1994*

Contents

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 - 8 Sale of land—form of vendor's statement
- 6 Variation of regulation 10—Sale of small business—form of vendor's statement
- 7 Variation of regulation 11—Sale of small business—prescribed particulars
- 8 Variation of Schedule 1—Contracts for sale of land or businesses—forms
- 9 Variation of Schedule 1—Contracts for sale of land or businesses—forms
- 10 Variation of Schedule 1—Contracts for sale of land or businesses—forms
- 11 Substitution of Schedule 3
 - Schedule 3—Contracts for sale of land or businesses—inquiries
- 12 Variation of Schedule 8—Contracts for sale of land or businesses—fees
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Schedule 1—Attachment for Form 1

Schedule 2—Attachment for Form 2

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Land and Business (Sale and Conveyancing) Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on the day on which Part 4 of the *Statutes Amendment (Real Estate Reform Review and Other Matters) Act 2013* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Land and Business (Sale and Conveyancing) Regulations 2010*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *council search report*—after "by a council" insert:
(whether or not wholly or partially in electronic form)
- (2) Regulation 3(1), definition of *property interest report*—delete ", produced by the Department for Transport, Energy and Infrastructure" and substitute:
(whether or not wholly or partially in the form of an annotated version of Form 1 or Form 2 and whether or not wholly or partially in electronic form) produced by the Department of Planning, Transport and Infrastructure

5—Substitution of regulation 8

Regulation 8—delete the regulation and substitute:

8—Sale of land—form of vendor's statement

For the purposes of section 7(1) of the Act, a statement is in the required form if it comprises Form 1.

6—Variation of regulation 10—Sale of small business—form of vendor's statement

Regulation 10(d)—delete paragraph (d) and substitute:

- (d) if the matters set out under the heading "Particulars relating to environment protection" in Form 2 Schedule 2 Division 2 affect, presently or prospectively, the business subject to the sale—the parts of that Division that contain those matters; and
- (e) if—
 - (i) the business the subject of the sale involves the keeping or handling of livestock, the handling of livestock products or the handling of property in connection with such an activity; and
 - (ii) the matters set out under the heading "Particulars relating to *Livestock Act 1997*" in Form 2 Schedule 2 Division 2 affect, presently or prospectively, that business,the parts of that Division that contain those matters.

7—Variation of regulation 11—Sale of small business—prescribed particulars

Regulation 11(b)—delete paragraph (b) and substitute:

- (b) if the matters set out under the heading "Particulars relating to environment protection" in Form 2 Schedule 2 Division 2 affect, presently or prospectively, the business subject to the sale—the particulars set out in that form relating to those matters; and
- (c) if—
 - (i) the business the subject of the sale involves the keeping or handling of livestock, the handling of livestock products or the handling of property in connection with such an activity; and

- (ii) the matters set out under the heading "Particulars relating to *Livestock Act 1997*" in Form 2 Schedule 2 Division 2 affect, presently or prospectively, that business,

the particulars set out in that form relating to those matters.

8—Variation of Schedule 1—Contracts for sale of land or businesses—forms

Schedule 1, Form 1—delete the form and substitute:

Form 1—Vendor's statement

(Section 7 *Land and Business (Sale and Conveyancing) Act 1994*)

Contents

Preliminary

Part A—Parties and land

Part B—Purchaser's cooling off rights and proceeding with the purchase

Part C—Statement with respect to required particulars

Part D—Certificate with respect to prescribed inquiries by registered agent

□

Schedule

Preliminary

To the purchaser:

The purpose of a statement under section 7 of the *Land and Business (Sale and Conveyancing) Act 1994* is to put you on notice of certain particulars concerning the land to be acquired.

If you intend to carry out building work on the land, change the use of the land or divide the land, you should make further inquiries to determine whether this will be permitted. For example, building work may not be permitted on land not connected to a sewerage system or common drainage scheme if the land is near a watercourse, dam, bore or the River Murray and Lakes.

The *Aboriginal Heritage Act 1988* protects any Aboriginal site or object on the land. Details of any such site or object may be sought from the "traditional owners" as defined in that Act.

If you desire additional information, it is up to you to make further inquiries as appropriate.

Instructions to the vendor for completing this statement:

means the Part, Division, particulars or item may not be applicable.

If it is applicable, ensure the box is ticked and complete the Part, Division, particulars or item.

If it is not applicable, ensure the box is empty or strike out the Part, Division, particulars or item. (Do not omit the Part, Division, particulars or item).

* means strike out or omit the option that is not applicable.

All questions must be answered with a YES or NO (inserted in the place indicated by a rectangle or square brackets below or to the side of the question).

If there is insufficient space to provide any particulars required, continue on attachments.

Part A—Parties and land

- 1 Purchaser:
Address:
- 2 Purchaser's registered agent:
Address:
- 3 Vendor:
Address:
- 4 Vendor's registered agent:
Address:
- 5 Date of contract (if made before this statement is served):
- 6 Description of the land:
[Identify the land including any certificate of title reference]

Part B—Purchaser's cooling-off rights and proceeding with the purchase

To the purchaser:

Right to cool-off

(section 5)

1—Right to cool-off and restrictions on that right

You may notify the vendor of your intention not to be bound by the contract for the sale of the land UNLESS—

- (a) you purchased by auction; or
- (b) you purchased on the same day as you, or some person on your behalf, bid at the auction of the land;
or

- (c) you have, before signing the contract, received independent advice from a legal practitioner and the legal practitioner has signed a certificate in the prescribed form as to the giving of that advice; or
- (d) you are a body corporate and the land is not residential land; or
- (e) the contract is made by the exercise of an option to purchase not less than 5 clear business days after the grant of the option and not less than 2 clear business days after service of this form; or
- (f) the sale is by tender and the contract is made not less than 5 clear business days after the day fixed for the closing of tenders and not less than 2 clear business days after service of this form; or
- (g) the contract also provides for the sale of a business that is not a small business.

2—Time for service

The cooling-off notice must be served—

- (a) if this form is served on you before the making of the contract—before the end of the second clear business day after the day on which the contract was made; or
- (b) if this form is served on you after the making of the contract—before the end of the second clear business day from the day on which this form is served.

However, if this form is not served on you at least 2 clear business days before the time at which settlement takes place, the cooling-off notice may be served at any time before settlement.

3—Form of cooling-off notice

The cooling-off notice must be in writing and must be signed by you.

4—Methods of service

The cooling-off notice must be—

- (a) given to the vendor personally; or
- (b) posted by registered post to the vendor at the following address:
(being the vendor's last known address); or
- (c) transmitted by fax or email to the following fax number or email address:
(being a number or address provided to you by the vendor for the purpose of service of the notice); or
- (d) left for the vendor's agent (with a person apparently responsible to the agent) at, or posted by registered post to the agent at, the following address:

(being *the agent's address for service under the *Land Agents Act 1994*/an address nominated by the agent to you for the purpose of service of the notice).

Note—

Section 5(3) of the *Land and Business (Sale and Conveyancing) Act 1994* places the onus of proving the giving of the cooling-off notice on the purchaser. It is therefore strongly recommended that—

- (a) if you intend to serve the notice by leaving it for the vendor's agent at the agent's address for service or an address nominated by the agent, you obtain an acknowledgment of service of the notice in writing;
- (b) if you intend to serve the notice by fax or email, you obtain a record of the transmission of the fax or email.

5—Effect of service

If you serve such cooling-off notice on the vendor, the contract will be taken to have been rescinded at the time when the notice was served. You are then entitled to the return of any money you paid under the contract other than—

- (a) the amount of any deposit paid if the deposit did not exceed \$100; or
- (b) an amount paid for an option to purchase the land.

Proceeding with the purchase

If you wish to proceed with the purchase—

- (a) it is strongly recommended that you take steps to make sure your interest in the property is adequately insured against loss or damage;
- (b) pay particular attention to the provisions in the contract as to time of settlement - it is essential that the necessary arrangements are made to complete the purchase by the agreed date - if you do not do so, you may be in breach of the contract;
- (c) you are entitled to retain the solicitor or registered conveyancer of your choice.

Part C—Statement with respect to required particulars

(section 7(1))

To the purchaser:

*I/We,
of
being the *vendor(s)/person authorised to act on behalf of the vendor(s) in relation to the transaction state that the Schedule contains all particulars required to be given to you pursuant to section 7(1) of the *Land and Business (Sale and Conveyancing) Act 1994*.

Date:

Signed:

**Part D—Certificate with respect to prescribed inquiries
by registered agent** □

(section 9)

To the purchaser:

I,

certify *that the responses/that, subject to the exceptions stated below, the responses to the inquiries made pursuant to section 9 of the *Land and Business (Sale and Conveyancing) Act 1994* confirm the completeness and accuracy of the particulars set out in the Schedule.

Exceptions:

Date:

Signed:

*Vendor's/Purchaser's agent

*Person authorised to act on behalf of *Vendor's/Purchaser's agent

**Schedule—Division 1—Particulars of mortgages, charges and
prescribed encumbrances affecting the land**

(section 7(1)(b))

Note—

Section 7(3) of the Act provides that this statement need not include reference to charges arising from the imposition of rates or taxes less than 12 months before the date of service of the statement.

Where a mortgage, charge or prescribed encumbrance referred to in column 1 of the table below is applicable to the land, the particulars in relation to that mortgage, charge or prescribed encumbrance required by column 2 of the table must be set out in the table (in accordance with the instructions in the table) unless—

- (a) there is an attachment to this statement and—
 - (i) all the required particulars are contained in that attachment; and
 - (ii) the attachment is identified in column 2; and
 - (iii) if the attachment consists of more than 2 sheets of paper, those parts of the attachment that contain the required particulars are identified in column 2; or
- (b) the mortgage, charge or prescribed encumbrance—
 - (i) is one of the following items in the table:
 - (A) under the heading 1. General—
 - 1.1 Mortgage of land
 - 1.4 Lease, agreement for lease, tenancy agreement or licence
 - 1.5 Caveat
 - 1.6 Lien or notice of a lien
 - (B) under the heading 33. Other charges—
 - 33.1 Charge of any kind affecting the land (not included in another item); and
 - (ii) is registered on the certificate of title to the land; and

(iii) is to be discharged or satisfied prior to or at settlement.

Table of particulars

Column 1	Column 2	Column 3
<i>[If an item is applicable, ensure that the box for the item is ticked and complete the item.]</i>		
<i>[If an item is not applicable, ensure the box is empty (or else strike out the item or write "NOT APPLICABLE" or "N/A" in column 1).]</i>		
<i>[If an item is applicable, all particulars requested in column 2 must be set out in the item unless the Note preceding this table otherwise permits. Particulars requested in bold type must be set out in column 3 and all other particulars must be set out in column 2.]</i>		
<i>[If there is more than 1 mortgage, charge or prescribed encumbrance of a kind referred to in column 1, the particulars requested in column 2 must be set out for <u>each</u> such mortgage, charge or prescribed encumbrance.]</i>		
<i>[If requested particulars are set out in the item and then continued on an attachment due to insufficient space, identify the attachment in the place provided in column 2. If <u>all</u> of the requested particulars are contained in an attachment (instead of in the item) in accordance with the Note preceding this table, identify the attachment in the place provided in column 2 and (if required by the Note) identify the parts of the attachment that contain the particulars.]</i>		

1. General

1.1	Mortgage of land	<p><i>Is this item applicable?</i> <input type="checkbox"/></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i> []</p> <p><i>Are there attachments?</i> [] <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Number of mortgage (if registered):</p> <p>Name of mortgagee:</p>
1.2	Easement (whether over the land or annexed to the land) Note— "Easement" includes rights of way and party wall rights	<p><i>Is this item applicable?</i> <input type="checkbox"/></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i> []</p> <p><i>Are there attachments?</i> [] <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Description of land subject to easement:</p> <p>Nature of easement:</p> <p>Are you aware of any encroachment on the easement? [] If YES, give details:</p> <p>If there is an encroachment, has approval for the encroachment been given? [] If YES, give details:</p>

1.3	Restrictive covenant	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Nature of restrictive covenant:	
		Name of person in whose favour restrictive covenant operates:	
		Does the restrictive covenant affect the whole of the land being acquired?	
		[]	
		If NO, give details:	
		Does the restrictive covenant affect land other than that being acquired?	
		[]	
1.4	Lease, agreement for lease, tenancy agreement or licence (The information does not include information about any sublease or subtenancy. That information may be sought by the purchaser from the lessee or tenant or sublessee or subtenant.)	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Names of parties:	
		Period of lease, agreement for lease etc:	
		From to	
		Amount of rent or licence fee:	
		\$ per (period)	
		Is the lease, agreement for lease etc in writing?	
		[]	
		If the lease or licence was granted under an Act relating to the disposal of Crown lands, specify—	
		(a) the Act under which the lease or licence was granted:	
		(b) the outstanding amounts due (including any interest or penalty):	
1.5	Caveat	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	

		Name and address of caveator:	
		Particulars of interest claimed:	
1.6	Lien or notice of a lien	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Land or other property subject to lien:	
		Nature of lien:	
		Name and address of person who has imposed lien or given notice of it:	
<i>2. Aboriginal Heritage Act 1988</i>			
2.1	section 9—Registration in central archives of an Aboriginal site or object	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Particulars of register entry:	
2.2	section 24—Directions prohibiting or restricting access to, or activities on, a site or an area surrounding a site	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of notice:	
		Site or area to which notice relates:	
		Directions (as stated in notice):	
2.3	Part 3 Division 6—Aboriginal heritage agreement	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of agreement:	
		Description of property subject to agreement:	
		Names of parties:	
		Terms of agreement:	

3. Crown Rates and Taxes Recovery Act 1945

3.1	section 5—Notice requiring payment	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of notice:	
		Land in respect of which Crown rates and taxes are owing:	
		Amount owing (as stated in the notice):	

4. Development Act 1993

4.1	Part 3—Development Plan	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Title or other brief description of zone or policy area in which the land is situated (as shown in the Development Plan):	
		Is the land situated in a designated State Heritage Area?	[]
		Is the land designated as a place of local heritage value?	[]
		Is there a current Development Plan Amendment released for public consultation by a council on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation?	[]
		If YES, state the name of the council:	
		Is there a current Development Plan Amendment released for public consultation by the Minister on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation?	[]

4.2	section 42—Condition (that continues to apply) of a development authorisation	<i>Is this item applicable?</i>	□
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of authorisation:	
		Name of relevant authority that granted authorisation:	
		Condition(s) of authorisation:	
4.3	section 50(1)—Requirement to vest land in a council or the Crown to be held as open space	<i>Is this item applicable?</i>	□
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date requirement given:	
		Name of body giving requirement:	
		Nature of requirement:	
		Contribution payable (if any):	
4.4	section 50(2)—Agreement to vest land in a council or the Crown to be held as open space	<i>Is this item applicable?</i>	□
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of agreement:	
		Names of parties:	
		Terms of agreement:	
		Contribution payable (if any):	
4.5	section 55—Order to remove or perform work	<i>Is this item applicable?</i>	□
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of order:	
		Terms of order:	
		Building work (if any) required to be carried out:	
		Amount payable (if any):	

4.6	section 56—Notice to complete development	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of notice:	
		Requirements of notice:	
		Building work (if any) required to be carried out:	
		Amount payable (if any):	
4.7	section 57—Land management agreement	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of agreement:	
		Names of parties:	
		Terms of agreement:	
4.8	section 60—Notice of intention by building owner	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of notice:	
		Building work proposed (as stated in the notice):	
		Other building work as required pursuant to the Act:	
4.9	section 69—Emergency order	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of order:	
		Name of authorised officer who made order:	

		Name of authority that appointed the authorised officer:	
		Nature of order:	
		Amount payable (if any):	
4.10	section 71—Fire safety notice	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of notice:	
		Name of authority giving notice:	
		Requirements of notice:	
		Building work (if any) required to be carried out:	
		Amount payable (if any):	
4.11	section 84—Enforcement notice	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date notice given:	
		Name of relevant authority giving notice:	
		Nature of directions contained in notice:	
		Building work (if any) required to be carried out:	
		Amount payable (if any):	
4.12	section 85(6), 85(10) or 106—Enforcement order	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date order made:	
		Name of court that made order:	
		Action number:	
		Names of parties:	
		Terms of order:	

		Building work (if any) required to be carried out:	
4.13	Part 11 Division 2— Proceedings	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of commencement of proceedings:	
		Date of determination or order (if any):	
		Terms of determination or order (if any):	
5. Repealed Act conditions			
5.1	Condition (that continues to apply) of an approval or authorisation granted under the <i>Building Act 1971</i> (repealed), the <i>City of Adelaide Development Control Act 1976</i> (repealed), the <i>Planning Act 1982</i> (repealed) or the <i>Planning and Development Act 1966</i> (repealed)	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Nature of condition(s):	
6. Emergency Services Funding Act 1998			
6.1	section 16—Notice to pay levy	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of notice:	
		Amount of levy payable:	
7. Environment Protection Act 1993			
7.1	section 59—Environment performance agreement that is registered in relation to the land	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of agreement:	

