



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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ADELAIDE, THURSDAY, 9 JUNE 2016

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GOVERNMENT GAZETTE NOTICES

Notices for publication in the *South Australian Government Gazette* should be emailed to GovernmentGazetteSA@sa.gov.au. Content should be sent as Word format attachment(s). Covering emails should include the date the notice is to be published and to whom the notice will be charged. **Closing time for lodgement is 4 p.m. on the Tuesday preceding the regular Thursday publication.** Gazette enquiries to: **Phone 8207 1045**. The *Government Gazette* is available online at: www.governmentgazette.sa.gov.au.

Department of the Premier and Cabinet
Adelaide, 9 June 2016

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Child Death and Serious Injury Review Committee, pursuant to the provisions of the Children's Protection Act 1993:

Member: (from 1 July 2016 until 30 June 2018)

Dymphna Julienne Eszenyi
Margaret Rose Kyrkou
Thomas Ian Osborn
Nigel Lawrence Stewart
Ann-Marie Hayes
Pamela Mary Hemphill
Philip James Robinson

Chair: (from 1 July 2016 until 30 June 2018)

Dymphna Julienne Eszenyi

By command,

SUSAN ELIZABETH CLOSE, for Premier

MECD16/041

Department of the Premier and Cabinet
Adelaide, 9 June 2016

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Zoe Lee Bettison, MP, Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth and Minister for Volunteers to be also Acting Minister for Education and Child Development for the period from 13 June 2016 to 21 June 2016 inclusive, during the absence of the Honourable Susan Elizabeth Close, MP.

By command,

SUSAN ELIZABETH CLOSE, for Premier

MECD16/043

Department of the Premier and Cabinet
Adelaide, 9 June 2016

HIS Excellency the Governor in Executive Council has been pleased to appoint the Kyam Joseph Maher, MLC, Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation and Minister for Science and Information Economy to be also Acting Minister for Higher Education and Skills for the period from 13 June 2016 to 21 June 2016 inclusive, during the absence of the Honourable Susan Elizabeth Close, MP.

By command,

SUSAN ELIZABETH CLOSE, for Premier

MECD16/043

Department of the Premier and Cabinet
Adelaide, 9 June 2016

HIS Excellency the Governor in Executive Council has been pleased to approve the draft Kangaroo Island Housing Management Plan, dated April 2015, pursuant to the provisions of the Commissioner for Kangaroo Island Act 2014.

By command,

SUSAN ELIZABETH CLOSE, for Premier

PLN0011/16CS

**ANANGU PITJANTJATJARA YANKUNYTJATJARA
LAND RIGHTS ACT 1981**

*Anangu Pitjantjatjara Yankunytjatjara Executive Board
Supplementary Election for Mimili*

AT the close of nominations 4 p.m. Wednesday, 1 June 2016, one nomination was received in the above mentioned election from Willy Pompey.

In accordance with Clause 7 of Schedule 3 under the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981, I, David Gully, Returning Officer, hereby declare Willy Pompey elected unopposed to the Anangu Pitjantjatjara Yankunytjatjara Executive Board to represent the Mimili community.

D. GULLY, Returning Officer

**DEVELOPMENT ACT 1993, SECTION 25 (17): DISTRICT
COUNCIL OF THE COPPER COAST BETTER
DEVELOPMENT PLAN AND GENERAL DEVELOPMENT
PLAN AMENDMENT—PART 2**

Preamble

1. The Better Development Plan and General Development Plan Amendment—Part 2 (the 'Amendment') by the District Council of the Copper Coast has been finalised in accordance with the provisions of the Development Act 1993.

2. The Minister for Planning has decided to approve the Amendment.

NOTICE

PURSUANT to Section 25 of the Development Act 1993, I—

(a) approve the Amendment; and

(b) fix the day on which this notice is published in the *Gazette* as the day on which the Amendment will come into operation.

Dated 25 May 2016.

JOHN RAU, Deputy Premier,
Minister for Planning

ESSENTIAL SERVICES COMMISSION ACT 2002

Price Determination and Water Retail Code—Major Retailers

NOTICE is hereby given that:

1. Pursuant to Section 28 (2) of the Essential Services Commission Act 2002, the Essential Services Commission has varied the Water Retail Code—Major Retailers (designated as WRC-MR/02) to apply to the water industry, a regulated industry under the Water Industry Act 2012, to have effect on and from Friday, 1 July 2016.

2. Pursuant to Section 25 (1) of the Essential Services Commission Act 2002, the Essential Services Commission has made a price determination, as authorised by Section 35 of the Water Industry Act 2012 (Price Determination). The Price Determination:

(a) applies to the South Australian Water Corporation, established under the South Australian Water Corporation Act 1994, for the period 1 July 2016 to 30 June 2020.

(b) sets:

(i) a four year revenue cap for drinking water retail services;

(ii) a four year revenue cap for sewerage retail services; and

(iii) specifies pricing principles that must be complied with in setting prices for excluded retail services.

3. Copies of the price determination and the Water Retail Code—Major Retailers may be inspected or obtained from the Essential Services Commission, Level 1, 151 Pirie Street, Adelaide and are also available at www.escosa.sa.gov.au.

4. Queries in relation to the price determination and the Water Retail Code—Major Retailers may be directed to the Essential Services Commission, Level 1, 151 Pirie Street, Adelaide. Telephone (08) 8463 4444 or Freecall 1800 633 592.