7.2	section 93—Environment protection order that is registered in relation to the land	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of issue:	
		Compliance date(s) specified in the order:	
7.3	section 93A—Environment protection order relating to cessation of activity that is registered in relation to the land	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of issue:	
		Compliance date(s) specified in the order:	
7.4	section 99—Clean-up order that is registered in relation to the land	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of issue:	
		Compliance date(s) specified in the order:	
		Amount of charge on the land (if applicable and known):	
7.5	section 100—Clean-up authorisation that is registered in relation to the land	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of issue:	
		Amount of charge on the land (if known):	
7.6	section 103H—Site contamination assessment order that is registered in relation to the land	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]

		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of issue:	
		Compliance date(s) specified in the order:	
		Amount of charge on the land (if applicable and known):	
7.7	section 103J—Site remediation order that is registered in relation to the land	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of issue:	
		Compliance date(s) specified in the order:	
		Amount of charge on the land (if applicable and known):	
7.8	section 103N—Notice of declaration of special management area in relation to the land (due to possible existence of site contamination)	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of notice:	
		Date of Gazette in which notice published:	
		Description of area or areas to which the notice relates:	
7.9	section 103P—Notation of site contamination audit report in relation to the land	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of notation:	
		Note—	
		Site contamination audit reports are kept by the EPA in the public register under section 109 of the <i>Environment Protection Act 1993</i>	

7.10	section 103S—Notice of prohibition or restriction on taking water affected by site contamination in relation to the land	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of notice:	
		Date of Gazette in which notice published:	
		Description of the water to which the notice relates:	
		Particulars given in the notice of the site contamination affecting the water:	

8. Fences Act 1975

8.1	section 5—Notice of intention to perform fencing work	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of notice:	
		Name and address of person to whom notice was given or from whom notice was received:	
		Particulars of relevant boundary:	
		Kind of fence proposed to be constructed or nature of work proposed to be done to existing fence:	
		Cost or estimated cost of fence or work (as stated in the notice):	
		Amount sought by proponent from adjoining owner (as stated in the notice):	
		If there is a cross-notice under section 6, give details of—	
		(a) the proposals objected to:	
		(b) the counter-proposals:	

9. Fire and Emergency Services Act 2005

9.1	section 105F (or section 56 or 83 (repealed))— Notice to take action to prevent outbreak or spread of fire	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of notice:	
		Person or body who issued notice:	
		Requirements of notice (as stated therein):	
		Amount payable (if any):	

10. Food Act 2001

10.1	section 44—Improvement notice	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of notice:	
		Name of authorised officer who served notice:	
		Name of authority that appointed officer:	
		Requirements of notice:	
10.2	section 46—Prohibition order	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of order:	
		Name of authority or person who served order:	
		Requirements of order:	

11. Fruit and Plant Protection Act 1992 (repealed)

11.1	section 14 or 15—Notice or order concerning disease	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of notice or order:	
		Date of Gazette in which notice published (if applicable):	
		Nature of requirement, restriction or prohibition:	

12. Ground Water (Qualco-Sunlands) Control Act 2000

12.1	Part 6—Risk management allocation	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Is a waterlogging and salinity risk management allocation attached to the whole or any part of the land? []	
		If YES, give details of the allocation and the land to which it is attached:	
12.2	section 56—Notice to pay share of Trust costs, or for unauthorised use of water, in respect of irrigated property	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of notice:	
		Amount payable (as stated in notice):	

13. Heritage Places Act 1993

13.1	section 14(2)(b)—Registration of an object of heritage significance	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of registration:	
		Description and location of object registered:	

13.2	section 17 or 18— Provisional registration or registration	<i>Is this item applicable?</i>	□
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Description of place registered:	
		Has the place been designated as a place of geological, palaeontological or speleological significance or archaeological significance?	
		[]	
		If YES, give details:	
13.3	section 30—Stop order	<i>Is this item applicable?</i>	□
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of order:	
		Terms of order:	
13.4	Part 6—Heritage agreement	<i>Is this item applicable?</i>	□
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of agreement:	
		Description of property subject to agreement:	
		Names of parties:	
		Terms of agreement:	
13.5	section 38—"No development" order	<i>Is this item applicable?</i>	□
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of order:	
		Terms of order:	

14. Highways Act 1926

- 14.1** Part 2A—Establishment of control of access from any road abutting the land
- Is this item applicable?***
- Will this be discharged or satisfied prior to or at settlement?*** []
- Are there attachments?*** []
If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):
- Date of establishment of control of access:
- Description of boundary of land affected:

15. Housing Improvement Act 1940

- 15.1** section 23—Declaration that house is undesirable or unfit for human habitation
- Is this item applicable?***
- Will this be discharged or satisfied prior to or at settlement?*** []
- Are there attachments?*** []
If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):
- Date of declaration:
- Those particulars required to be provided by a council under section 23:
-
- 15.2** Part 7 (rent control for substandard houses)—Notice or declaration
- Is this item applicable?***
- Will this be discharged or satisfied prior to or at settlement?*** []
- Are there attachments?*** []
If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):
- Date of notice or declaration:
- Those particulars required to be provided by the housing authority under section 60:

16. Land Acquisition Act 1969

- 16.1** section 10—Notice of intention to acquire
- Is this item applicable?***
- Will this be discharged or satisfied prior to or at settlement?*** []
- Are there attachments?*** []
If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):
- Date of notice:
- Name of Authority who served notice:
- Description of land intended to be acquired (as described in the notice):

17. Land Tax Act 1936

17.1	Notice, order or demand for payment of land tax	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
	Date of notice, order or demand:		
	Amount payable (as stated in the notice):		

18. Local Government Act 1934

18.1	Notice, order, declaration, charge, claim or demand given or made under the Act	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
	Date of notice, order etc:		
	Name of council by which, or person by whom, notice, order etc is given or made:		
	Land subject thereto:		
	Nature of requirements contained in notice, order etc:		
	Time for carrying out requirements:		
	Amount payable (if any):		

19. Local Government Act 1999

19.1	Notice, order, declaration, charge, claim or demand given or made under the Act	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
	Date of notice, order etc:		
	Name of council by which, or person by whom, notice, order etc is given or made:		
	Land subject thereto:		
	Nature of requirements contained in notice, order etc:		
	Time for carrying out requirements:		
	Amount payable (if any):		

20. Metropolitan Adelaide Road Widening Plan Act 1972

- 20.1** section 6—Restriction on building work
- Is this item applicable?***
- Will this be discharged or satisfied prior to or at settlement?*** []
- Are there attachments?*** []
If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):
- Does the restriction apply to all of the land?
 []
 If NO, give details about the part of the land to which the restriction applies:
-

21. Mining Act 1971

- 21.1** Mining tenement (other than an exploration licence)
- Is this item applicable?***
- Will this be discharged or satisfied prior to or at settlement?*** []
- Are there attachments?*** []
If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):
- Type of tenement:
 Terms of tenement:
 Condition(s) (if any) the tenement is subject to:
-
- 21.2** section 9AA—Agreement or order to waive exemption from mining operations
- Is this item applicable?***
- Will this be discharged or satisfied prior to or at settlement?*** []
- Are there attachments?*** []
If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):
- Date of agreement or order:
 Description of land subject to agreement or order:
 Names of parties:
 Period of waiver:
 Terms (and conditions if any) of agreement or order:
-
- 21.3** section 58(a) or 59(8)(b)—Agreement authorising mining operator to enter land or use declared equipment on land
- Is this item applicable?***
- Will this be discharged or satisfied prior to or at settlement?*** []
- Are there attachments?*** []
If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):

		Date of agreement:	
		Description of property subject to agreement:	
		Names of parties:	
		Terms of agreement:	
21.4	section 61—Agreement or order to pay compensation for mining operations	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of agreement or order:	
		Description of property subject to agreement or order:	
		Names of parties:	
		Terms of agreement or order:	
21.5	Proclamation with respect to a private mine	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of proclamation:	
22. Native Vegetation Act 1991			
22.1	Part 4 Division 1—Heritage agreement	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of agreement:	
		Description of property subject to agreement:	
		Names of parties:	
		Terms of agreement:	
22.2	Part 5 Division 1—Refusal to grant consent, or condition of a consent, to clear native vegetation	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]

		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of refusal or grant of consent:	
		If consent given, condition(s) (if any) of the consent:	
<hr/>			
23. Natural Resources Management Act 2004			
23.1	section 97—Notice to pay levy in respect of costs of regional NRM board	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of notice:	
		Amount of levy payable:	
23.2	section 105—Notice to pay levy in respect of right to take water or taking of water	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of notice:	
		Amount of levy payable:	
23.3	section 115—Notice declaring a penalty	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of notice:	
		Amount of penalty payable:	
23.4	section 123—Notice to prepare an action plan for compliance with general statutory duty	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of notice:	
		Name of authority or person that issued notice:	

		Requirements of notice (as specified therein):	
23.5	section 130—Notice to rectify effects of unauthorised activity	<p><i>Is this item applicable?</i> <input type="checkbox"/></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i> []</p> <p><i>Are there attachments?</i> [] <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Date of notice:</p> <p>Name of relevant authority that issued notice:</p> <p>Requirements of notice (as specified therein):</p>	
23.6	section 131—Notice to maintain watercourse or lake in good condition	<p><i>Is this item applicable?</i> <input type="checkbox"/></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i> []</p> <p><i>Are there attachments?</i> [] <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Date of notice:</p> <p>Name of relevant authority that issued notice:</p> <p>Requirements of notice (as specified therein):</p>	
23.7	section 132—Notice restricting the taking of water or directing action in relation to the taking of water	<p><i>Is this item applicable?</i> <input type="checkbox"/></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i> []</p> <p><i>Are there attachments?</i> [] <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Date of notice:</p> <p>Water resource to which notice applies:</p> <p>Requirements of notice (as specified therein):</p>	
23.8	section 134—Notice to remove or modify a dam, embankment, wall or other obstruction or object	<p><i>Is this item applicable?</i> <input type="checkbox"/></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i> []</p> <p><i>Are there attachments?</i> [] <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Date of notice:</p>	

		Requirements of notice (as specified therein):	
23.9	section 135—Condition (that remains in force) of a permit	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of permit:	
		Name of relevant authority that granted permit:	
		Condition(s) of permit:	
23.10	section 145—Notice to take remedial or other action in relation to a well	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of notice:	
		Location of well:	
		Requirements of notice (as specified therein):	
23.11	section 181—Notice of instruction as to keeping or management of animal or plant	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of notice:	
		Name of authorised officer who issued notice:	
		Requirements of notice (as specified therein):	
23.12	section 183—Notice to prepare an action plan for the destruction or control of animals or plants	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of notice:	

	Name of authorised officer who issued notice:	
	Requirements of notice (as specified therein):	
23.13	section 185—Notice to pay costs of destruction or control of animals or plants on road reserve	<p><i>Is this item applicable?</i> <input type="checkbox"/></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i> []</p> <p><i>Are there attachments?</i> [] <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Date of notice:</p> <p>Name of authority that issued notice:</p> <p>Amount payable (as specified in notice):</p>
23.14	section 187—Notice requiring control or quarantine of animal or plant	<p><i>Is this item applicable?</i> <input type="checkbox"/></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i> []</p> <p><i>Are there attachments?</i> [] <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Date of notice:</p> <p>Requirements of notice (as specified therein):</p>
23.15	section 193—Protection order to secure compliance with specified provisions of the Act	<p><i>Is this item applicable?</i> <input type="checkbox"/></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i> []</p> <p><i>Are there attachments?</i> [] <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Date of order:</p> <p>Name of authority or person who issued order:</p> <p>Requirements of order (as specified therein):</p>
23.16	section 195—Reparation order requiring specified action or payment to make good damage resulting from contravention of the Act	<p><i>Is this item applicable?</i> <input type="checkbox"/></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i> []</p> <p><i>Are there attachments?</i> [] <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p>

	Date of order:	
	Name of authority or person who issued order:	
	Requirements of order (as specified therein):	
<hr/>		
23.17	section 197—Reparation authorisation authorising specified action to make good damage resulting from contravention of the Act	<p><i>Is this item applicable?</i> <input type="checkbox"/></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i> []</p> <p><i>Are there attachments?</i> [] <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Date of authorisation:</p> <p>Name of relevant authority that issued authorisation:</p> <p>Person authorised to take action:</p> <p>Requirements of authorisation (as specified therein):</p>
<hr/>		
24. <i>Phylloxera and Grape Industry Act 1995</i>		
24.1	section 23(1)—Notice of contribution payable	<p><i>Is this item applicable?</i> <input type="checkbox"/></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i> []</p> <p><i>Are there attachments?</i> [] <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Date of notice:</p> <p>Name of person or body giving notice:</p> <p>Terms of notice:</p> <p>Amount payable (as stated in notice):</p>
<hr/>		
25. <i>Plant Health Act 2009</i>		
25.1	section 8 or 9—Notice or order concerning pests	<p><i>Is this item applicable?</i> <input type="checkbox"/></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i> []</p> <p><i>Are there attachments?</i> [] <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Date of notice or order:</p> <p>Date of Gazette in which notice published (if applicable):</p> <p>Nature of requirement, restriction or prohibition:</p>
<hr/>		

26. Public and Environmental Health Act 1987 (repealed)

26.1	Part 3—Notice	Is this item applicable?	□
		Will this be discharged or satisfied prior to or at settlement?	[]
		Are there attachments? <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of notice:	
		Name of council or other authority giving notice:	
		Requirements of notice:	
26.2	<i>Public and Environmental Health (Waste Control) Regulations 2010 (or 1995) (revoked) Part 2—Condition (that continues to apply) of an approval</i>	Is this item applicable?	□
		Will this be discharged or satisfied prior to or at settlement?	[]
		Are there attachments? <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of approval:	
		Name of relevant authority that granted the approval:	
		Condition(s) of approval:	
26.3	<i>Public and Environmental Health (Waste Control) Regulations 2010 (revoked) regulation 19—Maintenance order (that has not been complied with)</i>	Is this item applicable?	□
		Will this be discharged or satisfied prior to or at settlement?	[]
		Are there attachments? <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of order:	
		Name of relevant authority giving order:	
		Requirements of order:	

27. Sewerage Act 1929 (repealed)

27.1	Notice, order or demand for payment of sewerage rates, other amounts payable or other requirements made under the Act	Is this item applicable?	□
		Will this be discharged or satisfied prior to or at settlement?	[]
		Are there attachments? <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of notice, order or demand:	

Amount payable (as stated in the notice):

Nature of requirement made:

28. South Australian Public Health Act 2011

28.1 section 66—Direction or requirement to avert spread of disease

Is this item applicable?

Will this be discharged or satisfied prior to or at settlement? []

Are there attachments? []

If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):

Date of direction or requirement:

Name of authority giving direction or making requirement:

Nature of direction or requirement:

28.2 section 92—Notice

Is this item applicable?

Will this be discharged or satisfied prior to or at settlement? []

Are there attachments? []

If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):

Date of notice:

Name of council or other relevant authority giving notice:

Requirements of notice:

28.3 *South Australian Public Health (Wastewater) Regulations 2013 Part 4—Condition (that continues to apply) of an approval*

Is this item applicable?

Will this be discharged or satisfied prior to or at settlement? []

Are there attachments? []

If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):

Date of approval:

Name of person or body that granted the approval:

Condition(s) of approval:

29. Upper South East Dryland Salinity and Flood Management Act 2002 (expired)

29.1 section 23—Notice of contribution payable

Is this item applicable?

Will this be discharged or satisfied prior to or at settlement? []

		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of notice:	
		Terms of notice:	
		Amount payable:	
<hr/>			
30. Water Industry Act 2012			
30.1	Notice or order under the Act requiring payment of charges or other amounts or making other requirement	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of notice or order:	
		Name of person or body who served notice or order:	
		Amount payable (if any) as specified in the notice or order:	
		Nature of other requirement made (if any) as specified in the notice or order:	
<hr/>			
31. Water Resources Act 1997			
31.1	section 18 (repealed)—Condition (that remains in force) of a permit	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of permit:	
		Name of relevant authority that granted permit:	
		Condition(s) of permit:	
<hr/>			
31.2	section 125 (or a corresponding previous enactment)—Notice to pay levy	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of notice:	
		Amount of levy payable:	

32. Waterworks Act 1932 (repealed)

- 32.1** Notice, order or demand for payment of water rates, other amounts payable or other requirements made under the Act
- Is this item applicable?***
- Will this be discharged or satisfied prior to or at settlement?*** []
- Are there attachments?*** []
If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):
- Date of notice, order or demand:
- Amount payable (as stated in the notice):
- Nature of requirement made:
-

33. Other charges

- 33.1** Charge of any kind affecting the land (not included in another item)
- Is this item applicable?***
- Will this be discharged or satisfied prior to or at settlement?*** []
- Are there attachments?*** []
If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):
- Person or body in whose favour charge exists:
- Nature of charge:
- Amount of charge (if known):

Schedule—Division 2—Other particulars **(section 7(1)(b))****Particulars of transactions in last 12 months**

If the vendor, within 12 months before the date of the contract of sale—

- (a) obtained title to the land; or
- (b) obtained an option to purchase the land; or
- (c) entered into a contract to purchase the land (whether on the vendor's own behalf or on behalf of another),

the vendor must provide the following particulars of all transactions relating to the acquisition of the interest that occurred within that 12 month period:

- 1 The name and address of each party to the transaction and of each person in whom an interest vested as a result of the transaction:
- 2 The date and nature of each instrument registered on the certificate of title or, if no such instrument has been registered, the date and nature of each document forming the whole or part of a contract relating to the transaction:
- 3 Particulars of the consideration provided for the purposes of the transaction:

The above particulars must be provided for each transaction.

Particulars relating to community lot (including strata lot) or development lot

- 1 Name of community corporation:
Address of community corporation:
- 2 Application must be made in writing to the community corporation for the particulars and documents referred to in 3 and 4. Application must also be made in writing to the community corporation for the documents referred to in 6 unless those documents are obtained from the Lands Titles Registration Office.
- 3 Particulars supplied by the community corporation or known to the vendor:
 - (a) particulars of contributions payable in relation to the lot (including details of arrears of contributions related to the lot):

- (b) particulars of assets and liabilities of the community corporation:
- (c) particulars of expenditure that the community corporation has incurred, or has resolved to incur, and to which the owner of the lot must contribute, or is likely to be required to contribute:
- (d) if the lot is a development lot, particulars of the scheme description relating to the development lot and particulars of the obligations of the owner of the development lot under the development contract:
- (e) if the lot is a community lot, particulars of the lot entitlement of the lot:

[If any of the above particulars have not been supplied by the community corporation by the date of this statement and are not known to the vendor, state "not known" for those particulars.]

- 4 Documents supplied by the community corporation that are enclosed:
- (a) a copy of the minutes of the general meetings of the community corporation and management committee
*for the 2 years preceding this statement/since the deposit of the community plan;
*(*Strike out or omit whichever is the greater period)*
[]
 - (b) a copy of the statement of accounts of the community corporation last prepared;
[]
 - (c) a copy of current policies of insurance taken out by the community corporation.
[]

[For each document indicate (YES or NO) whether or not the document has been supplied by the community corporation by the date of this statement.]

- 5 If "not known" has been specified for any particulars in 3 or a document referred to in 4 has not been supplied, set out the date of the application made to the community corporation and give details of any other steps taken to obtain the particulars or documents concerned:
- 6 The following documents are enclosed:
- (a) a copy of the scheme description (if any) and the development contract (if any);
 - (b) a copy of the by-laws of the community scheme.
- 7 The following additional particulars are known to the vendor or have been supplied by the community corporation:

- 8 Further inquiries may be made to the secretary of the community corporation or the appointed community scheme manager.

Name:

Address:

Note—

- 1 A community corporation must (on application by or on behalf of a current or prospective owner or other relevant person) provide the particulars and documents referred to in 3(a)—(c) and 4 and must also make available for inspection any information required to establish the current financial position of the corporation, a copy of any contract with a body corporate manager and the register of owners and lot entitlements that the corporation maintains: see sections 139 and 140 of the *Community Titles Act 1996*.
- 2 Copies of the scheme description, the development contract or the by-laws of the community scheme may be obtained from the community corporation or from the Lands Titles Registration Office.
- 3 All owners of a community lot or a development lot are bound by the by-laws of the community scheme. The by-laws regulate the rights and liabilities of owners of lots in relation to their lots and the common property and matters of common concern.
- 4 For a brief description of some of the matters that need to be considered before purchasing a community lot, see Division 3 of this Schedule.

Particulars relating to strata unit



- 1 Name of strata corporation:
Address of strata corporation:
- 2 Application must be made in writing to the strata corporation for the particulars and documents referred to in 3 and 4. Application must also be made in writing to the strata corporation for the articles referred to in 6 unless the articles are obtained from the Lands Titles Registration Office.
- 3 Particulars supplied by the strata corporation or known to the vendor:
 - (a) particulars of contributions payable in relation to the unit (including details of arrears of contributions related to the unit):
 - (b) particulars of the assets and liabilities of the strata corporation:
 - (c) particulars of expenditure that the strata corporation has incurred, or has resolved to incur, and to which the unit

holder of the unit must contribute, or is likely to be required to contribute:

- (d) particulars of the unit entitlement of the unit:

[If any of the above particulars have not been supplied by the strata corporation by the date of this statement and are not known to the vendor, state "not known" for those particulars.]

- 4 Documents supplied by the strata corporation that are enclosed:

- (a) a copy of the minutes of the general meetings of the strata corporation and management committee *for the 2 years preceding this statement/since the deposit of the strata plan;

*(*Strike out or omit whichever is the greater period)*

[]

- (b) a copy of the statement of accounts of the strata corporation last prepared;

[]

- (c) a copy of current policies of insurance taken out by the strata corporation.

[]

[For each document indicate (YES or NO) whether or not the document has been supplied by the strata corporation by the date of this statement.]

- 5 If "not known" has been specified for any particulars in 3 or a document referred to in 4 has not been supplied, set out the date of the application made to the strata corporation and give details of any other steps taken to obtain the particulars or documents concerned:

- 6 A copy of the articles of the strata corporation is enclosed.

- 7 The following additional particulars are known to the vendor or have been supplied by the strata corporation:

- 8 Further inquiries may be made to the secretary of the strata corporation or the appointed strata manager.

Name:

Address:

Note—

- 1 A strata corporation must (on application by or on behalf of a current owner, prospective purchaser or other relevant person) provide the particulars and documents referred to in 3(a)—(c), 4 and 6 and must also make available for inspection its accountancy records and minute books, any contract with a body corporate manager, the register of unit holders and unit holder entitlements that it maintains, the duplicate certificate of title for the common property and any documents in its possession relating to the design and construction of the buildings or improvements on the site or relating to the strata scheme.

- 2 Copies of the articles of the strata corporation may also be obtained from the Lands Titles Registration Office.
- 3 All owners of a strata unit are bound by the articles of the strata corporation. The articles regulate the rights and liabilities of owners of units in relation to their units and the common property and matters of common concern.
- 4 For a brief description of some of the matters that need to be considered before purchasing a strata unit, see Division 3 of this Schedule.

Particulars of building indemnity insurance



Note—

Building indemnity insurance is not required for—

- (a) domestic building work for which approval under the *Development Act 1993* or the repealed *Building Act 1971* is or was not required; or
- (b) minor domestic building work (see section 3 of the *Building Work Contractors Act 1995*); or
- (c) domestic building work commenced before 1 May 1987; or
- (d) building work in respect of which an exemption from the application of Division 3 of Part 5 of the *Building Work Contractors Act 1995* applies under the *Building Work Contractors Regulations 2011*; or
- (e) building work in respect of which an exemption from the application of Division 3 of Part 5 of the *Building Work Contractors Act 1995* has been granted under section 45 of that Act.

Details of building indemnity insurance still in existence for building work on the land:

- 1 Name(s) of person(s) insured:
- 2 Name of insurer:
- 3 Limitations on the liability of the insurer:
- 4 Name of builder:
- 5 Builder's licence number:
- 6 Date of issue of insurance:
- 7 Description of insured building work:

Exemption from holding insurance:

If particulars of insurance are not given, has an exemption been granted under section 45 of the *Building Work Contractors Act 1995*

from the requirement to hold an insurance policy in accordance with Division 3 of Part 5 of that Act?

[]

If YES, give details:

- (a) Date of the exemption:
- (b) Name of builder granted the exemption:
- (c) Licence number of builder granted the exemption:
- (d) Details of building work to which the exemption applies:
- (e) Details of conditions (if any) to which the exemption is subject:

Particulars relating to asbestos at workplaces

□

1 In these particulars—

asbestos and *asbestos containing material* have the same meaning as in the *Work Health and Safety Regulations 2012*;

workplace has the same meaning as in the *Work Health and Safety Act 2012*.

2 Is there a workplace on the land?

[]

3 If YES, is there an asbestos register for the workplace?

[]

4 If YES, does that register record any asbestos or asbestos containing material at the workplace (or likely to be present at the workplace from time to time) and specify the location, type and condition of that asbestos or asbestos containing material?

[]

5 If YES—

(a) give details of the location, type and condition of the asbestos or asbestos containing material:

(b) has a plan been prepared for the management of asbestos at the workplace?

[]

If YES, give details:

(c) is any asbestos or asbestos containing material to be removed before settlement?

[]

If YES, give details:

Note—

1. A register is not required to be prepared for a workplace—

- (a) if a register has already been prepared for the workplace;

or

- (b) if—
- (i) the workplace is a building that was constructed after 31 December 2003; and
 - (ii) no asbestos has been identified at the workplace; and
 - (iii) no asbestos is likely to be present at the workplace from time to time.

See regulation 425 of the *Work Health and Safety Regulations 2012*.

2. A person with management or control of a workplace who plans to relinquish management or control must ensure (so far as is reasonably practicable) that the asbestos register is given to the person assuming management or control of the workplace.

See regulation 428 of the *Work Health and Safety Regulations 2012*.

Particulars relating to court or tribunal process

If process has issued out of any court or tribunal in relation to a claim—

- (a) that is stated to affect the land or the value of which is \$5 000 or more; and
- (b) that presently affects (or may prospectively affect) title to, or the possession or enjoyment of, the land,

the vendor must provide the following particulars:

- 1 Name of court or tribunal:
- 2 Names of parties:
- 3 Nature of claim:
- 4 Amount of claim (if applicable):
- 5 Amount of judgment (if applicable):
- 6 Name of judgment creditor (if applicable):

Particulars relating to land irrigated or drained under Irrigation Acts

1—Land irrigated or drained under *Irrigation Act 2009*

If the land is land in respect of which water is supplied or delivered, or is drained, through an irrigation or drainage system provided by an irrigation trust under the *Irrigation Act 2009*—

- (a) has the trust given notice under section 40 of that Act in respect of the land?

[]

If YES, specify—

- (i) the date on which notice was given:
- (ii) the requirements of the notice:
- (iii) the amount (if any) payable under section 40(7) of the Act:

- (b) has the trust given notice under section 50 of that Act?

[]

If YES, specify—

- (i) the date on which notice was given:
- (ii) the amount payable (including interest, if any):

2—Land irrigated or drained under *Renmark Irrigation Trust Act 2009* □

If the land is land in respect of which water is supplied or delivered, or is drained, through an irrigation or drainage system provided by the Renmark Irrigation Trust under the *Renmark Irrigation Trust Act 2009*—

- (a) has the Trust given notice under section 41 of that Act in respect of the land?

[]

If YES, specify—

- (i) the date on which notice was given:
- (ii) the requirements of the notice:
- (iii) the amount (if any) payable under section 41(7) of the Act:

- (b) has the Trust given notice under section 52 of that Act in respect of the land?

[]

If YES, specify—

- (i) the date on which notice was given:
- (ii) the amount payable (including interest, if any):

Particulars relating to environment protection □

1—Interpretation

- (1) In this and the following items (items 1 to 7 inclusive)—

domestic activity has the same meaning as in the *Environment Protection Act 1993*;

environmental assessment, in relation to land, means an assessment of the existence or nature or extent of—

- (a) site contamination (within the meaning of the *Environment Protection Act 1993*) at the land; or
- (b) any other contamination of the land by chemical substances,

and includes such an assessment in relation to water on or below the surface of the land;

EPA means the Environment Protection Authority established under the *Environment Protection Act 1993*;

pre-1 July 2009 site audit, in relation to land, means a review (carried out by a person recognised by the EPA as an environmental auditor) that examines environmental assessments or remediation of the land for the purposes of determining—

- (a) the nature and extent of contamination of the land by chemical substances present or remaining on or below the surface of the land; and
- (b) the suitability of the land for a particular use; and
- (c) what remediation is or remains necessary for a particular use,

but does not include a site contamination audit (as defined below) completed on or after 1 July 2009;

pre-1 July 2009 site audit report means a detailed written report that sets out the findings of a pre-1 July 2009 site audit;

prescribed commercial or industrial activity—see item 1(2);

prescribed fee means the fee prescribed under the *Environment Protection Act 1993* for inspection of, or obtaining copies of information on, the public register;

public register means the public register kept by the EPA under section 109 of the *Environment Protection Act 1993*;

site contamination audit has the same meaning as in the *Environment Protection Act 1993*;

site contamination audit report has the same meaning as in the *Environment Protection Act 1993*.

- (2) For the purposes of this and the following items (items 1 to 7 inclusive), each of the following activities (as defined in Schedule 3 clause 2 of the *Environment Protection Regulations 2009*) is a prescribed commercial or industrial activity:

abrasive blasting	acid sulphate soil generation	agricultural activities
airports, aerodromes or aerospace industry	animal burial	animal dips or spray race facilities
animal feedlots	animal saleyards	asbestos disposal
asphalt or bitumen works	battery manufacture, recycling or disposal	breweries
brickworks	bulk shipping facilities	cement works
ceramic works	charcoal manufacture	coal handling or storage
coke works	compost or mulch production or storage	concrete batching works
curing or drying works	defence works	desalination plants
dredge spoil disposal or storage	drum reconditioning or recycling works	dry cleaning
electrical or electronics component manufacture	electrical substations	electrical transformer or capacitor works
electricity generation or power plants	explosives or pyrotechnics facilities	fertiliser manufacture
fibreglass manufacture	fill or soil importation	fire extinguisher or retardant manufacture
fire stations	fire training areas	foundry
fuel burning facilities	furniture restoration	gasworks
glass works	glazing	hat manufacture or felt processing
incineration	iron or steel works	laboratories
landfill sites	lime burner	metal coating, finishing or spray painting
metal forging	metal processing, smelting, refining or metallurgical works	mineral processing, metallurgical laboratories or mining or extractive industries
mirror manufacture	motor vehicle manufacture	motor vehicle racing or testing venues
motor vehicle repair or maintenance	motor vehicle wrecking yards	mushroom farming
oil recycling works	oil refineries	paint manufacture
pest control works	plastics manufacture works	printing works
pulp or paper works	railway operations	rubber manufacture or processing
scrap metal recovery	service stations	ship breaking
spray painting	tannery, fellmongery or hide curing	textile operations
transport depots or loading sites	tyre manufacture or retreading	vermiculture

vessel construction, repair or maintenance	waste depots	wastewater storage, treatment or disposal
water discharge to underground aquifer	wetlands or detention basins	wineries or distilleries
wood preservation works	woolscouring or wool carbonising works	works depots (operated by councils or utilities)

2—Pollution and site contamination on the land— questions for vendor

- (1) Is the vendor aware of any of the following activities ever having taken place at the land:
- (a) storage, handling or disposal of waste or fuel or other chemicals (other than in the ordinary course of domestic activities)?
 - (b) importation of soil or other fill from a site at which—
 - (i) an activity of a kind listed in paragraph (a) has taken place; or
 - (ii) a prescribed commercial or industrial activity (see item 1(2) above) has taken place?

[]

If YES, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

- (2) Is the vendor aware of any prescribed commercial or industrial activities (see item 1(2) above) ever having taken place at the land?

[]

If YES, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

- (3) Is the vendor aware of any dangerous substances ever having been kept at the land pursuant to a licence under the *Dangerous Substances Act 1979*?

[]

If YES, give details of all dangerous substances that the vendor is aware of and whether they were kept at the land before or after the vendor acquired an interest in the land:

- (4) Is the vendor aware of the sale or transfer of the land or part of the land ever having occurred subject to an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?

[]

If YES, give details of each sale or transfer and agreement that the vendor is aware of:

- (5) Is the vendor aware of an environmental assessment of the land or part of the land ever having been carried out or commenced (whether or not completed)?

[]

If YES, give details of all environmental assessments that the vendor is aware of and whether they were carried out or commenced before or after the vendor acquired an interest in the land:

Note—

These questions relate to details about the land that may be known by the vendor. A "YES" answer to the questions at items 2(1) or 2(2) may indicate that a *potentially contaminating activity* has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

A "YES" answer to any of the questions in this item may indicate the need for the purchaser to seek further information regarding the activities, for example, from the council or the EPA.

3—Licences and exemptions recorded by EPA in public register

Does the EPA hold any of the following details in the public register:

- (a) details of a current licence issued under Part 6 of the *Environment Protection Act 1993* to conduct, at the land—
- (i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
 - (ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act); or
 - (iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?
- []
- (b) details of a licence no longer in force issued under Part 6 of the *Environment Protection Act 1993* to conduct, at the land—
- (i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
 - (ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act); or
 - (iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?