Execution

The seal of the Essential Services Commission was affixed with due authority by a Commissioner of the Essential Services Commission.

Dated 9 June 2016.

L. WILLIAMS, Acting Chairperson,
Essential Services Commission

FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to Section 115 of the Fisheries Management Act 2007, the holders of a West Coast Prawn Fishery licence issued pursuant to the Fisheries Management (Prawn Fisheries) Regulations 2006, for the West Coast Prawn Fishery listed in Schedule 1 (the 'exemption holder') or their register master are exempt from closure notices made under Section 79 of the Fisheries Management Act 2007, published in the *South Australian Government Gazette*, referring to the West Coast Prawn Fishery insofar as the exemption holder may use prawn trawl nets in accordance with the conditions of their fishery licence for the purpose of undertaking a prawn survey (the 'exempted activity') during the period specified in Schedule 2, subject to the conditions contained in Schedule 3.

SCHEDULE 1

| Licence Number | Licence Holder | Boat Name | Trawl Survey Area |
|----------------|-------------------------|---------------|-------------------|
| D01 | Nicholas Paleologoudias | Bosanquet Bay | Venus Bay |

SCHEDULE 2

Commence at sunset on 4 June 2016 and end at sunrise on 7 June 2016.

SCHEDULE 3

1. The exemption holder must operate within the trawl survey area nominated in the table in Schedule 1.

2. For the purposes of this notice the trawl survey areas cannot include any waters of a habitat protection zone or a sanctuary zone of a marine park established under the Marine Parks Act 2007.

3. The survey may be undertaken for a total of one night of fishing over the period detailed in Schedule 2.

4. The registered master must keep a 'skippers log' to record catch information during the survey.

5. All fish, other than King Prawns, Southern Calamari, Gould's Squid, Scallops, Octopus and Balmain Bugs taken during the exempted activity for survey purposes, are to be returned to the water immediately after capture.

6. The exemption holder must comply with all regulations and conditions that apply to fishing activities undertaken pursuant to their licence, in addition to the conditions imposed by this exemption. Ministerial Exemption No. ME 9902862.

7. While engaged in the exempted activity or unloading the survey catch, the exemption holder must have a copy of this notice on board the boat or near his person. This notice must be produced to a Fisheries Officer if requested.

8. No fishing activity may be undertaken between the prescribed times of sunrise and sunset for Adelaide (as published in the *South Australian Government Gazette*).

9. The exemption holder or an authorised licence holder must not contravene or fail to comply with the Fisheries Management Act 2007, or any other regulations made under that Act except where specifically exempted by this notice.

This notice does not purport to override the provisions or operation of any other Act including, but not limited to, the Marine Parks Act 2007. The exemption holder and his agents must comply with any relevant regulations, permits, requirements and directions from the Department of Environment, Water and Natural Resources when undertaking activities within a marine park.

Dated 3 June 2016.

S. SLOAN, Director,
Fisheries and Aquaculture Policy

HEALTH CARE ACT 2008

Exemptions

TAKE notice that I, John James Snelling, Minister for Health, pursuant to sub-section 57 (1) (c), 58 (1) (d) and Section 62 of the Health Care Act 2008, do hereby exempt the persons named in Column A of the Schedule from the application of Part 6—Division 2 and Division 3, Section 59 of the Health Care Act 2008, in relation to the emergency ambulance services and non-emergency ambulance services specified in Column B of the Schedule, and on the conditions (if any) specified in Column C of the Schedule, with effect on and from 1 July 2016, and for the period expiring on 30 June 2017.

SCHEDULE

| Column A | Column B | Column C |
|--------------------------|---|----------|
| Careflight Group Limited | Emergency ambulance services provided between the border of Commonwealth Waters in the Great Australian Bight and Ceduna Airport and continuing on to Adelaide Airport. | Nil |
| Careflight Group Limited | Non-emergency ambulance services provided between the border of Commonwealth Waters in the Great Australian Bight and Ceduna Airport and continuing on to Adelaide Airport. | Nil |

Dated 3 June 2016.

JOHN JAMES SNELLING, Minister for Health

LAND ACQUISITION ACT 1969

(SECTION 16)

Notice of Acquisition

THE COMMISSIONER OF HIGHWAYS (the 'Authority'), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land being the whole of Allotment 52 in Deposited Plan No. 114513, comprised in Certificate of Title Volume 5725, Folio 988, and being the whole of the land numbered Allotment 506 in unapproved plan D112843 that has been lodged in the Lands Titles Office.

This notice is given under Section 16 of the Land Acquisition Act 1969.

Compensation

A person who has or had an interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

Inquiries

Inquiries should be directed to:

Chris Southam
G.P.O. Box 1533
Adelaide, S.A. 5001
Telephone: (08) 7424 7036

Dated 6 June 2016.

The Common Seal of the Commissioner of Highways was hereto affixed by authority of the Commissioner in the presence of:

M. ELGAZZAR, Manager,
Portfolio and Acquisition Services
(Authorised Officer),
Department of Planning,
Transport and Infrastructure

DPTI 2009/03594/01

LAND ACQUISITION ACT 1969

(SECTION 16)

Notice of Acquisition

THE COMMISSIONER OF HIGHWAYS (the 'Authority'), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land being the whole of Allotment 71 in Deposited Plan No. 114532, comprised in Certificate of Title Volume 6119, Folio 430, and being the whole of the land numbered Allotment 501 in unapproved plan D112846 lodged in the Lands Titles Office.