[]

- (c) details of a current exemption issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?
[]
- (d) details of an exemption no longer in force issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?
[]
- (e) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to operate a waste depot at the land?
[]
- (f) details of a licence issued under the repealed *Waste Management Act 1987* to operate a waste depot at the land?
[]
- (g) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to produce waste of a prescribed kind (within the meaning of that Act) at the land?
[]
- (h) details of a licence issued under the repealed *Waste Management Act 1987* to produce prescribed waste (within the meaning of that Act) at the land?
[]

Note—

These questions relate to details about licences and exemptions required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions—

- in the case of a licence or exemption under the *Environment Protection Act 1993*—
 - the purchaser may obtain a copy of the licence or exemption from the public register on payment of the prescribed fee; and
 - the purchaser should note that transfer of a licence or exemption is subject to the conditions of the licence or exemption and the approval of the EPA (see section 49 of the *Environment Protection Act 1993*); and
- in the case of a licence under a repealed Act—the purchaser may obtain details about the licence from the public register on payment of the prescribed fee.

A "YES" answer to any of these questions may indicate that a **potentially contaminating activity** has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

The EPA will not provide details about licences to conduct the following prescribed activities of environmental significance (within the meaning of Schedule 1 Part A of the *Environment Protection Act 1993*): waste transport business (category A), waste transport business (category B), dredging, earthworks drainage, any other activities referred to in Schedule 1 Part A undertaken by means of mobile works, helicopter landing facilities, marinas and boating facilities or discharges to marine or inland waters.

The EPA will not provide details about exemptions relating to—

- the conduct of any of the licensed activities in the immediately preceding paragraph in this note; or
- noise.

4—Pollution and site contamination on the land—details recorded by EPA in public register

Does the EPA hold any of the following details in the public register in relation to the land or part of the land:

- (a) details of serious or material environmental harm caused or threatened in the course of an activity (whether or not notified under section 83 of the *Environment Protection Act 1993*)?
[]
- (b) details of site contamination notified to the EPA under section 83A of the *Environment Protection Act 1993*?
[]
- (c) a copy of a report of an environmental assessment (whether prepared by the EPA or some other person or body and whether or not required under legislation) that forms part of the information required to be recorded in the public register?
[]
- (d) a copy of a site contamination audit report?
[]
- (e) details of an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?
[]
- (f) details of an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
[]
- (g) details of an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
[]

- (h) details of a notification under section 103Z(1) of the *Environment Protection Act 1993* relating to the commencement of a site contamination audit?
[]
- (i) details of a notification under section 103Z(2) of the *Environment Protection Act 1993* relating to the termination before completion of a site contamination audit?
[]
- (j) details of records, held by the former South Australian Waste Management Commission under the repealed *Waste Management Act 1987*, of waste (within the meaning of that Act) having been deposited on the land between 1 January 1983 and 30 April 1995?
[]

Note—

These questions relate to details required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the public register on payment of the prescribed fee.

5—Pollution and site contamination on the land—other details held by EPA

Does the EPA hold any of the following details in relation to the land or part of the land:

- (a) a copy of a report known as a "Health Commission Report" prepared by or on behalf of the South Australian Health Commission (under the repealed *South Australian Health Commission Act 1976*)?
[]
- (b) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
[]
- (c) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
[]
- (d) a copy of a pre-1 July 2009 site audit report?
[]

- (e) details relating to the termination before completion of a pre-1 July 2009 site audit?
[]

Note—

These questions relate to details that the EPA may hold. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the EPA (on payment of any fee fixed by the EPA).

6—Further information held by councils

Does the council hold details of any development approvals relating to—

- (a) commercial or industrial activity at the land; or
(b) a change in the use of the land or part of the land (within the meaning of the *Development Act 1993*)?

[]

Note—

The question relates to information that the council for the area in which the land is situated may hold. If the council answers "YES" to the question, it will provide a description of the nature of each development approved in respect of the land. The purchaser may then obtain further details from the council (on payment of any fee fixed by the council). However, it is expected that the ability to supply further details will vary considerably between councils.

A "YES" answer to paragraph (a) of the question may indicate that a ***potentially contaminating activity*** has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

It should be noted that—

- the approval of development by a council does not necessarily mean that the development has taken place;
- the council will not necessarily be able to provide a complete history of all such development that has taken place at the land.

7—Further information for purchasers

Note—

The purchaser is advised that other matters under the *Environment Protection Act 1993* (that is, matters other than those referred to in this Statement) that may be relevant to the purchaser's further enquiries may also be recorded in the public register. These include:

- details relating to environmental authorisations such as applications, applicants, locations of activities, conditions, suspension, cancellation or surrender of authorisations, disqualifications, testing requirements and test results;
- details relating to activities undertaken on the land under licences or other environmental authorisations no longer in force;
- written warnings relating to alleged contraventions of the *Environment Protection Act 1993*;
- details of prosecutions and other enforcement action;
- details of civil proceedings;
- other details prescribed under the *Environment Protection Act 1993* (see section 109(3)(1)).

Details of these matters may be obtained from the public register on payment to the EPA of the prescribed fee.

If—

- an environment performance agreement, environment protection order, clean-up order, clean-up authorisation, site contamination assessment order or site remediation order has been registered on the certificate of title for the land; or
- a notice of declaration of special management area in relation to the land has been gazetted; or
- a notation has been made on the certificate of title for the land that a site contamination audit report has been prepared in respect of the land; or
- a notice of prohibition or restriction on taking water affected by site contamination in relation to the land has been gazetted,

it will be noted in the items under the heading *Environment Protection Act 1993* under the Table of Particulars in this Statement. Details of any registered documents may be obtained from the Lands Titles Registration Office.

Particulars relating to *Livestock Act 1997*

- 1 Has any notice under section 33 or 37 of the *Livestock Act 1997* been made that affects, presently or prospectively, enjoyment of the land?
[]
If YES, give details of the following:
Date of notice:
Terms of notice:
- 2 Has any order under section 38, or notice under section 72, of the *Livestock Act 1997* been issued to the vendor in relation to the land or any building on the land?
[]
If YES, give details of the following:
Date of order or notice:
Terms of order or notice:

Schedule—Division 3—Community lots and strata units**Matters to be considered in purchasing a community lot or strata unit**

The property you are buying is on strata or community title. There are **special obligations and restrictions** that go with this kind of title. Make sure you understand these. If unsure, seek legal advice before signing a contract. For example:

Governance

You will automatically become a member of the **body corporate**, which includes all owners and has the job of maintaining the common property and enforcing the rules. Decisions, such as the amount you must pay in levies, will be made by vote of the body corporate. You will need to take part in meetings if you wish to have a say. If outvoted, you will have to live with decisions that you might not agree with.

If you are buying into a mixed use development (one that includes commercial as well as residential lots), owners of some types of lots may be in a position to outvote owners of other types of lots. Make sure you fully understand your voting rights, see later.

Use of your property

You, and anyone who visits or occupies your property, will be bound by rules in the form of **articles or by-laws**. These can restrict the use of the property, for example, they can deal with keeping pets, car parking, noise, rubbish disposal, short-term letting, upkeep of buildings and so on. Make sure that you have read the articles or by-laws before you decide whether this property will suit you.

Depending on the rules, you might not be permitted to make changes to the exterior of your unit, such as installing a television aerial or an air-conditioner, building a pergola, attaching external blinds etc without the permission of the body corporate. A meeting may be needed before permission can be granted. Permission may be refused.

Note that the articles or by-laws **could change** between now and when you become the owner: the body corporate might vote to change them. Also, if you are buying before the community plan is registered, then any by-laws you have been shown are just a draft.

Are you buying a debt?

If there are unpaid contributions owing on this property, you can be made to pay them. You are entitled to **know the financial state of the body corporate** and you should make sure you see its records before deciding whether to buy. As a prospective owner, you can write to the body corporate requiring to see the records, including minutes of meetings, details of assets and liabilities, contributions payable, outstanding or planned expenses and insurance policies. There is a fee. To make a request, write to the secretary or management committee of the body corporate.

Expenses

The body corporate can **require you to maintain your property**, even if you do not agree, or can carry out maintenance and bill you for it.

The body corporate can **require you to contribute** to the cost of upkeep of the common property, even if you do not agree. Consider what future maintenance or repairs might be needed on the property in the long term.

Guarantee

As an owner, you are a **guarantor** of the liabilities of the body corporate. If it does not pay its debts, you can be called on to do so. Make sure you know what the liabilities are before you decide to buy. Ask the body corporate for copies of the financial records.

Contracts

The body corporate can make contracts. For example, it may engage a body corporate manager to do some or all of its work. It may contract with traders for maintenance work. It might engage a caretaker to look after the property. It might make any other kind of contract to buy services or products for the body corporate. Find out **what contracts the body corporate is committed to and the cost**.

The body corporate will have to raise funds from the owners to pay the money due under these contracts. As a guarantor, you could be liable if the body corporate owes money under a contract.

Buying off the plan

If you are buying a property that has not been built yet, then you **cannot be certain** what the end product of the development process will be. If you are buying before a community plan has been deposited, then any proposed development contract, scheme description or by-laws you have been shown could change.

Mixed use developments—voting rights

You may be buying into a group that is run by several different community corporations. This is common in mixed use developments, for example, where a group of apartments is combined with a hotel or a group of shops. If there is more than one corporation, then you should not expect that all lot owners in the group will have equal voting rights. The corporations may be structured so that, even though there are more apartments than shops in the group, the shop owners can outvote the apartment owners on some matters. Make enquiries so that you understand how many corporations there are and what voting rights you will have.

Further information

The Real Estate Institute of South Australia provides an information service for enquiries about real estate transactions, see www.reisa.com.au.

A free telephone Strata and Community Advice Service is operated by the Legal Services Commission of South Australia: call 1300 366 424.

Information and a booklet about strata and community titles is available from the Legal Services Commission at www.lsc.sa.gov.au.

You can also seek advice from a legal practitioner.

9—Variation of Schedule 1—Contracts for sale of land or businesses—forms

Schedule 1, Form 2—delete the form and substitute:

Form 2—Vendor’s statement (section 8)

Land and Business (Sale and Conveyancing) Act 1994

Contents

Preliminary

Part A—Parties and business

Part B—Purchaser's cooling-off rights and proceeding with the purchase

Part C—Statement with respect to required particulars

Part D—Certificate of qualified accountant with respect to trading statement

†Part E—Certificate with respect to prescribed inquiries by registered agent

Schedule 1

†Schedule 2

Preliminary

To the purchaser:

The purpose of a statement under section 8 of the *Land and Business (Sale and Conveyancing) Act 1994* is to put you on notice of certain particulars concerning the business to be acquired and any land to be acquired as part of that business.

If you intend to carry out building work on the land, change the use of the land or divide the land, you should make further inquiries to determine whether this will be permitted. For example, building work may not be permitted on land not connected to a sewerage system or common drainage scheme if the land is near a watercourse, dam, bore or the River Murray and Lakes.

The *Aboriginal Heritage Act 1988* protects any Aboriginal site or object on the land. Details of any such site or object may be sought from the "traditional owners" as defined in that Act.

If you desire additional information, it is up to you to make further inquiries as appropriate.

Instructions to the vendor for completing this statement:

† means strike out or omit the Part, Schedule, Division, Particulars or item if not applicable.

* means strike out or omit the option that is not applicable.

If there is insufficient space to provide any particulars required, continue on attachments.

The particulars set out under the headings "Particulars relating to environment protection" and "Particulars relating to *Livestock Act 1997*" in Schedule 2 Division 2 must be included if the matters set out under those headings affect, presently or prospectively, the business the subject of the sale, regardless of whether land is sold under the contract for sale of the business. If land is sold under the contract, the particulars must be included in relation to both the land and the business the subject of the sale.

Part A—Parties and business

- 1 Purchaser:
Address:
- †2 Purchaser's registered agent:
Address:
- 3 Vendor:
Address:
- †4 Vendor's registered agent:
Address:
- 5 Date of contract (if made before this statement is served):
- 6 Description of business:
Address where business carried on:
- †7 Description of the land:
[Identify the land including any certificate of title reference]

Part B—Purchaser's cooling-off rights and proceeding with the purchase

To the purchaser:

Right to cool-off

(section 5)

1—Right to cool-off and restrictions on that right

You may notify the vendor of your intention not to be bound by the contract for the sale of the business UNLESS—

- (a) this form has been served on you not less than 5 clear business days before the making of the contract; or
- (b) you have, before signing the contract, received independent legal advice from a legal practitioner and the legal practitioner has signed a certificate in the prescribed form as to the giving of that advice; or
- (c) you purchased by auction; or
- (d) you purchased on the same day as you, or some person on your behalf, bid at the auction of the business; or
- (e) the sale is by tender and the contract is made not less than 5 clear business days after the day fixed for the closing of tenders and not less than 5 clear business days after service of this form; or
- (f) the contract is made by the exercise of an option to purchase the business not less than 5 clear business days after the grant of the option and not less than 5 clear business days after service of this form; or
- (g) the business is not a small business.

2—Time for service

The cooling-off notice must be served—

- (a) before the end of the fifth clear business day after the day on which this form is served on you; or
 - (b) before settlement takes place,
- whichever is the earlier.

3—Form of cooling-off notice

The cooling-off notice must be in writing and must be signed by you.

4—Methods of service

The cooling-off notice must be—

- (a) given to the vendor personally; or
- (b) posted by registered post to the vendor at the following address: (being the vendor's last known address); or
- (c) transmitted by fax or email to the following fax number or email address: (being a number or address provided to you by the vendor for the purpose of service of the notice); or
- (d) left for the vendor's agent (with a person apparently responsible to the agent) at, or posted by registered post to the agent at, the following address:

(being *the agent's address for service under the *Land Agents Act 1994*/an address nominated by the agent to you for the purpose of service of the notice).

Note—

Section 5(3) of the *Land and Business (Sale and Conveyancing) Act 1994* places the onus of proving the giving of the cooling-off notice on the purchaser. It is therefore strongly recommended that—

- (a) if you intend to serve the notice by leaving it for the vendor's agent at the agent's address for service or an address nominated by the agent, you obtain an acknowledgment of service of the notice in writing;
- (b) if you intend to serve the notice by fax or email, you obtain a record of the transmission of the fax or email.

5—Effect of service

If you serve such a cooling-off notice on the vendor, the contract will be taken to have been rescinded at the time when the notice was served. You are then entitled to the return of any money you paid under the contract other than—

- (a) the amount of any deposit paid if the deposit did not exceed \$100; or
- (b) an amount paid for an option to purchase the business.

Proceeding with the purchase

If you wish to proceed with the purchase—

- (a) it is strongly recommended that you take steps to make sure that the business and your interest in the property are adequately insured against loss or damage;
- (b) pay particular attention to the provisions in the contract as to time of settlement—it is essential that the necessary arrangements are made to complete the purchase by the agreed date—if you do not do so, you may be in breach of the contract;
- (c) you are entitled to retain the solicitor or registered conveyancer of your choice.

Part C—Statement with respect to required particulars

(section 8(1))

To the purchaser:

*I/We,
of

being the *vendor(s)/person authorised to act on behalf of the vendor(s) in relation to the transaction state—

- (a) that the particulars set out in Schedule 1—
 - (i) are correct; and

- (ii) are the particulars in relation to the business required to be given to you pursuant to section 8(1)(b) of the *Land and Business (Sale and Conveyancing) Act 1994* (the *Act*); and
- †(b) that the sale of the business involves the sale of land and that Schedule 2 contains all particulars required to be given to you pursuant to section 7(1) of the *Act*.

Date:

Signed:

Part D—Certificate of qualified accountant with respect to trading statement

(section 8(2))

To the purchaser:

I,

† for *[name of business that the accountant represents]*

of

being a member of *[professional accounting body]*

and a qualified accountant, certify—

- (a) that *I have/a person acting on my behalf has examined the records and accounts of the business for each of the financial years recorded on the trading statement in Division 1 of Schedule 1; and
- †(b) that—
 - (i) in my opinion, the trading statement fairly and accurately represents the financial operations of the business; and
 - (ii) I am not aware of any circumstances that would render any particulars included in the trading statement inaccurate or misleading.

OR

†(b) that—

- †(i) in my opinion, the trading statement fairly and accurately represents the financial operations of the business, subject to the following qualifications:
[Insert qualifications]; and

OR

- †(i) in my opinion, the trading statement may not fairly and accurately represent the financial operations of the business because:
[Provide clarification on individual items contained in Division 1 of Schedule 1 or general comments on the information contained in the records and accounts of the business, eg comments on the state of the records or accounts, the basis for deriving results, highlight and comment on included estimates etc. If space is insufficient, continue on attachments.]; and
- (ii) I am not aware of any other circumstances that would render any particulars included in the trading statement inaccurate or misleading.