This notice is given under Section 16 of the Land Acquisition Act 1969.

Compensation

A person who has or had an interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

Inquiries

Inquiries should be directed to:

Chris Southam
G.P.O. Box 1533
Adelaide, S.A. 5001
Telephone: (08) 7424 7036

Dated 6 June 2016.

The Common Seal of the Commissioner of Highways was hereto affixed by authority of the Commissioner in the presence of:

M. ELGAZZAR, Manager,
Portfolio and Acquisition Services
(Authorised Officer),
Department of Planning,
Transport and Infrastructure

DPTI 2015/16461/01

LAND ACQUISITION ACT 1969

(SECTION 16)

Notice of Acquisition

THE COMMISSIONER OF HIGHWAYS (the 'Authority'), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land being the whole of Allotment 70 in Deposited Plan No. 114531, comprised in Certificate of Title Volume 6119, Folio 431.

This notice is given under Section 16 of the Land Acquisition Act 1969.

Compensation

A person who has or had an interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

Inquiries

Inquiries should be directed to:

Chris Southam
G.P.O. Box 1533
Adelaide, S.A. 5001
Telephone: (08) 7424 7036

Dated 6 June 2016.

The Common Seal of the Commissioner of Highways was hereto affixed by authority of the Commissioner in the presence of:

M. ELGAZZAR, Manager,
Portfolio and Acquisition Services
(Authorised Officer),
Department of Planning,
Transport and Infrastructure

DPTI 2015/16462/01

LAND ACQUISITION ACT 1969

(SECTION 16)

Notice of Acquisition

THE COMMISSIONER OF HIGHWAYS (the 'Authority'), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land being the whole of Allotment 14 in Deposited Plan No. 114675, comprised in Certificate of Title Volume 5936, Folio 248, and being the whole of the land numbered Allotment 547 in unapproved plan D112850 that has been lodged in the Lands Titles Office.

This notice is given under Section 16 of the Land Acquisition Act 1969.

Compensation

A person who has or had an interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

Inquiries

Inquiries should be directed to:

Cristina Florea
G.P.O. Box 1533
Adelaide, S.A. 5001
Telephone: (08) 7424 7010

Dated 6 June 2016.

The Common Seal of the Commissioner of Highways was hereto affixed by authority of the Commissioner in the presence of:

M. ELGAZZAR, Manager,
Portfolio and Acquisition Services
(Authorised Officer),
Department of Planning,
Transport and Infrastructure

DPTI 2009/03617/01

LAND ACQUISITION ACT 1969

(SECTION 16)

Notice of Acquisition

THE COMMISSIONER OF HIGHWAYS (the 'Authority'), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land being the whole of Allotment 333 in Deposited Plan No. 3423, comprised in Certificate of Title Volume 5690, Folio 766.

This notice is given under Section 16 of the Land Acquisition Act 1969.

Compensation

A person who has or had an interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

Inquiries

Inquiries should be directed to:

Hanna Samuels
G.P.O. Box 1533
Adelaide, S.A. 5001
Telephone: (08) 7424 7032

Dated 6 June 2016.

The Common Seal of the Commissioner of Highways was hereto affixed by authority of the Commissioner in the presence of:

M. ELGAZZAR, Manager,
Portfolio and Acquisition Services
(Authorised Officer),
Department of Planning,
Transport and Infrastructure

DPTI 2015/17286/01

MINING ACT 1971

NOTICE is hereby given in accordance with Section 28 (5) of the Mining Act 1971, that the delegate of the Minister for Mineral Resources and Energy intends to grant an Exploration Licence over the area described below:

Applicant: Great Southern Kaolin Pty Ltd.

Location: Tootla Area—Approximately 50 km east of Streaky Bay.

Term: 2 years.

Area in km²: 507.

Reference number: 2015/00140.

Plan and co-ordinates can be found on the Department of State Development website: http://www.minerals.statedevelopment.sa.gov.au/exploration/public_notices or by contacting Mineral Tenements on (08) 8463 3103.

Community information on mineral exploration licence processes and requirements under the Mining Act 1971 is available from: http://www.minerals.statedevelopment.sa.gov.au/land_access/community_information or hard copy on request to Mineral Tenements.

J. MARTIN, Mining Registrar

MINING ACT 1971

NOTICE is hereby given in accordance with Section 28 (5) of the Mining Act 1971, that the delegate of the Minister for Mineral Resources and Energy intends to grant an Exploration Licence over the area described below:

Applicant: Pirie Resources Pty Ltd.

Location: Carappee Hill Area—Approximately 20 km south-south-west of Kimba.

Term: 2 years.

Area in km²: 999.

Reference number: 2015/00185.

Plan and co-ordinates can be found on the Department of State Development website: http://www.minerals.statedevelopment.sa.gov.au/exploration/public_notices or by contacting Mineral Tenements on (08) 8463 3103.

Community information on mineral exploration licence processes and requirements under the Mining Act 1971 is available from: http://www.minerals.statedevelopment.sa.gov.au/land_access/community_information or hard copy on request to Mineral Tenements.

J. MARTIN, Mining Registrar

NATIONAL ELECTRICITY LAW

THE Australian Energy Market Commission (AEMC) gives notice under the National Electricity Law as follows:

Under clause 6A.20 of the National Electricity Rules, the AEMC invites written submissions on the draft amended Compensation Guidelines that are developed in accordance with clause 3.14.6 of the National Electricity Rules (Ref.EPR0048). Submissions are due by **22 July 2016**.

Under s 95, COAG Energy Council has requested the *Market participant suspension framework* proposal (Ref. ERC0202). The proposal seeks to clarify the rules relating to the suspension of market participants under external administration. Submissions must be received by **7 July 2016**.

Submissions can be made via the AEMC's website. Before making a submission, please review the AEMC's privacy statement on its website. Submissions should be made in accordance with the AEMC's *Guidelines for making written submissions on Rule change proposals*. The AEMC publishes all submissions on its website, subject to confidentiality.

Written requests should be sent to submissions@aemc.gov.au and cite the reference in the title. Before sending a request, please review the AEMC's privacy statement on its website.

Documents referred to above are available on the AEMC's website and are available for inspection at the AEMC's office.

Australian Energy Market Commission

Level 6, 201 Elizabeth Street

Sydney NSW 2000

Telephone: (02) 8296 7800

www.aemc.gov.au

9 June 2016.

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Suspension of Condition, Extension of Licence Term, Petroleum Retention Licences—PRLs 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 105, 106, 107, 108, 109, 110, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127 and 128

PURSUANT to Section 76 A of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that Condition 14.1 of the abovementioned Petroleum Retention Licences (PRLs) have been suspended for the period from and including 12 May 2016 to 11 May 2017 inclusive, under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 21 March 2012.

The terms of the abovementioned PRLs have been extended by a period corresponding to the period of suspension, such that PRLs 50-84, 105-110 and 116-117 will now expire on 10 May 2020 and PRLs 118 to 128 will now expire on 24 November 2020.

Dated 31 May 2016.

B. A. GOLDSTEIN, Executive Director,
Energy Resources Division,
Department of State Development,
Delegate of the Minister for Mineral Resources and Energy

PLANT HEALTH ACT 2009

Appointment of Deputy Chief Inspector

PURSUANT to Section 40 (2) of the Plant Health Act 2009, I Leon Bignell, MP, Minister for Agriculture, Food and Fisheries, appoint Nicholas Mark Secomb as Deputy Chief Inspector.

Dated 2 June 2016.

LEON BIGNELL, Minister for Agriculture,
Food and Fisheries

POLICE ACT 1998

Authorised Officers to Take Urine Samples

I, GRANT STEVENS, Commissioner of Police, do hereby notify that on and from 2 June 2016, the following persons were authorised by the Commissioner of Police to take urine samples for the purposes of the Police Act 1998.

| PD Number | Officer Name |
|-----------|-----------------|
| 06394 | O'Rielly, Shaun |
| 59280 | Lewis, Amanda |
| 38296 | Bentley, Trina |
| 72501 | Boyle, Liviana |

GRANT STEVENS, Commissioner of Police

PRIMARY INDUSTRY FUNDING SCHEMES ACT 1998

Winding up of the Deer Industry Fund

PURSUANT to sub-section 13 (4) of the Primary Industry Funding Schemes Act 1998, I, Leon Bignell MP, Minister for Agriculture, Food and Fisheries, hereby direct the distribution of all money remaining in the South Australian Deer Industry Fund, established by the Primary Industry Funding Schemes (Deer Industry Fund) Regulations 2002, after payment of refunds and expenses of administering the fund, to the Deer Industry Association of Australia—South Australian branch, representing the deer industry for which the fund was established.

Dated 30 May 2016.

LEON BIGNELL, Minister for Agriculture,
Food and Fisheries

DETERMINATION AND REPORT OF THE
REMUNERATION TRIBUNAL

No. 7 OF 2016

*Inaugural Determination of Salary for
The Governor of South Australia*

Report

1. *Scope of Determination*

The Remuneration Tribunal ('the Tribunal') is given jurisdiction under Section 14 of the Remuneration Act 1990 ('the Act') and Section 73 of the Constitution Act 1934 ('the Constitution Act'), to determine the salary payable to the Governor of South Australia ('the Governor'). Section 8 of the Act requires the Tribunal to review any previous determination of remuneration made under the Act at least once per year.

This Determination and report sets out the salary payable to the Governor, and the grounds on which the Determination is made.

2. *Procedural History*

On 11 February 2016, the Constitution (Governor's Salary) Amendment Act 2015 ('the Amending Act') came into operation. The Amending Act conferred jurisdiction upon the Tribunal to determine the salary of the office of the Governor of South Australia. Prior to this amendment, the salary of the Governor was set by Section 73 of the Constitution Act at the rate of 75% of a puisne judge of the Supreme Court of South Australia.

In accordance with Section 10 (2) of the Act, the Tribunal, by letter dated 11 April 2016, invited the Governor to make a submission in relation to the review of the salary associated with the office of the Governor. The Tribunal also invited the Premier, as Minister responsible for the Act, to make a submission in the public interest.

3. *Governor's Submission*

The Governor wrote to the Tribunal on 11 May 2016, advising that he does not intend to make a submission in relation to the Tribunal's Determination of the Governor's salary in 2016.