Date:

Signed:

Note—

This certificate must be signed by the accountant personally and cannot be signed by the vendor even if he or she is a qualified accountant.

†Part E—Certificate with respect to prescribed inquiries by registered agent

(section 9)

To the purchaser:

I,
certify *that the responses/that, subject to the exceptions stated below, the responses to the inquiries made pursuant to section 9 of the *Land and Business (Sale and Conveyancing) Act 1994* confirm the completeness and accuracy of the particulars set out in Schedule 2.

Exceptions:

Date:

Signed:

*Vendor's/Purchaser's agent

*Person authorised to act on behalf of *Vendor's/Purchaser's agent

Schedule 1—Division 1—Prescribed particulars relating to business

(section 8(1)(b))

Note—

Financial year means the year in respect of which the accounts of the business are made up. If by reason of any alteration of the date on which the financial year of the business terminates, the accounts have been made up for a period greater or less than 1 year, that period may be regarded as a financial year.

If the vendor has carried on the business for less than 3 financial years, this statement must be completed for the period commencing on the day that the vendor commenced to carry on the business and ending immediately prior to the first day of the following financial year, and thereafter for each successive financial year.

If the vendor has carried on the business for a period in which the financial year does not terminate, this statement applies to the period from the day on which the vendor commenced to carry on the business to the date specified in this Schedule.

1—Summary

Name of vendor:

Location of business:

Date vendor commenced in the business:

Financial Year or Period	Average Weekly Sales \$	Gross Income Per Annum/Week \$	Overhead Costs Per Annum/Week \$	Net Profit Per Annum/Week \$	Normal Daily Trading Hours From: To:
Commencing on:					S M
Ending on:					T W T F S
Commencing on:					S M
Ending on:					T W T F S
Commencing on:					S M
Ending on:					T W T F S

2—Plant and equipment

Depreciated value of plant and equipment as at the end of the last financial year: \$

Note—

A depreciation Schedule must be attached.

3—Trading statement for last 3 financial years

	Period From: To:	Period From: To:	Period From: To:
Gross takings (sales)			
<i>Less:</i>			
cost of goods sold			
opening stock			
<i>plus</i> purchases			
<i>less</i> closing stock			
Profit from sales	\$	\$	\$
Profit from sales as a percentage of gross takings	%	%	%
<i>Add</i>			
other income received:			
fees			
commissions			
other [<i>specify</i>]			
GROSS INCOME	\$	\$	\$

	Period From: To:	Period From: To:	Period From: To:
<i>Less:</i>			
Advertising			
Accounting fees			
Bad debts			
ADI charges (excluding interest)			
Cleaning and laundry			
Depreciation			
Directors' fees			
Equipment hire			
Insurance			
Leasing or rental purchase of:			
• equipment/plant			
• motor vehicles			
Licences, trade subscriptions			
Light and power			
Motor vehicles expenses			
Rates and taxes			
Rent			
Repairs and maintenance			
Stamps (for resale)			
Stationery and postage			
Superannuation employer contributions:			
• award/productivity superannuation			
• Commonwealth superannuation guarantee charge/levy			
• employer superannuation scheme			
Telephone			
Training expenses (other than by way of wages or salary paid to employee)			
Wages and salaries			
WorkCover premium			
Wrappings			
Sundries			
Other expenses [<i>specify</i>]			
Trading Profit	\$	\$	\$

	Period From: To:	Period From: To:	Period From: To:
<i>Add:</i>			
Personal expenses of owner (ie drawings) where included above			
Goods taken for own use			
Private expenses/cash			
(Proprietor's) wages			
NET PROFIT	\$	\$	\$
Net profit before income tax as a percentage of gross income	%	%	%

Schedule 1—Division 2—Further prescribed particulars relating to business

(section 8(1)(b))

- 1 (1) The vendor has carried on the business for a period of *years/months commencing on:
- (2) The vendor has carried on the business at the present location for *years/months.
- (3) The name of the registered proprietor of the fee simple of the location at which the business is presently carried on is:

†The name of the person who granted to the vendor the lease or licence to occupy that location is:

Note—

If the purchaser is not acquiring the fee simple of the location at which the business is presently carried on, it is necessary for the purchaser to ensure that he or she has a right to occupy the location.

- 2 (1) The vendor's *lease/tenancy agreement/licence is *verbal/in writing but not registered on the certificate of title/registered on the certificate of title.
- (2) The particulars of the vendor's *lease/tenancy agreement/licence are as follows:
 - (a) date of current *lease/tenancy agreement/licence:
 - (b) term of current *lease/tenancy agreement/licence:
 - (c) date of expiry of current *lease/tenancy agreement/licence:
 - (d) rates and taxes payable by *landlord/licensor:
 - (e) rates and taxes payable by *tenant/licensee:
 - (f) right of renewal for the following period:
 - (g) present rent: \$ per
 - (h) due date for next adjustment of rent:
 - (i) rent adjustment provisions for the term of the *lease/tenancy agreement/licence:

- (3) Have any written notices been given by the landlord or licensor to the vendor pursuant to the terms of the *lease/tenancy agreement/licence that have not been complied with? *YES/NO
If YES, give details:
- (4) Is the vendor aware of any written notice served on the landlord or licensor, or any circumstance, that may prospectively have a significant adverse effect on the business? *YES/NO
If YES, give details:
- 3 (1) The following goods (including plant, equipment, fixtures, fittings and stock in trade) in which any person has a present or contingent interest (whether by virtue of a mortgage, charge, lease or otherwise) are included in the sale:
- | Description of goods | Nature of interest and date of grant or creation | Name and address of person entitled to that interest |
|----------------------|--|--|
|----------------------|--|--|
- (2) The following goods may have been used by the vendor or may have been included in the vendor's books of account (including depreciation Schedules) but are to be retained by the vendor and not sold to the purchaser of the business:
- 4 Has any order been given under section 46 of the *Food Act 2001* prohibiting the use of unclean, insanitary or unfit equipment for the manufacture, processing, transportation, preservation, display or other handling of food for sale? *YES/NO
If YES, specify—
- Date order given:
- Name of authority or person giving the order:
- Requirements of the order:
- 5 (1) Is there a workplace within the meaning of the *Work Health and Safety Act 2012* used in the business? *YES/NO
- (2) If YES, is there an asbestos register for the workplace? *YES/NO
- (3) If YES, does that register record any asbestos or asbestos containing material at the workplace (or likely to be present at the workplace from time to time) and specify the location, type and condition of that asbestos or asbestos containing material? *YES/NO
- (4) If YES—
- (a) give details of the location, type and condition of the asbestos or asbestos containing material:
- (b) has a plan been prepared for the management of asbestos at the workplace? *YES/NO
If YES, give details:
- (c) is any asbestos or asbestos containing material to be removed before settlement? *YES/NO
If YES, give details:

(5) In this clause—

asbestos and *asbestos containing material* have the same meaning as in the *Work Health and Safety Regulations 2012*.

Note—

- 1 A register is not required to be prepared for a workplace—
- (a) if a register has already been prepared for the workplace; or
 - (b) if—
 - (i) the workplace is a building that was constructed after 31 December 2003; and
 - (ii) no asbestos has been identified at the workplace; and
 - (iii) no asbestos is likely to be present at the workplace from time to time.

See regulation 425 of the *Work Health and Safety Regulations 2012*.

- 2 A person with management or control of a workplace who plans to relinquish management or control must ensure (so far as is reasonably practicable) that the asbestos register is given to the person assuming management or control of the workplace.
See regulation 428 of the *Work Health and Safety Regulations 2012*.

- 6 During the period between the end of the most recent financial year or period covered in the summary of Division 1 of Schedule 1 and the date appearing in Part C of this statement—
- (a) the business *was/was not satisfactorily maintained
 - (b) no circumstances adversely affecting the business arose except the following:
 - (c) the average weekly sales have been: \$
 - (d) the daily hours of trading have been:
- 7 During the period referred to in item 6, have any circumstances arisen or have any trading practices been adopted (including any substantial discounting of goods or services) that have affected—
- (a) the gross profit of the business in dollar terms? *YES/NO
 - (b) the gross profit of the business in percentage terms? *YES/NO

If the answer to either question is YES, give full particulars:

- †8(1) The asking price of the business (excluding stock and freehold interest in land (if any) being sold) is:
- (2) The estimated value of stock to be acquired with the business is:
 - (3) The asking price for the business (including estimated value of stock but excluding price for land sold) is:
- († Strike out or omit this item if the sale is by auction)
- 9 (1) Does the business operate as a *company/sole trader/partnership/association, charitable or other organisation?

- (2) Does the vendor work in the business? *YES/NO
- (3) Does any other person work in the business? *YES/NO
- (4) If the business operates as a partnership, are all of the other persons who work in the business partners in the business? *YES/NO
- (5) Has the vendor ever been registered with WorkCover Corporation as an employer? *YES/NO
If YES, is the vendor currently so registered? *YES/NO

Note—**To the purchaser:**

You must register with WorkCover Corporation as an employer within 14 days of commencing to employ workers if the amount payable to your workers in a financial year (being a financial year for the purposes of regulation 9 of the *Workers Rehabilitation and Compensation Regulations 2010*) exceeds \$10 870 (indexed from 2009) in total, otherwise significant penalties may be imposed.

You should determine whether the vendor has any workers suffering a work disability (particularly where their employment has been or is about to be terminated) as you may be required to take on the vendor's obligations under the *Workers Rehabilitation and Compensation Act 1986*. (This information may be provided to you by the vendor subject to the confidentiality provisions applicable to employers under section 112AA of that Act). The premium payable by you (compared to that currently paid by the vendor) may be affected by your willingness to retain, employ or re-employ disabled workers with compensable injuries.

- 10 The following persons (including the vendor and members of the vendor's family whether or not remunerated) are engaged in the business in the following full-time and part-time positions on the days, for the hours and at the rates of pay set out below:

Position / functions (if any)	Relationship to vendor	Days per week	Hours per	Rate of pay
				\$ per

¹If a person works in the business more than 20 hours per week, also provide the employee's name in the first column.

Where the days or hours worked, or the rate of pay, or both, cannot be described as required above, provide alternative details:

- 11 Is there any current entitlement in excess of 3 working days in respect of any employee to—
- (a) Long service leave *YES/NO
- (b) Annual recreation leave *YES/NO
- (c) Sick leave *YES/NO
- (d) Other leave *YES/NO
If YES, specify type of leave:

12 The vendor's income tax return was lodged by—

Name:

Address:

Occupation:

The year of the last return being:

†Schedule 2—Division 1—Particulars of mortgages, charges and prescribed encumbrances affecting the land

(section 7(1)(b))

Note—

Section 7(3) of the Act provides that this statement need not include reference to charges arising from the imposition of rates or taxes less than 12 months before the date of service of the statement.

All the particulars required by column 3 of the table below in relation to a mortgage, charge or prescribed encumbrance referred to in column 1 must be set out in column 3 unless—

- (a) a copy of a document is attached to this statement and—
 - (i) all the required particulars are contained in that document; and
 - (ii) those parts of the document that contain the required particulars are identified in column 3; or
- (b) the mortgage, charge or prescribed encumbrance—
 - (i) is one of the following items in the table:
 - (A) under the heading "General"—
 - Lease, agreement for lease, tenancy agreement or licence
 - Mortgage of land;
 - (B) under the heading "Other"—
 - Caveat
 - Lien or notice of a lien
 - Charge of any kind affecting the land (not included in another item); and
 - (ii) is registered on the certificate of title to the land; and
 - (iii) is to be discharged or satisfied prior to or at settlement.

Table of particulars

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
Part 1—Items that must be included in statement		
<i>[If an item is not applicable strike it out or write "NOT APPLICABLE" or "N/A" in column 1.]</i>		
General		
Easement (whether over the land or annexed to the land) Note—"Easement" includes rights of way and party wall rights.	*YES/NO	Description of land subject to easement: Nature of easement: Are you aware of any encroachment on the easement? *YES/NO (If YES, give details): If there is an encroachment, has approval for the encroachment been given? *YES/NO (If YES, give details): <i>[attach additional page(s) if more than 1 easement]</i>
Lease, agreement for lease, tenancy agreement or licence (The information does not include information about any sublease or subtenancy. That information may be sought by the purchaser from the lessee or tenant or sublessee or subtenant.)	*YES/NO	Names of parties: Period of lease, agreement for lease etc: From to Amount of rent or licence fee: \$ per (period) Is the lease, agreement for lease etc in writing? *YES/NO If the lease or licence was granted under an Act relating to the disposal of Crown lands, specify— (a) the Act under which the lease or licence was granted: (b) the outstanding amounts due (including any interest or penalty):
Mortgage of land	*YES/NO	Number of mortgage (if registered): Name of mortgagee:

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
Restrictive covenant	*YES/NO	Nature of restrictive covenant: Name of person in whose favour restrictive covenant operates: Does the restrictive covenant affect the whole of the land being acquired? *YES/NO (If NO, give details): Does the restrictive covenant affect land other than that being acquired? *YES/NO
<i>Development Act 1993</i>		
Part 3—Development Plan	*YES/NO	Title or other brief description of zone or policy area in which the land is situated (as shown in the Development Plan): Is the land situated in a designated State Heritage Area? *YES/NO Is the land designated as a place of local heritage value? *YES/NO Is there a current Development Plan Amendment released for public consultation by a council on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation? *YES/NO If YES, state the name of the council: Is there a current Development Plan Amendment released for public consultation by the Minister on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation? *YES/NO
section 42—Condition (that continues to apply) of a development authorisation	*YES/NO	Date of authorisation: Name of relevant authority that granted authorisation: Condition(s) of authorisation:

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
Repealed Act conditions		
Condition (that continues to apply) of an approval or authorisation granted under the <i>Building Act 1971</i> (repealed), the <i>City of Adelaide Development Control Act 1976</i> (repealed), the <i>Planning Act 1982</i> (repealed) or the <i>Planning and Development Act 1966</i> (repealed)	*YES/NO	Nature of condition(s):
Part 2—Items to be included if land affected		
<i>[If an item is not applicable, strike it out or write "NOT APPLICABLE" or "N/A" in column 1, or else omit the items and headings that are not applicable.]</i>		
<i>Aboriginal Heritage Act 1988</i>		
section 9—Registration in central archives of an Aboriginal site or object	*YES/NO	Particulars of register entry:
section 24—Directions prohibiting or restricting access to, or activities on, a site or an area surrounding a site	*YES/NO	Date of notice: Site or area to which notice relates: Directions (as stated in notice):
Part 3 Division 6—Aboriginal heritage agreement	*YES/NO	Date of agreement: Description of property subject to agreement: Names of parties: Terms of agreement:
<i>Crown Rates and Taxes Recovery Act 1945</i>		
section 5—Notice requiring payment	*YES/NO	Date of notice: Land in respect of which Crown rates and taxes are owing: Amount owing (as stated in the notice):
<i>Development Act 1993</i>		
section 50(1)—Requirement to vest land in a council or the Crown to be held as open space	*YES/NO	Date requirement given: Name of body giving requirement: Nature of requirement: Contribution payable (if any):

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
section 50(2)—Agreement to vest land in a council or the Crown to be held as open space	*YES/NO	Date of agreement: Names of parties: Terms of agreement: Contribution payable (if any):
section 55—Order to remove or perform work	*YES/NO	Date of order: Terms of order: Building work (if any) required to be carried out: Amount payable (if any):
section 56—Notice to complete development	*YES/NO	Date of notice: Requirements of notice: Building work (if any) required to be carried out: Amount payable (if any):
section 57—Land management agreement	*YES/NO	Date of agreement: Names of parties: Terms of agreement:
section 60—Notice of intention by building owner	*YES/NO	Date of notice: Building work proposed (as stated in the notice): Other building work as required pursuant to the Act:
section 69—Emergency order	*YES/NO	Date of order: Name of authorised officer who made order: Name of authority that appointed the authorised officer: Nature of order: Amount payable (if any):
section 71—Fire safety notice	*YES/NO	Date of notice: Name of authority giving notice: Requirements of notice: Building work (if any) required to be carried out: Amount payable (if any):

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
section 84—Enforcement notice	*YES/NO	Date notice given: Name of relevant authority giving notice: Nature of directions contained in notice: Building work (if any) required to be carried out: Amount payable (if any):
section 85(6), 85(10) or 106—Enforcement order	*YES/NO	Date order made: Name of court that made order: Action number: Names of parties: Terms of order: Building work (if any) required to be carried out:
Part 11 Division 2—Proceedings	*YES/NO	Date of commencement of proceedings: Date of determination or order (if any): Terms of determination or order (if any):
<i>Emergency Services Funding Act 1998</i>		
section 16—Notice to pay levy	*YES/NO	Date of notice: Amount of levy payable:
<i>Environment Protection Act 1993</i>		
section 59—Environment performance agreement that is registered in relation to the land	*YES/NO	Date of agreement:
section 93—Environment protection order that is registered in relation to the land	*YES/NO	Date of issue: Compliance date(s) specified in the order:
section 93A—Environment protection order relating to cessation of activity that is registered in relation to the land	*YES/NO	Date of issue: Compliance date(s) specified in the order:

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
section 99—Clean-up order that is registered in relation to the land	*YES/NO	Date of issue: Compliance date(s) specified in the order: Amount of charge on the land (if applicable and known):
section 100—Clean-up authorisation that is registered in relation to the land	*YES/NO	Date of issue: Amount of charge on the land (if known):
section 103H—Site contamination assessment order that is registered in relation to the land	*YES/NO	Date of issue: Compliance date(s) specified in the order: Amount of charge on the land (if applicable and known):
section 103J—Site remediation order that is registered in relation to the land	*YES/NO	Date of issue: Compliance date(s) specified in the order: Amount of charge on the land (if applicable and known):
section 103N—Notice of declaration of special management area in relation to the land (due to possible existence of site contamination)	*YES/NO	Date of notice: Date of Gazette in which notice published: Description of area or areas to which the notice relates:
section 103P—Notation of site contamination audit report in relation to the land	*YES/NO	Date of notation: Note— Site contamination audit reports are kept by the EPA in the public register under section 109 of the <i>Environment Protection Act 1993</i> .
section 103S—Notice of prohibition or restriction on taking water affected by site contamination in relation to the land	*YES/NO	Date of notice: Date of Gazette in which notice published: Description of the water to which the notice relates: Particulars given in the notice of the site contamination affecting the water:

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
<i>Fences Act 1975</i>		
section 5—Notice of intention to perform fencing work	*YES/NO	Date of notice: Name and address of person to whom notice was given or from whom notice was received: Particulars of relevant boundary: Kind of fence proposed to be constructed or nature of work proposed to be done to existing fence: Cost or estimated cost of fence or work (as stated in the notice): Amount sought by proponent from adjoining owner (as stated in the notice): If there is a cross-notice under section 6, give details of— (a) the proposals objected to: (b) the counter-proposals:
<i>Fire and Emergency Services Act 2005</i>		
section 105F (or section 56 or 83 (repealed))—Notice to take action to prevent outbreak or spread of fire	*YES/NO	Date of notice: Person or body who issued notice: Requirements of notice (as stated therein): Amount payable (if any):
<i>Food Act 2001</i>		
section 44—Improvement notice	*YES/NO	Date of notice: Name of authorised officer who served notice: Name of authority that appointed officer: Requirements of notice:
section 46—Prohibition order	*YES/NO	Date of order: Name of authority or person who served order: Requirements of order:

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
<i>Fruit and Plant Protection Act 1992 (repealed)</i>		
section 14 or 15—Notice or order concerning disease	*YES/NO	Date of notice or order: Date of Gazette in which notice published (if applicable): Nature of requirement, restriction or prohibition:
<i>Ground Water (Qualco-Sunlands) Control Act 2000</i>		
Part 6—Risk management allocation	*YES/NO	Is a waterlogging and salinity risk management allocation attached to the whole or any part of the land? *YES/NO If YES, give details of the allocation and the land to which it is attached:
section 56—Notice to pay share of Trust costs, or for unauthorised use of water, in respect of irrigated property	*YES/NO	Date of notice: Amount payable (as stated in notice):
<i>Heritage Places Act 1993</i>		
section 14(2)(b)—Registration of an object of heritage significance	*YES/NO	Date of registration: Description and location of object registered:
section 17 or 18—Provisional registration or registration	*YES/NO	Description of place registered: Has the place been designated as a place of geological, palaeontological or speleological significance or archaeological significance? *YES/NO If YES, give details:
section 30—Stop order	*YES/NO	Date of order: Terms of order:
Part 6—Heritage agreement	*YES/NO	Date of agreement: Description of property subject to agreement: Names of parties: Terms of agreement:
section 38—"No development" order	*YES/NO	Date of order: Terms of order:

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
<i>Highways Act 1926</i>		
Part 2A—Establishment of control of access from any road abutting the land	*YES/NO	Date of establishment of control of access: Description of boundary of land affected:
<i>Housing Improvement Act 1940</i>		
section 23—Declaration that house is undesirable or unfit for human habitation	*YES/NO	Date of declaration: Those particulars required to be provided by a council under section 23:
Part 7 (rent control for substandard houses)—Notice or declaration	*YES/NO	Date of notice or declaration: Those particulars required to be provided by the housing authority under section 60:
<i>Land Acquisition Act 1969</i>		
section 10—Notice of intention to acquire	*YES/NO	Date of notice: Name of Authority who served notice: Description of land intended to be acquired (as described in the notice):
<i>Land Tax Act 1936</i>		
Notice, order or demand for payment of land tax	*YES/NO	Date of notice, order or demand: Amount payable (as stated in the notice):
<i>Local Government Act 1934</i>		
Notice, order, declaration, charge, claim or demand given or made under the Act	*YES/NO	Date of notice, order etc: Name of council by which, or person by whom, notice, order etc is given or made: Land subject thereto: Nature of requirements contained in notice, order etc: Time for carrying out requirements: Amount payable (if any):

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
<i>Local Government Act 1999</i>		
Notice, order, declaration, charge, claim or demand given or made under the Act	*YES/NO	Date of notice, order etc: Name of council by which, or person by whom, notice, order etc is given or made: Land subject thereto: Nature of requirements contained in notice, order etc: Time for carrying out requirements: Amount payable (if any):
<i>Metropolitan Adelaide Road Widening Plan Act 1972</i>		
section 6—Restriction on building work	*YES/NO	Does the restriction apply to all of the land? *YES/NO (If NO, give details about the part of the land to which the restriction applies):
<i>Mining Act 1971</i>		
Mining tenement (other than an exploration licence)	*YES/NO	Type of tenement: Terms of tenement: Condition(s) (if any) the tenement is subject to:
section 9AA—Agreement or order to waive exemption from mining operations	*YES/NO	Date of agreement or order: Description of land subject to agreement or order: Names of parties: Period of waiver: Terms (and conditions if any) of agreement or order:
section 58(a) or 59(8)(b)—Agreement authorising mining operator to enter land or use declared equipment on land	*YES/NO	Date of agreement: Description of property subject to agreement: Names of parties: Terms of agreement:
section 61—Agreement or order to pay compensation for mining operations	*YES/NO	Date of agreement or order:

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
		Description of property subject to agreement or order: Names of parties: Terms of agreement or order:
Proclamation with respect to a private mine	*YES/NO	Date of proclamation:
<i>Native Vegetation Act 1991</i>		
Part 4 Division 1—Heritage agreement	*YES/NO	Date of agreement: Description of property subject to agreement: Names of parties: Terms of agreement:
Part 5 Division 1—Refusal to grant consent, or condition of a consent, to clear native vegetation	*YES/NO	Date of refusal or grant of consent: If consent given, condition(s) (if any) of the consent:
<i>Natural Resources Management Act 2004</i>		
section 97—Notice to pay levy in respect of costs of regional NRM board	*YES/NO	Date of notice: Amount of levy payable:
section 105—Notice to pay levy in respect of right to take water or taking of water	*YES/NO	Date of notice: Amount of levy payable:
section 115—Notice declaring a penalty	*YES/NO	Date of notice: Amount of penalty payable:
section 123—Notice to prepare an action plan for compliance with general statutory duty	*YES/NO	Date of notice: Name of authority or person that issued notice: Requirements of notice (as specified therein):
section 130—Notice to rectify effects of unauthorised activity	*YES/NO	Date of notice: Name of relevant authority that issued notice: Requirements of notice (as specified therein):
section 131—Notice to maintain watercourse or lake in good condition	*YES/NO	Date of notice: Name of relevant authority that issued notice: Requirements of notice (as specified therein):

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
section 132—Notice restricting the taking of water or directing action in relation to the taking of water	*YES/NO	Date of notice: Water resource to which notice applies: Requirements of notice (as specified therein):
section 134—Notice to remove or modify a dam, embankment, wall or other obstruction or object	*YES/NO	Date of notice: Requirements of notice (as specified therein):
section 135—Condition (that remains in force) of a permit	*YES/NO	Date of permit: Name of relevant authority that granted permit: Condition(s) of permit:
section 145—Notice to take remedial or other action in relation to a well	*YES/NO	Date of notice: Location of well: Requirements of notice (as specified therein):
section 181—Notice of instruction as to keeping or management of animal or plant	*YES/NO	Date of notice: Name of authorised officer who issued notice: Requirements of notice (as specified therein):
section 183—Notice to prepare an action plan for the destruction or control of animals or plants	*YES/NO	Date of notice: Name of authorised officer who issued notice: Requirements of notice (as specified therein):
section 185—Notice to pay costs of destruction or control of animals or plants on road reserve	*YES/NO	Date of notice: Name of authority that issued notice: Amount payable (as specified in notice):
section 187—Notice requiring control or quarantine of animal or plant	*YES/NO	Date of notice: Requirements of notice (as specified therein):
section 193—Protection order to secure compliance with specified provisions of the Act	*YES/NO	Date of order: Name of authority or person who issued order: Requirements of order (as specified therein):

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
section 195—Reparation order requiring specified action or payment to make good damage resulting from contravention of the Act	*YES/NO	Date of order: Name of authority or person who issued order: Requirements of order (as specified therein):
section 197—Reparation authorisation authorising specified action to make good damage resulting from contravention of the Act	*YES/NO	Date of authorisation: Name of relevant authority that issued authorisation: Person authorised to take action: Requirements of authorisation (as specified therein):
<i>Phylloxera and Grape Industry Act 1995</i>		
section 23(1)—Notice of contribution payable	*YES/NO	Date of notice: Name of person or body giving notice: Terms of notice: Amount payable (as stated in notice):
<i>Plant Health Act 2009</i>		
section 8 or 9—Notice or order concerning pests	*YES/NO	Date of notice or order: Date of Gazette in which notice published (if applicable): Nature of requirement, restriction or prohibition:
<i>Public and Environmental Health Act 1987 (repealed)</i>		
Part 3—Notice	*YES/NO	Date of notice: Name of council or other authority giving notice: Requirements of notice:
<i>Public and Environmental Health (Waste Control) Regulations 2010 (or 1995) (revoked)</i> Part 2—Condition (that continues to apply) of an approval	*YES/NO	Date of approval: Name of relevant authority that granted the approval: Condition(s) of approval:
<i>Public and Environmental Health (Waste Control) Regulations 2010 (revoked)</i> regulation 19—Maintenance order (that has not been complied with)	*YES/NO	Date of order: Name of relevant authority giving order: Requirements of order:

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
<i>Sewerage Act 1929 (repealed)</i>		
Notice, order or demand for payment of sewerage rates, other amounts payable or other requirements made under the Act	*YES/NO	Date of notice, order or demand: Amount payable (as stated in the notice): Nature of requirement made:
<i>South Australian Public Health Act 2011</i>		
section 66—Direction or requirement to avert spread of disease	*YES/NO	Date of direction or requirement: Name of authority giving direction or making requirement: Nature of direction or requirement:
section 92—Notice	*YES/NO	Date of notice: Name of council or other relevant authority giving notice: Requirements of notice:
<i>South Australian Public Health (Wastewater) Regulations 2013</i> Part 4—Condition (that continues to apply) of an approval	*YES/NO	Date of approval: Name of person or body that granted the approval: Condition(s) of approval:
<i>Upper South East Dryland Salinity and Flood Management Act 2002 (expired)</i>		
section 23—Notice of contribution payable	*YES/NO	Date of notice: Terms of notice: Amount payable:
<i>Water Industry Act 2012</i>		
Notice or order under the Act requiring payment of charges or other amounts or making other requirement	*YES/NO	Date of notice or order: Name of person or body who served notice or order: Amount payable (if any) as specified in the notice or order: Nature of other requirement made (if any) as specified in the notice or order:

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
<i>Water Resources Act 1997</i>		
section 18 (repealed)— Condition (that remains in force) of a permit	*YES/NO	Date of permit: Name of relevant authority that granted permit: Condition(s) of permit:
section 125 (or a corresponding previous enactment)—Notice to pay levy	*YES/NO	Date of notice: Amount of levy payable:
<i>Waterworks Act 1932 (repealed)</i>		
Notice, order or demand for payment of water rates, other amounts payable or other requirements made under the Act	*YES/NO	Date of notice, order or demand: Amount payable (as stated in the notice): Nature of requirement made:
Other		
Caveat	*YES/NO	Name and address of caveator: Particulars of interest claimed:
Lien or notice of a lien	*YES/NO	Land or other property subject to lien: Nature of lien: Name and address of person who has imposed lien or given notice of it:
Charge of any kind affecting the land (not included in another item)	*YES/NO	Person or body in whose favour charge exists: Nature of charge: Amount of charge (if known):

†Schedule 2—Division 2—Other particulars

(section 7(1)(b) and section 8(1)(b))

†Particulars of transactions in last 12 months

If the vendor, within 12 months before the date of the contract of sale—

- (a) obtained title to the land; or
- (b) obtained an option to purchase the land; or
- (c) entered into a contract to purchase the land (whether on the vendor's own behalf or on behalf of another),

the vendor must provide the following particulars of all transactions relating to the acquisition of the interest that occurred within that 12 month period:

- 1 The name and address of each party to the transaction and of each person in whom an interest vested as a result of the transaction:
- 2 The date and nature of each instrument registered on the certificate of title or, if no such instrument has been registered, the date and nature of each document forming the whole or part of a contract relating to the transaction:
- 3 Particulars of the consideration provided for the purposes of the transaction:

The above particulars must be provided for each transaction.

†Particulars relating to community lot (including strata lot) or development lot

- 1 Name of community corporation:
Address of community corporation:
- 2 Application must be made in writing to the community corporation for the particulars and documents referred to in 3 and 4. Application must also be made in writing to the community corporation for the documents referred to in 6 unless those documents are obtained from the Lands Titles Registration Office.
- 3 Particulars supplied by the community corporation or known to the vendor:
 - (a) particulars of contributions payable in relation to the lot (including details of arrears of contributions related to the lot):
 - (b) particulars of assets and liabilities of the community corporation:
 - (c) particulars of expenditure that the community corporation has incurred, or has resolved to incur, and to which the owner of the lot must contribute, or is likely to be required to contribute:
 - (d) if the lot is a development lot, particulars of the scheme description relating to the development lot and particulars of the obligations of the owner of the development lot under the development contract:
 - (e) if the lot is a community lot, particulars of the lot entitlement of the lot:

[State "not known" next to any particulars not supplied by the community corporation by the date of this statement and not known to the vendor.]

- 4 Documents supplied by the community corporation that are enclosed:
 - (a) a copy of the minutes of the general meetings of the community corporation and management committee *for the 2 years preceding this statement/since the deposit of the community plan;
(*Strike out whichever is the greater period)
 - (b) a copy of the statement of accounts of the community corporation last prepared;
 - (c) a copy of current policies of insurance taken out by the community corporation.

[State "not supplied" next to any document not supplied by the community corporation by the date of this statement.]

- 5 If "not known" or "not supplied" has been specified for an item in 3 or 4, set out the date of the application made to the community corporation and give details of any other steps taken to obtain the particulars or documents concerned:
- 6 The following documents are enclosed:
- †(a) a copy of the scheme description (if any) and the development contract (if any);
 - (b) a copy of the by-laws of the community scheme.
- †7 The following additional particulars are known to the vendor or have been supplied by the community corporation:
- 8 Further inquiries may be made to the secretary of the community corporation or the appointed community scheme manager.
Name:
Address:

Note—

- 1 A community corporation must (on application by or on behalf of a current or prospective owner or other relevant person) provide the particulars and documents referred to in 3(a)—(c) and 4 and must also make available for inspection any information required to establish the current financial position of the corporation, a copy of any contract with a body corporate manager and the register of owners and lot entitlements that the corporation maintains: see sections 139 and 140 of the *Community Titles Act 1996*.
- 2 Copies of the scheme description, the development contract or the by-laws of the community scheme may be obtained from the community corporation or from the Lands Titles Registration Office.
- 3 All owners of a community lot are bound by the by-laws of the community scheme. The by-laws regulate the rights and liabilities of owners of lots in relation to their lots and the common property and matters of common concern.
- 4 For a brief description of some of the matters that need to be considered before purchasing a community lot, see Division 3 of this Schedule.

†Particulars relating to strata unit

- 1 Name of strata corporation:
Address of strata corporation:
- 2 Application must be made in writing to the strata corporation for the particulars and documents referred to in 3 and 4. Application must also be made in writing to the strata corporation for the articles referred to in 6 unless the articles are obtained from the Lands Titles Registration Office.
- 3 Particulars supplied by the strata corporation or known to the vendor:
 - (a) particulars of contributions payable in relation to the unit (including details of arrears of contributions related to the unit):
 - (b) particulars of the assets and liabilities of the strata corporation:
 - (c) particulars of expenditure that the strata corporation has incurred, or has resolved to incur, and to which the unit holder of the unit must contribute, or is likely to be required to contribute:
 - (d) particulars of the unit entitlement of the unit:

[State "not known" next to any particulars not supplied by the strata corporation by the date of this statement and not known to the vendor.]