4. *Premier's Submission*

The Crown Solicitor's Office, on behalf of the Premier, wrote to the Tribunal on 11 May 2016, advising that the Premier does not wish to make a submission in relation to the Determination of the Governor's salary by the Tribunal.

5. *Summary and Conclusions*

The Amending Act came into operation on 11 February 2016. Prior to this date, the salary of the Governor was \$315 608 per annum. The transitional provisions of the Amending Act provide that the salary of the Governor, as Determined by the Tribunal, cannot be lower than the rate applying before the commencement of the Amending Act.

The Governor and the Premier made no submission in support of any change in the salary of the office of the Governor of South Australia. The Tribunal therefore considers that it is appropriate in the circumstances that the salary of the office of the Governor remain at \$315 608 per annum.

The Tribunal is of the view that the operative date of its Determination should be 11 February 2016. This date is consistent with the commencement date of the Amending Act, as prescribed by proclamation.

Determination

- (1) The Tribunal determines that the salary of the Governor of South Australia shall be \$315 608 per annum.
- (2) The operative date of this Determination shall be 11 February 2016.

Dated 6 June 2016.

J. LEWIN, President
P. ALEXANDER, Member
P. MARTIN, Member

DETERMINATION AND REPORT OF THE
REMUNERATION TRIBUNAL

No. 8 OF 2016

*2016 Review of Salary for Presidential Members of The South
Australian Civil and Administrative Tribunal*

Report

1. *Introduction and Background*

1.1 The South Australian Civil and Administrative Tribunal Act 2013 ('the SACAT Act') provides that, pursuant to Section 10 (6) and Section 14 (6) of the SACAT Act, the Remuneration Tribunal ('the Tribunal') may make a determination that the President and Deputy President(s) appointed under subsection (1) (a) of the SACAT Act, to the South Australian Civil and Administrative Tribunal ('SACAT'), will have an additional component of salary or allowance, as a judge, on account of holding office under the SACAT Act.

1.2 The relevant statutory provisions are as follows:

1.2.1 10 (6)—Without limiting subsection (5), the Remuneration Tribunal may determine that the President's salary or allowance as a judge will have an additional component on account of holding office under this Act (and the jurisdiction to make such a determination is conferred on the Remuneration Tribunal by this Act);

1.2.2 14 (6)—Without limiting subsection (5), in the case of an appointment under subsection (1) (a), the Remuneration Tribunal may determine that a Deputy President's salary or allowance as a judge will have an additional component on account of holding office under this Act (and the jurisdiction to make such a determination is conferred on the Remuneration Tribunal by this Act); and

1.2.3 14 (10)—Without limiting subsection (9), in the case of an appointment under subsection (1) (b), the Remuneration Tribunal will determine the salary or allowances to be paid to the person on account of holding office under this Act (and the jurisdiction to make such a determination is conferred on the Remuneration Tribunal by this Act).

1.3 Section 10 (1) of the SACAT Act prescribes that the President of SACAT will be a judge of the Supreme Court appointed by the Governor, by proclamation, to be President of SACAT. A Deputy President appointed under Section 14 (1) (a) of the SACAT Act will be a judge of the District Court.

1.4 On 14 November 2013, Justice Greg Parker was appointed the President of SACAT. Justice Parker holds office as President of SACAT, pursuant to Section (10) (1) of the SACAT Act, and office as a judge of the Supreme Court.

1.5 On 14 February 2014, Judge Susanne Cole was appointed Deputy President of SACAT. Judge Cole holds office as Deputy President of SACAT pursuant to Section (14) (1) (a) of the SACAT Act, senior judge of the Environment Resources and Development Court and judge of the District Court.

1.6 In accordance with the provisions of the Remuneration Act 1990 ('the Act'), the Remuneration Tribunal, by letters dated 11 April 2016, invited the Attorney-General, Justice Parker, Judge Cole and the Judicial Remuneration Coordinating Committee ('JRCC') to make submissions in relation to the Tribunal's annual review of salary of those office holders of SACAT. The Tribunal also invited the Premier, as Minister responsible for the Act, to make submissions in the public interest.

2. *Submissions*

- 2.1 The Tribunal received submissions from:
- The Judicial Remuneration Coordinating Committee; and
 - The Crown Solicitor's Office, on behalf of the Premier, in the public interest.

Judicial Remuneration Coordinating Committee

- 2.2 The JRCC, on behalf of the President and Deputy President of SACAT, submitted that no change should be made to the original Determination on review.

Crown Solicitor's Office on behalf of the Premier

- 2.3 On behalf of the Premier, the Crown Solicitor's Office submitted that it is appropriate and in the public interest to support the submission of the JRCC that no change should be made to the percentage of the loadings payable to the presidential members of SACAT, as prescribed by Determination No. 2 of 2015.

3. *Summary and Conclusions*

- 3.1 The Tribunal has completed its annual review of additional salary for the presidential members of SACAT.
- 3.2 Based on the submissions from the parties, and all of the information before it, the Tribunal has reached a decision that no change should be made to the percentage of the loadings payable to the presidential members of SACAT, as outlined in Determination No. 2 of 2015.
- 3.3 In reaching its decision, the Tribunal acknowledged that on 23 March 2016, the Tribunal made Determination 5 of 2016 in relation to the annual review of remuneration for the judiciary and other offices. That Determination provided for a two per cent increase to the salary of the members of the judiciary, which included both the President and Deputy President of SACAT insofar as that remuneration applies to their respective judicial offices.
- 3.4 The Tribunal considers that the *in personum* Determination of additional salary for Judge Cole continues to be appropriate, having regard to the continuation of the circumstances whereby Judge Cole is the only Deputy President of SACAT.