- 4 Documents supplied by the strata corporation that are enclosed:
- (a) a copy of the minutes of the general meetings of the strata corporation and management committee *for the 2 years preceding this statement/since the deposit of the strata plan; (*Strike out whichever is the greater period)
 - (b) a copy of the statement of accounts of the strata corporation last prepared;
 - (c) a copy of current policies of insurance taken out by the strata corporation.

[State "not supplied" next to any document not supplied by the strata corporation by the date of this statement.]

- 5 If "not known" or "not supplied" has been specified for an item in 3 or 4, set out the date of the application made to the strata corporation and give details of any other steps taken to obtain the particulars or documents concerned:

- 6 A copy of the articles of the strata corporation is enclosed.

- †7 The following additional particulars are known to the vendor or have been supplied by the strata corporation:

- 8 Further inquiries may be made to the secretary of the strata corporation or the appointed strata manager.

Name:

Address:

Note—

- 1 A strata corporation must (on application by or on behalf of a current owner, prospective purchaser or other relevant person) provide the particulars and documents referred to in 3(a)—(c), 4 and 6 and must also make available for inspection its accountancy records and minute books, any contract with a body corporate manager, the register of unit holders and unit holder entitlements that it maintains, the duplicate certificate of title for the common property and any documents in its possession relating to the design and construction of the buildings or improvements on the site or relating to the strata scheme.
- 2 Copies of the articles of the strata corporation may also be obtained from the Lands Titles Registration Office.
- 3 All owners of a strata unit are bound by the articles of the strata corporation. The articles regulate the rights and liabilities of owners of units in relation to their units and the common property and matters of common concern.
- 4 For a brief description of some of the matters that need to be considered before purchasing a strata unit, see Division 3 of this Schedule.

†Particulars of building indemnity insurance

Note—

Building indemnity insurance is not required for—

- (a) domestic building work for which approval under the *Development Act 1993* or the repealed *Building Act 1971* is or was not required; or

- (b) minor domestic building work (see section 3 of the *Building Work Contractors Act 1995*); or
- (c) domestic building work commenced before 1 May 1987; or
- (d) building work in respect of which an exemption from the application of Division 3 of Part 5 of the *Building Work Contractors Act 1995* applies under the *Building Work Contractors Regulations 2011*; or
- (e) building work in respect of which an exemption from the application of Division 3 of Part 5 of the *Building Work Contractors Act 1995* has been granted under section 45 of that Act.

Details of building indemnity insurance still in existence for building work on the land:

- 1 Name(s) of person(s) insured:
- 2 Name of insurer:
- 3 Limitations on the liability of the insurer:
- 4 Name of builder:
- 5 Builder's licence number:
- 6 Date of issue of insurance:
- 7 Description of insured building work:

Exemption from holding insurance:

If particulars of insurance are not given, has an exemption been granted under section 45 of the *Building Work Contractors Act 1995* from the requirement to hold an insurance policy in accordance with Division 3 of Part 5 of that Act? *YES/NO

If YES, give details:

- (a) Date of the exemption:
- (b) Name of builder granted the exemption:
- (c) Licence number of builder granted the exemption:
- (d) Details of building work to which the exemption applies:
- (e) Details of conditions (if any) to which the exemption is subject:

†Particulars relating to asbestos at workplaces

- 1 In these particulars—
asbestos and *asbestos containing material* have the same meaning as in the *Work Health and Safety Regulations 2012*;
workplace has the same meaning as in the *Work Health and Safety Act 2012*.
- 2 Is there a workplace on the land? *YES/NO
- 3 If YES, is there an asbestos register for the workplace? *YES/NO
- 4 If YES, does that register record any asbestos or asbestos containing material at the workplace (or likely to be present at the workplace from time to time) and specify the location, type and condition of that asbestos or asbestos containing material? *YES/NO

- 5 If YES—
- (a) give details of the location, type and condition of the asbestos or asbestos containing material:
 - (b) has a plan been prepared for the management of asbestos at the workplace? *YES/NO
If YES, give details:
 - (c) is any asbestos or asbestos containing material to be removed before settlement? *YES/NO
If YES, give details:

Note—

1. A register is not required to be prepared for a workplace—
 - (a) if a register has already been prepared for the workplace; or
 - (b) if—
 - (i) the workplace is a building that was constructed after 31 December 2003; and
 - (ii) no asbestos has been identified at the workplace; and
 - (iii) no asbestos is likely to be present at the workplace from time to time.

See regulation 425 of the *Work Health and Safety Regulations 2012*.

2. A person with management or control of a workplace who plans to relinquish management or control must ensure (so far as is reasonably practicable) that the asbestos register is given to the person assuming management or control of the workplace.

See regulation 428 of the *Work Health and Safety Regulations 2012*.

†Particulars relating to court or tribunal process

If process has issued out of any court or tribunal in relation to a claim—

- (a) that is stated to affect the land or the value of which is \$5 000 or more; and
- (b) that presently affects (or may prospectively affect) title to, or the possession or enjoyment of, the land,

the vendor must provide the following particulars:

- 1 Name of court or tribunal:
- 2 Names of parties:
- 3 Nature of claim:
- 4 Amount of claim (if applicable):
- 5 Amount of judgment (if applicable):
- 6 Name of judgment creditor (if applicable):

†Particulars relating to land irrigated or drained under Irrigation Acts

†1—Land irrigated or drained under *Irrigation Act 2009*

If the land is land in respect of which water is supplied or delivered, or is drained, through an irrigation or drainage system provided by an irrigation trust under the *Irrigation Act 2009*—

- (a) has the trust given notice under section 40 of that Act in respect of the land? *YES/NO
If YES, specify—
 - (i) the date on which notice was given:
 - (ii) the requirements of the notice:
 - (iii) the amount (if any) payable under section 40(7) of the Act:
- (b) has the trust given notice under section 50 of that Act? *YES/NO
If YES, specify—
 - (i) the date on which notice was given:
 - (ii) the amount payable (including interest, if any):

†2—Land irrigated or drained under *Renmark Irrigation Trust Act 2009*

If the land is land in respect of which water is supplied or delivered, or is drained, through an irrigation or drainage system provided by the Renmark Irrigation Trust under the *Renmark Irrigation Trust Act 2009*—

- (a) has the Trust given notice under section 41 of that Act in respect of the land? *YES/NO
If YES, specify—
 - (i) the date on which notice was given:
 - (ii) the requirements of the notice:
 - (iii) the amount (if any) payable under section 41(7) of the Act:
- (b) has the Trust given notice under section 52 of that Act in respect of the land? *YES/NO
If YES, specify—
 - (i) the date on which notice was given:
 - (ii) the amount payable (including interest, if any):

†Particulars relating to environment protection

1—Interpretation

- (1) In this and the following items (items 1 to 7 inclusive)—

domestic activity has the same meaning as in the *Environment Protection Act 1993*;

environmental assessment, in relation to land, means an assessment of the existence or nature or extent of—

- (a) site contamination (within the meaning of the *Environment Protection Act 1993*) at the land; or
- (b) any other contamination of the land by chemical substances,

and includes such an assessment in relation to water on or below the surface of the land;

EPA means the Environment Protection Authority established under the *Environment Protection Act 1993*;

pre-1 July 2009 site audit, in relation to land, means a review (carried out by a person recognised by the EPA as an environmental auditor) that examines environmental assessments or remediation of the land for the purposes of determining—

- (a) the nature and extent of contamination of the land by chemical substances present or remaining on or below the surface of the land; and
- (b) the suitability of the land for a particular use; and
- (c) what remediation is or remains necessary for a particular use,

but does not include a site contamination audit (as defined below) completed on or after 1 July 2009;

pre-1 July 2009 site audit report means a detailed written report that sets out the findings of a pre-1 July 2009 site audit;

prescribed commercial or industrial activity—see item 1(2);

prescribed fee means the fee prescribed under the *Environment Protection Act 1993* for inspection of, or obtaining copies of information on, the public register;

public register means the public register kept by the EPA under section 109 of the *Environment Protection Act 1993*;

site contamination audit has the same meaning as in the *Environment Protection Act 1993*;

site contamination audit report has the same meaning as in the *Environment Protection Act 1993*.

- (2) For the purposes of this and the following items (items 1 to 7 inclusive), each of the following activities (as defined in Schedule 3 clause 2 of the *Environment Protection Regulations 2009*) is a prescribed commercial or industrial activity:

abrasive blasting	acid sulphate soil generation	agricultural activities
airports, aerodromes or aerospace industry	animal burial	animal dips or spray race facilities
animal feedlots	animal saleyards	asbestos disposal
asphalt or bitumen works	battery manufacture, recycling or disposal	breweries

brickworks	bulk shipping facilities	cement works
ceramic works	charcoal manufacture	coal handling or storage
coke works	compost or mulch production or storage	concrete batching works
curing or drying works	defence works	desalination plants
dredge spoil disposal or storage	drum reconditioning or recycling works	dry cleaning
electrical or electronics component manufacture	electrical substations	electrical transformer or capacitor works
electricity generation or power plants	explosives or pyrotechnics facilities	fertiliser manufacture
fibreglass manufacture	fill or soil importation	fire extinguisher or retardant manufacture
fire stations	fire training areas	foundry
fuel burning facilities	furniture restoration	gasworks
glass works	glazing	hat manufacture or felt processing
incineration	iron or steel works	laboratories
landfill sites	lime burner	metal coating, finishing or spray painting
metal forging	metal processing, smelting, refining or metallurgical works	mineral processing, metallurgical laboratories or mining or extractive industries
mirror manufacture	motor vehicle manufacture	motor vehicle racing or testing venues
motor vehicle repair or maintenance	motor vehicle wrecking yards	mushroom farming
oil recycling works	oil refineries	paint manufacture
pest control works	plastics manufacture works	printing works
pulp or paper works	railway operations	rubber manufacture or processing
scrap metal recovery	service stations	ship breaking
spray painting	tannery, fellmongery or hide curing	textile operations
transport depots or loading sites	tyre manufacture or retreading	vermiculture
vessel construction, repair or maintenance	waste depots	wastewater storage, treatment or disposal
water discharge to underground aquifer	wetlands or detention basins	wineries or distilleries
wood preservation works	woolscouring or wool carbonising works	works depots (operated by councils or utilities)

2—Pollution and site contamination on the land—questions for vendor

- (1) Is the vendor aware of any of the following activities ever having taken place at the land:
- (a) storage, handling or disposal of waste or fuel or other chemicals (other than in the ordinary course of domestic activities)?
 - (b) importation of soil or other fill from a site at which—
 - (i) an activity of a kind listed in paragraph (a) has taken place; or
 - (ii) a prescribed commercial or industrial activity (see item 1(2) above) has taken place?

*YES/NO

If YES, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

- (2) Is the vendor aware of any prescribed commercial or industrial activities (see item 1(2) above) ever having taken place at the land?

*YES/NO

If YES, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

- (3) Is the vendor aware of any dangerous substances ever having been kept at the land pursuant to a licence under the *Dangerous Substances Act 1979*?

*YES/NO

If YES, give details of all dangerous substances that the vendor is aware of and whether they were kept at the land before or after the vendor acquired an interest in the land:

- (4) Is the vendor aware of the sale or transfer of the land or part of the land ever having occurred subject to an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?

*YES/NO

If YES, give details of each sale or transfer and agreement that the vendor is aware of:

- (5) Is the vendor aware of an environmental assessment of the land or part of the land ever having been carried out or commenced (whether or not completed)?

*YES/NO

If YES, give details of all environmental assessments that the vendor is aware of and whether they were carried out or commenced before or after the vendor acquired an interest in the land:

Note—

These questions relate to details about the land that may be known by the vendor. A "YES" answer to the questions at items 2(1) or 2(2) may indicate that a *potentially contaminating activity* has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

A "YES" answer to any of the questions in this item may indicate the need for the purchaser to seek further information regarding the activities, for example, from the council or the EPA.

3—Licences and exemptions recorded by EPA in public register

Does the EPA hold any of the following details in the public register:

- (a) details of a current licence issued under Part 6 of the *Environment Protection Act 1993* to conduct, at the land—
- (i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
 - (ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act); or
 - (iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?

*YES/NO

- (b) details of a licence no longer in force issued under Part 6 of the *Environment Protection Act 1993* to conduct, at the land—
- (i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
 - (ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act); or
 - (iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?

*YES/NO

- (c) details of a current exemption issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?

*YES/NO

- (d) details of an exemption no longer in force issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?

*YES/NO

- (e) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to operate a waste depot at the land?

*YES/NO

- (f) details of a licence issued under the repealed *Waste Management Act 1987* to operate a waste depot at the land?
*YES/NO
- (g) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to produce waste of a prescribed kind (within the meaning of that Act) at the land?
*YES/NO
- (h) details of a licence issued under the repealed *Waste Management Act 1987* to produce prescribed waste (within the meaning of that Act) at the land?
*YES/NO

Note—

These questions relate to details about licences and exemptions required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions—

- in the case of a licence or exemption under the *Environment Protection Act 1993*—
 - the purchaser may obtain a copy of the licence or exemption from the public register on payment of the prescribed fee; and
 - the purchaser should note that transfer of a licence or exemption is subject to the conditions of the licence or exemption and the approval of the EPA (see section 49 of the *Environment Protection Act 1993*); and
- in the case of a licence under a repealed Act—the purchaser may obtain details about the licence from the public register on payment of the prescribed fee.

A "YES" answer to any of these questions may indicate that a **potentially contaminating activity** has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

The EPA will not provide details about licences to conduct the following prescribed activities of environmental significance (within the meaning of Schedule 1 Part A of the *Environment Protection Act 1993*): waste transport business (category A), waste transport business (category B), dredging, earthworks drainage, any other activities referred to in Schedule 1 Part A undertaken by means of mobile works, helicopter landing facilities, marinas and boating facilities or discharges to marine or inland waters.

The EPA will not provide details about exemptions relating to—

- the conduct of any of the licensed activities in the immediately preceding paragraph in this note; or
- noise.

4—Pollution and site contamination on the land—details recorded by EPA in public register

Does the EPA hold any of the following details in the public register in relation to the land or part of the land:

- (a) details of serious or material environmental harm caused or threatened in the course of an activity (whether or not notified under section 83 of the *Environment Protection Act 1993*)?
*YES/NO

- (b) details of site contamination notified to the EPA under section 83A of the *Environment Protection Act 1993*?
*YES/NO
- (c) a copy of a report of an environmental assessment (whether prepared by the EPA or some other person or body and whether or not required under legislation) that forms part of the information required to be recorded in the public register?
*YES/NO
- (d) a copy of a site contamination audit report?
*YES/NO
- (e) details of an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?
*YES/NO
- (f) details of an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
*YES/NO
- (g) details of an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
*YES/NO
- (h) details of a notification under section 103Z(1) of the *Environment Protection Act 1993* relating to the commencement of a site contamination audit?
*YES/NO
- (i) details of a notification under section 103Z(2) of the *Environment Protection Act 1993* relating to the termination before completion of a site contamination audit?
*YES/NO
- (j) details of records, held by the former South Australian Waste Management Commission under the repealed *Waste Management Act 1987*, of waste (within the meaning of that Act) having been deposited on the land between 1 January 1983 and 30 April 1995?
*YES/NO

Note—

These questions relate to details required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the public register on payment of the prescribed fee.

5—Pollution and site contamination on the land—other details held by EPA

Does the EPA hold any of the following details in relation to the land or part of the land:

- (a) a copy of a report known as a "Health Commission Report" prepared by or on behalf of the South Australian Health Commission (under the repealed *South Australian Health Commission Act 1976*)?
*YES/NO

- (b) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
*YES/NO
- (c) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
*YES/NO
- (d) a copy of a pre-1 July 2009 site audit report?
*YES/NO
- (e) details relating to the termination before completion of a pre-1 July 2009 site audit?
*YES/NO

Note—

These questions relate to details that the EPA may hold. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the EPA (on payment of any fee fixed by the EPA).

6—Further information held by councils

Does the council hold details of any development approvals relating to—

- (a) commercial or industrial activity at the land; or
- (b) a change in the use of the land or part of the land (within the meaning of the *Development Act 1993*)?

*YES/NO

Note—

The question relates to information that the council for the area in which the land is situated may hold. If the council answers "YES" to the question, it will provide a description of the nature of each development approved in respect of the land. The purchaser may then obtain further details from the council (on payment of any fee fixed by the council). However, it is expected that the ability to supply further details will vary considerably between councils.

A "YES" answer to paragraph (a) of the question may indicate that a *potentially contaminating activity* has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

It should be noted that:

- the approval of development by a council does not necessarily mean that the development has taken place;
- the council will not necessarily be able to provide a complete history of all such development that has taken place at the land.

7—Further information for purchasers

Note—

The purchaser is advised that other matters under the *Environment Protection Act 1993* (that is, matters other than those referred to in this Statement) that may be relevant to the purchaser's further enquiries may also be recorded in the public register. These include:

- details relating to environmental authorisations such as applications, applicants, locations of activities, conditions, suspension, cancellation or surrender of authorisations, disqualifications, testing requirements and test results;
- details relating to activities undertaken on the land under licences or other environmental authorisations no longer in force;
- written warnings relating to alleged contraventions of the *Environment Protection Act 1993*;
- details of prosecutions and other enforcement action;
- details of civil proceedings;
- other details prescribed under the *Environment Protection Act 1993* (see section 109(3)(1)).

Details of these matters may be obtained from the public register on payment to the EPA of the prescribed fee.

If—

- an environment performance agreement, environment protection order, clean-up order, clean-up authorisation, site contamination assessment order or site remediation order has been registered on the certificate of title for the land; or
- a notice of declaration of special management area in relation to the land has been gazetted; or
- a notation has been made on the certificate of title for the land that a site contamination audit report has been prepared in respect of the land; or
- a notice of prohibition or restriction on taking water affected by site contamination in relation to the land has been gazetted,

it will be noted in the items under the heading *Environment Protection Act 1993* under the Table of Particulars in this Statement. Details of any registered documents may be obtained from the Lands Titles Registration Office.

†Particulars relating to *Livestock Act 1997*

†1—Sale of land

- (1) Has any notice under section 33 or 37 of the *Livestock Act 1997* been made that affects, presently or prospectively, enjoyment of the land? *YES/NO
If YES, give details of the following:

Date of notice:

Terms of notice:

- (2) Has any order under section 38, or notice under section 72, of the *Livestock Act 1997* been issued to the vendor in relation to the land or any building on the land? *YES/NO
If YES, give details of the following:

Date of order or notice:

Terms of order or notice:

†2—Sale of small business

Does the small business the subject of the sale involve the keeping or handling of livestock, the handling of livestock products or the handling of property in connection with such an activity? *YES/NO

If YES, has any notice or order been issued under the *Livestock Act 1997* in relation to any livestock, livestock products or other property (other than land or any building on the land) included in the sale? *YES/NO

If YES, give details of the following:

Date of notice or order:

Terms of notice or order:

†Schedule 2—Division 3—Community lots and strata units

Matters to be considered in purchasing a community lot or strata unit

The property you are buying is on strata or community title. There are **special obligations and restrictions** that go with this kind of title. Make sure you understand these. If unsure, seek legal advice before signing a contract. For example:

Governance

You will automatically become a member of the **body corporate**, which includes all owners and has the job of maintaining the common property and enforcing the rules. Decisions, such as the amount you must pay in levies, will be made by vote of the body corporate. You will need to take part in meetings if you wish to have a say. If outvoted, you will have to live with decisions that you might not agree with.

If you are buying into a mixed use development (one that includes commercial as well as residential lots), owners of some types of lots may be in a position to outvote owners of other types of lots. Make sure you fully understand your voting rights, see later.

Use of your property

You, and anyone who visits or occupies your property, will be bound by rules in the form of **articles or by-laws**. These can restrict the use of the property, for example, they can deal with keeping pets, car parking, noise, rubbish disposal, short-term letting, upkeep of buildings and so on. Make sure that you have read the articles or by-laws before you decide whether this property will suit you.

Depending on the rules, you might not be permitted to make changes to the exterior of your unit, such as installing a television aerial or an air-conditioner, building a pergola, attaching external blinds etc without the permission of the body corporate. A meeting may be needed before permission can be granted. Permission may be refused.

Note that the articles or by-laws **could change** between now and when you become the owner: the body corporate might vote to change them. Also, if you are buying before the community plan is registered, then any by-laws you have been shown are just a draft.

Are you buying a debt?

If there are unpaid contributions owing on this property, you can be made to pay them. You are entitled to **know the financial state of the body corporate** and you should make sure you see its records before deciding whether to buy. As a prospective owner, you can write to the body corporate requiring to see the records, including minutes of meetings, details of assets and liabilities, contributions payable, outstanding or planned expenses and insurance policies. There is a fee. To make a request, write to the secretary or management committee of the body corporate.

Expenses

The body corporate can **require you to maintain your property**, even if you do not agree, or can carry out maintenance and bill you for it.

The body corporate can **require you to contribute** to the cost of upkeep of the common property, even if you do not agree. Consider what future maintenance or repairs might be needed on the property in the long term.

Guarantee

As an owner, you are a **guarantor** of the liabilities of the body corporate. If it does not pay its debts, you can be called on to do so. Make sure you know what the liabilities are before you decide to buy. Ask the body corporate for copies of the financial records.

Contracts

The body corporate can make contracts. For example, it may engage a body corporate manager to do some or all of its work. It may contract with traders for maintenance work. It might engage a caretaker to look after the property. It might make any other kind of contract to buy services or products for the body corporate. Find out **what contracts the body corporate is committed to and the cost**.

The body corporate will have to raise funds from the owners to pay the money due under these contracts. As a guarantor, you could be liable if the body corporate owes money under a contract.

Buying off the plan

If you are buying a property that has not been built yet, then you **cannot be certain** what the end product of the development process will be. If you are buying before a community plan has been deposited, then any proposed development contract, scheme description or by-laws you have been shown could change.

Mixed use developments—voting rights

You may be buying into a group that is run by several different community corporations. This is common in mixed use developments, for example, where a group of apartments is combined with a hotel or a group of shops. If there is more than one corporation, then you should not expect that all lot owners in the group will have equal voting rights. The corporations may be structured so that, even though there are more apartments than shops in the group, the shop-owners can outvote the apartment owners on some matters. Make enquiries so that you understand how many corporations there are and what voting rights you will have.

Further information

The Real Estate Institute of South Australia provides an information service for enquiries about real estate transactions, see www.reisa.com.au .

A free telephone Strata and Community Advice Service is operated by the Legal Services Commission of South Australia: call 1300 366 424. Information and a booklet about strata and community titles is available from the Legal Services Commission at www.lsc.sa.gov.au.

You can also seek advice from a legal practitioner.

10—Variation of Schedule 1—Contracts for sale of land or businesses—forms

Schedule 1, Form 4—delete the form

11—Substitution of Schedule 3

Schedule 3—delete the Schedule and substitute:

Schedule 3—Contracts for sale of land or businesses— inquiries

Table 1—Mortgages, charges and prescribed encumbrances

Column 1 Mortgage, charge or prescribed encumbrance specified as item in Form 1 Schedule Division 1 and Form 2 Schedule 2 Division 1	Column 2 Body to whom inquiry is to be made
(1) All items under the following headings (except where otherwise specified): <i>Development Act 1993</i> (the item relating to section 71 only) <i>Fire and Emergency Services Act 2005</i> <i>Local Government Act 1934</i> <i>Local Government Act 1999</i>	The council

Column 1 Mortgage, charge or prescribed encumbrance specified as item in Form 1 Schedule Division 1 and Form 2 Schedule 2 Division 1	Column 2 Body to whom inquiry is to be made
(2) All items under the following headings (except where otherwise specified): <i>Development Act 1993</i> (other than the items relating to section 60 and section 71) <i>Food Act 2001</i> <i>Housing Improvement Act 1940</i> <i>Public and Environmental Health Act 1987</i> (repealed) Repealed Act conditions <i>South Australian Public Health Act 2011</i> (other than the item relating to section 66)	Department of Planning, Transport and Infrastructure and the council
(3) All other items (other than the items relating to the <i>Development Act 1993</i> section 60, the <i>Fences Act 1975</i> section 5 and the <i>Mining Act 1971</i> section 9AA, section 58(a) or 59(8)(b) and section 61)	Department of Planning, Transport and Infrastructure

Table 2—Matters affecting land

Column 1 Matters specified in Form 1 Schedule Division 2 and Form 2 Schedule 2 Division 2	Column 2 Body to whom inquiry is to be made
Particulars of building indemnity insurance (all items under that heading)	The council
Particulars relating to environment protection (items 3, 4 and 5 under that heading)	Department of Planning, Transport and Infrastructure or Environment Protection Authority
Particulars relating to environment protection (item 6 under that heading)	The council
Particulars relating to <i>Livestock Act 1997</i> (the following items under that heading: a notice under section 33, 37 or 72 of the Act or an order under section 38 of the Act, in relation to the land or a building on the land)	Department of Planning, Transport and Infrastructure or Department of Primary Industries and Regions

12—Variation of Schedule 8—Contracts for sale of land or businesses—fees

Schedule 8, clause 3, definition of **Department**—delete the definition and substitute:

Department means the Department of Planning, Transport and Infrastructure;

13—Transitional provision

- (1) In this regulation—

Act means the *Land and Business (Sale and Conveyancing) Act 1994*;

new requirements means the requirements of the Act and principal regulations as in force after the commencement of the *Statutes Amendment (Real Estate Reform Review and Other Matters) Act 2013* and these regulations;

old requirements means the requirements of the Act and principal regulations as in force immediately before the commencement of the *Statutes Amendment (Real Estate Reform Review and Other Matters) Act 2013* and these regulations;

principal regulations means the *Land and Business (Sale and Conveyancing) Regulations 2010*;

vendor, in relation to a vendor's statement, means the vendor of the land or business to which the statement relates and includes any agent, accountant or other person involved in the preparation or use of the statement for the purposes of Part 2 of the Act.

- (2) A reference in this regulation to the date of service of a vendor's statement is, where a notice of amendment to the statement is served for the purposes of section 10 of the Act, a reference to the presumed date of service of the statement under that section.
- (3) Where a vendor's statement is prepared for the purposes of Part 2 of the Act, the vendor is exempt from compliance with the new requirements relating to the form and content of a vendor's statement if—
- (a) the statement is a statement prepared not more than 2 months before and not more than 2 months after the commencement of these regulations; and
 - (b) the statement has an attachment that is—
 - (i) if the statement relates to the sale of land only—in the form set out in Schedule 1 of these regulations; or
 - (ii) if the statement relates to the sale of a small business, or a small business and land—in the form set out in Schedule 2; and
 - (c) subject to paragraph (b), the statement complies with the old requirements relating to the form and content of the statement; and
 - (d) the statement is accurate as at the date of service of the statement on the purchaser.
- (4) A vendor's statement for which an exemption under this regulation applies to the vendor will be taken to comply with the principal regulations as varied by these regulations.

Schedule 1—Attachment for Form 1

Attachment for Form 1

Notice to Purchaser: Cooling-off

To the purchaser:

Your right to notify the vendor in writing of your intention not to be bound by a contract of sale that you have entered into (your right to serve a **cooling-off notice**) and the restrictions on that right, are set out in Part B of the attached vendor's statement.

Owing to recent changes in the law, the description of these matters in Part B is no longer completely accurate. Please note the following changes:

1. **Service of cooling-off notice**

Part B clause 4 sets out the methods of service of a cooling-off notice. Please note that in addition to the methods of service of the cooling-off notice described in Part B clause 4, **the cooling-off notice may be transmitted by email to the following email address:**

(being an address provided to you by the vendor for the purpose of service of the notice).

Note—

Section 5(3) of the *Land and Business (Sale and Conveyancing) Act 1994* places the onus of proving the giving of the cooling-off notice on the purchaser. It is therefore strongly recommended that if you intend to serve the notice by email, you obtain a record of transmission of the email.

2. **Cooling-off by corporations**

Part B clause 1(d) currently indicates that a body corporate cannot cool-off. That is no longer the case. A body corporate can now cool-off if the land is residential land within the meaning of the *Land and Business (Sale and Conveyancing) Act 1994*.

Schedule 2—Attachment for Form 2

Attachment for Form 2

Notice to Purchaser: Service of cooling-off notice

To the purchaser:

Your right to notify the vendor in writing of your intention not to be bound by a contract of sale that you have entered into (your right to serve a **cooling-off notice**) and the restrictions on that right, are set out in Part B of the attached vendor's statement.

Owing to recent changes in the law, please note that in addition to the methods of service of the cooling-off notice described in Part B clause 4, **the cooling-off notice may be transmitted by email to the following email address:**

(being an address provided to you by the vendor for the purpose of service of the notice).

Note—

Section 5(3) of the *Land and Business (Sale and Conveyancing) Act 1994* places the onus of proving the giving of the cooling-off notice on the purchaser. It is therefore strongly recommended that if you intend to serve the notice by email, you obtain a record of transmission of the email.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 312 of 2013

MCA0024/13CS

South Australia

Development (Swimming Pool Safety) Variation Regulations 2013

under the *Development Act 1993*

Contents

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-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Development (Swimming Pool Safety) Variation Regulations 2013*.

2—Commencement

- (1) Subject to subregulation (2), these regulations will come into operation on 1 January 2014.
- (2) Regulation 5 will come into operation on 1 April 2014.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Development Regulations 2008*

4—Variation of regulation 74—Notifications during building work

- (1) Regulation 74(1)—after paragraph (ca) insert:
 - (cb) without limiting a preceding paragraph—1 business day's notice of the following:
 - (i) the completion of construction of a swimming pool (before the pool is filled with water);

- (ii) the completion of construction of a safety fence or barrier for a swimming pool;
 - (iii) in relation to some other form of building work where swimming pool safety features (within the meaning of section 71AA of the Act) are relevant—the completion of that aspect or those aspects of the building work relating to the swimming pool safety features;
- (2) Regulation 74(8), penalty provision—delete the penalty provision and substitute:
 - Maximum penalty:
 - (a) in the case of a breach of a requirement under subregulation (1)(cb)—\$2 500;
 - (b) in any other case—\$10 000.
 - Expiation fee:
 - (a) in the case of a breach of a requirement under subregulation (1)(cb)—\$210;
 - (b) in any other case—\$500.

5—Variation of regulation 76D—Swimming pool safety

Regulation 76D—after subregulation (4) insert:

- (4a) For the purposes of subsection (7) of section 71AA of the Act, a council must establish a swimming pool inspection policy.
- (4b) A swimming pool inspection policy established under subregulation (4a) must comply with the following requirements relating to minimum levels of inspection of swimming pools (including safety fences and barriers associated with such swimming pools) within the area of the council:
 - (a) at least 80% of swimming pools constructed over the course of the year must be inspected within 2 weeks of the council being notified of the completion of—
 - (i) in the case of a swimming pool the construction of which required the construction of a safety fence or barrier—the construction of the safety fence or barrier; or
 - (ii) in any other case—the construction of the swimming pool;
 - (b) the remaining 20% of swimming pools constructed over the course of the year must be inspected within 2 months of the council being notified of the completion of—
 - (i) in the case of a swimming pool the construction of which required the construction of a safety fence or barrier—the construction of the safety fence or barrier; or
 - (ii) in any other case—the construction of the swimming pool.

6—Insertion of regulation 76E

After regulation 76D insert:

76E—Swimming pool safety requirements—construction of fences and barriers

If building work that involves the construction of a swimming pool is being carried out within the area of a council, then—

- (a) a licensed building work contractor who is carrying out the work or who is in charge of carrying out the work; or
- (b) if there is no such licensed building work contractor, the owner of the swimming pool (within the meaning of section 71AA of the Act),

must ensure that the construction of all relevant safety fences and barriers is completed within 2 months of the completion of the construction of the swimming pool.

7—Variation of Schedule 1A—Development that does not require development plan consent

(1) Schedule 1A, clause 5—after subclause (2) insert:

- (3) The construction or alteration of, or addition to, a safety fence or barrier associated with a swimming pool within the ambit of this clause.

(2) Schedule 1A, clause 6—after its present contents (now to be designated as subclause (1)) insert:

- (2) The construction or alteration of, or addition to, a safety fence or barrier associated with a spa pool within the ambit of this clause.

8—Variation of Schedule 5—Requirements as to plans and specifications

Schedule 5, clause 1(1)—after paragraph (f) insert:

- (fa) if the building work involves the construction or alteration of, or addition to—
 - (i) a swimming pool or spa pool; or
 - (ii) a safety fence or barrier for a swimming pool or spa pool,details relating to the proposed swimming pool, spa pool, fence or barrier (as the case requires); and

9—Variation of Schedule 6—Fees

(1) Schedule 6, item 1(1)(c)—after "certifier)" insert:

other than development consisting solely of a swimming pool, spa pool, or a safety fence or barrier for a swimming pool or spa pool; and

(2) Schedule 6, item 1(1)—after paragraph (c) insert:

- (d) if the development involves the construction or alteration of, or addition to, a swimming pool or spa pool, or a safety fence or barrier for a swimming pool or spa pool \$170.00

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 313 of 2013

PLN0037/13CS