Determination

- (1) The Remuneration Tribunal determines that a puisne judge of the Supreme Court appointed as President of the South Australian Civil and Administrative Tribunal is entitled to an additional component of remuneration equivalent to 10% of the salary of a puisne judge of Supreme Court of South Australia, on account of holding the office of President of South Australian Civil and Administrative Tribunal.
- (2) The Remuneration Tribunal determines that Judge Susanne Cole is entitled to an additional component of remuneration equivalent to 7.5% of the salary of a District Court Judge of South Australia on account of holding the office of Deputy President of the South Australian Civil and Administrative Tribunal, so long as there is one Deputy President of that Tribunal.
- (3) This determination takes effect on and from 6 May 2016.

Dated 6 June 2016.

J. LEWIN, President
P. ALEXANDER, Member
P. MARTIN, Member

ROADS (OPENING AND CLOSING) ACT 1991:
SECTION 24**NOTICE OF CONFIRMATION OF ROAD
PROCESS ORDER***Road Closure—George Street, Walkerville*

BY Road Process Order made on 18 November 2015, The Corporation of the Town of Walkerville ordered that:

1. Portion of Public Road (George Street) situated between Smith Street and Short Street, more particularly delineated and lettered 'C' in Preliminary Plan No. 14/0031 be closed.

2. Transfer the land subject to closure to St. Andrews School Inc. in accordance with the agreement for transfer dated 18 March 2015 entered into between the Corporation of the Town of Walkerville and St. Andrews School Inc.

3. The following easement be granted over the land subject to the closure:

- (i) Grant to the South Australian Water Corporation an easement for water supply purposes.
- (ii) Grant to Australian Gas Networks (SA) Ltd. an easement for gas supply purposes.

On 1 June 2016, that order was confirmed by the Minister for Transport and Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 111838 being the authority for the new boundaries.

Pursuant to Section 24 (5) of the Roads (Opening and Closing) Act 1991, NOTICE of the order referred to above and its confirmation is hereby given.

Dated 9 June 2016.

K. A. NISBET, Acting Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991:
SECTION 24**NOTICE OF CONFIRMATION OF ROAD
PROCESS ORDER***Road Closure—portion of Hurtle Street, Underdale*

BY Road Process Order made on 16 November 2015, the City of West Torrens ordered that:

1. Portion of Hurtle Street, Underdale, situated adjoining Allotment 15 in Filed Plan 122909, more particularly delineated and lettered 'A' in the Preliminary Plan No. 15/0018 be closed.

2. Transfer whole of the above closed road to Christopher Kostakis and Panagiota Kostakis in accordance with the agreement for transfer dated 29 October 2015, entered into between The City of West Torrens and Christopher Kostakis and Panagiota Kostakis.

On 29 May 2016, that order was confirmed by the Minister for Transport and Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 111630, being the authority for the new boundaries.

Pursuant to Section 24 (5) of the Roads (Opening and Closing) Act 1991, NOTICE of the order referred to above and its confirmation is hereby given.

Dated 9 June 2016.

K. A. NISBET, Acting Surveyor-General

ROAD TRAFFIC ACT 1961

Authorised Officers to Operate Breath Analysing Instruments

I, GRANT STEVENS, Commissioner of Police, do hereby notify that on and from 1 June 2016, the following persons were authorised by the Commissioner of Police to operate breath analysing instruments as defined in and for the purposes of the:

Road Traffic Act 1961;
Harbors and Navigation Act 1993;
Security and Investigation Industry Act 1995; and
Rail Safety National Law (South Australia) Act 2012.

| PD Number | Officer Name |
|-----------|-----------------------|
| 72036 | Ayling, Phillip Brian |
| 73025 | Matthews, Lorne Jay |
| 73300 | Said, Jayden Paul |
| 75524 | Wagnitz, Ben Michael |
| 75539 | Whenan, Jake Anthony |

GRANT STEVENS, Commissioner of Police

ROAD TRAFFIC ACT 1961

Authorised Officers to Operate Breath Analysing Instruments

I, GRANT STEVENS, Commissioner of Police, do hereby notify that on and from 30 May 2016, the following persons were authorised by the Commissioner of Police to operate breath analysing instruments as defined in and for the purposes of the:

Road Traffic Act 1961;
Harbors and Navigation Act 1993;
Security and Investigation Industry Act 1995; and
Rail Safety National Law (South Australia) Act 2012.

| PD Number | Officer Name |
|-----------|--------------------------------|
| 74798 | Clark, Jennifer Maree |
| 75865 | Clifford, Aidan Brad |
| 75054 | Flaherty, Alan |
| 75588 | Light, Ashley Elizabeth |
| 75630 | McGurgan, Timothy John Patrick |
| 75866 | Milligan, Hayley Lee |
| 74998 | Piercey, Giles Roger James |
| 75587 | Portolesi, Adam Joseph |
| 83708 | Puyenbroek, Mitchell Leigh |
| 75265 | Roe, Anika Esther |
| 74849 | Rundell, Madelaine Vanessa |
| 75625 | Soltes, Andrew James |

GRANT STEVENS, Commissioner of Police

SOUTH AUSTRALIA

GR Notice No. 4 of 2016
**Gambling Codes of Practice (General) Variation
Notice 2016**

[9 June 2016]

By this notice, the Independent Gambling Authority varies the notice prescribing advertising and responsible gambling codes of practice, as follows:

1 Citation, commencement, authorising provisions, etc

- (1) This notice may be cited as the Gambling Codes of Practice (General) Variation Notice 2016.
- (2) This notice comes into operation as follows—
 - (a) as to clauses 1, 2, 3, 6, 7, 8 and 9, on the day following its publication in the Government Gazette;
 - (b) as to clause 4, on 1 October 2016; and
 - (c) as to clause 5, on 1 July 2016.
- (3) This notice is authorised by—
 - (a) section 6A of the *Authorised Betting Operations Act 2000*, in particular section 6A(9);
 - (b) section 41A of the *Casino Act 1997*, in particular section 41A(9);
 - (c) section 10A of the *Gaming Machines Act 1992*, in particular section 10A(10); and
 - (d) section 13B of the *State Lotteries Act 1966*, in particular section 13B(8).

2 Purpose

This notice varies the Gambling Codes of Practice Notice 2013¹ to defer

¹ GR Notice No. 8 of 2013, *South Australian Government Gazette*, 18 December 2013 (No. 81 of 2013), pages 4798–4844, varied by—Gambling Codes of Practice (In-Venue Messaging) Variation Notice 2014 (GR1/2014), 20 February 2014, Gazette No. 14 of 2014, pages 1014–1024; Gambling Codes of Practice (General) Variation Notice 2015 (GR6/2015), 26 March 2015, Gazette No. 19 of 2015, pages 1266–1271; Gambling Codes of Practice (Premium Gaming) Variation Notice 2015 (GR8/2015), 7 May 2015, Gazette No. 28 of 2015, pages 1665–1666; Gambling Codes of Practice (Predictive Monitoring) Variation Notice 2015 (GR12/2015), 30 July 2015, Gazette No. 46 of 2015, page 3586; Gambling Codes of Practice (Account Gambling) Variation Notice 2016 (GR1/2016), 18 February 2016, Gazette No. 10 of 2016, page 541.

for a further 3 months the commencement of predictive monitoring, to make changes to the requirements for acceptable loyalty programs with respect to minimum standards for predictive monitoring, to expand the provisions which can be varied by a management plan, to include certain casino management staff among those required to undertake recognised training and to make miscellaneous revisions to the text.

3 Variation of clause 1—deferral of commencement

In clause 1(2)(c)(ii) of the Gambling Codes of Practice Notice 2013, for “1 July 2016”, **substitute** “1 October 2016”.

4 Predictive monitoring

(1) In clause 1 of the Gambling Codes of Practice Notice 2013—

- (a) the expression “(1)” at the start of sub-clause (1) is **deleted**; and
- (b) sub-clause (2) is **revoked**.

(2) In clause 3(1) of the Gambling Codes of Practice Notice 2013, **insert** the following definition appropriately in the alphabetical sequence—

“**automated risk monitoring system**” means—

- (a) a system recognised under section 40B(1)(b) of the *Casino Act 1997*;
- (b) a system recognised under section 10B(1)(c)(ii) of the *Gaming Machines Act 1992*; or
- (c) a system which the Authority has recognised by instrument in writing to be the equivalent for wagering or lotteries as a system mentioned in paragraph (a) or (b).

(3) In clause 55(1) of the Gambling Codes of Practice Notice 2013—

(a) before “and” following paragraph (a)(iv), **insert**—

“(iva) includes a facility for predictive monitoring of the patterns of gamblers’ gambling activity, with the purpose of intervening in cases where there is a risk of problem gambling, which meets the minimum requirements set out in sub-clause (2);”

(b) in paragraph (b), after “rules and conditions”, **insert** “, the way (if any) in which it facilitates predictive monitoring”; and

(c) sub-clause (2) is **revoked** and, in its place, the following sub-clauses (operative on the same day as this paragraph) are **inserted**—

“(2) A facility meets the minimum requirements if it provides, in respect of each person participating in the loyalty program, for the identification of changes of significance between the

most recent month (whether or not a calendar month) and past months in measures of the—

- (a) amount of money spent;
- (b) amount of time spent; and
- (c) intensity of the person's activity—

with parameters which are able to be adjusted to produce a manageable number of cases for consideration of intervention.

- (3) Sub-paragraph (iv) of sub-clause (1)(a) does not apply if the loyalty program operates in conjunction with an automated risk monitoring system.
- (4) Sub-paragraphs (iv) and (iv) of sub-clause (1)(a) do not apply if the loyalty program is managed manually, is limited to a single site and provides benefits of no more than \$100 each day.”.

5 Variation of clause 69—casino training

In the definition of “**casino supervisor**” in clause 69(1) of the Gambling Codes of Practice Notice 2013—

- (a) at the end of paragraph (b), **delete** “or”; and
- (b) after paragraph (c), **insert**—
 - “(d) managing the licensee’s marketing function (however described);”.

6 Extension of management plan provisions

- (1) In clause 31 of the Gambling Codes of Practice Notice 2013—
 - (a) after the clause heading, at the start of the clause, **insert** “(1)”; and
 - (b) at the end of the clause, **insert**—
 - “(2) The requirements of this clause are variable by a management plan.”.
- (2) In clause 32 of the Gambling Codes of Practice Notice 2013—
 - (a) after the clause heading, at the start of the clause, **insert** “(1)”; and
 - (b) at the end of the clause, **insert**—
 - “(2) The requirements of this clause are variable by a management plan.”.
- (3) In clause 44 of the Gambling Codes of Practice Notice 2013—
 - (a) after the clause heading, at the start of the clause, **insert** “(1)”; and

(b) at the end of the clause, **insert**—

“(2) The requirements of this clause are variable by a management plan.”.

7 Revision—role of peak bodies—cross reference

In the example to clause 8(2)(a)(ii) of the Gambling Codes of Practice Notice 2013, for “Clause 46(4)(c)”, **substitute** “Clause 51(2)(c)”.

8 Revision—mandatory warning message provisions

(1) In clause 22(2) of the Gambling Codes of Practice Notice 2013, for “(other than a plug)”, **substitute** “(other than as described in sub-clauses (1)(b), (c) or (d))”.

(2) In the column headed “first relevant period” in Schedule 1 of the Gambling Codes of Practice Notice 2013, for “1 July 2017–31 December 2017”, **substitute** “1 July 2016–31 December 2016”.

9 Requirements to provide copy of responsible gambling code on request

(1) In clause 45A(4) of the Gambling Codes of Practice Notice 2013, after “a copy of this code”, **insert** “(or a summary document approved in writing by the Authority)”.

(2) In clause 50(1)(b)(ii) of the Gambling Codes of Practice Notice 2013, after “a copy of this code”, **insert** “(or a summary document approved in writing by the Authority)”.

(3) In clause 52(1)(b) of the Gambling Codes of Practice Notice 2013, after “a copy of this code”, **insert** “(or a summary document approved in writing by the Authority)”.

NOTE

1. The commencements proposed by clause 1(2) were certified under section 10AA of the *Subordinate Legislation Act 1978* by the Minister for Consumer and Business Services on 2 June 2016.
-
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PROOF OF SUNRISE AND SUNSET ACT 1923—ALMANAC FOR JULY, AUGUST AND SEPTEMBER 2016

PURSUANT to the requirements of the Proof of Sunrise and Sunset Act 1923, I, Michael Francis Deegan, Chief Executive, Department of Planning, Transport and Infrastructure, at the direction of the Honourable the Minister for Transport, publish in the Schedule hereto an almanac setting out the times of sunrise and sunset on every day for the three calendar months of July, August and September 2016.

Dated 2 June 2016.

M. F. DEEGAN, Chief Executive,
Department of Planning,
Transport and Infrastructure

THE SCHEDULE

Times of sunrise and sunset during the months of July, August and September 2016, for Adelaide: latitude 34°56'S, longitude 138°36'E, GMT +9.50 hours (Daylight saving GMT +10.50 hours).

| Month | July | | August | | September | |
|---------|-------------------|------------------|-------------------|------------------|-------------------|------------------|
| Date | Sunrise hr min | Sunset hr min | Sunrise hr min | Sunset hr min | Sunrise hr min | Sunset hr min |
| 1..... | 07 24 | 17 15 | 07 10 | 17 34 | 06 35 | 17 57 |
| 2..... | 07 24 | 17 15 | 07 09 | 17 35 | 06 33 | 17 58 |
| 3..... | 07 24 | 17 16 | 07 08 | 17 36 | 06 32 | 17 58 |
| 4..... | 07 24 | 17 16 | 07 07 | 17 36 | 06 31 | 17 59 |
| 5..... | 07 24 | 17 17 | 07 06 | 17 37 | 06 29 | 18 00 |
| 6..... | 07 24 | 17 17 | 07 05 | 17 38 | 06 28 | 18 00 |
| 7..... | 07 23 | 17 18 | 07 04 | 17 39 | 06 26 | 18 01 |
| 8..... | 07 23 | 17 18 | 07 03 | 17 39 | 06 25 | 18 02 |
| 9..... | 07 23 | 17 19 | 07 02 | 17 40 | 06 24 | 18 03 |
| 10..... | 07 23 | 17 19 | 07 01 | 17 41 | 06 22 | 18 03 |
| 11..... | 07 22 | 17 20 | 07 00 | 17 42 | 06 21 | 18 04 |
| 12..... | 07 22 | 17 21 | 06 59 | 17 42 | 06 19 | 18 05 |
| 13..... | 07 22 | 17 21 | 06 58 | 17 43 | 06 18 | 18 05 |
| 14..... | 07 21 | 17 22 | 06 57 | 17 44 | 06 17 | 18 06 |
| 15..... | 07 21 | 17 22 | 06 56 | 17 45 | 06 15 | 18 07 |
| 16..... | 07 20 | 17 23 | 06 55 | 17 45 | 06 14 | 18 08 |
| 17..... | 07 20 | 17 24 | 06 54 | 17 46 | 06 12 | 18 08 |
| 18..... | 07 20 | 17 24 | 06 53 | 17 47 | 06 11 | 18 09 |
| 19..... | 07 19 | 17 25 | 06 51 | 17 47 | 06 09 | 18 10 |
| 20..... | 07 18 | 17 26 | 06 50 | 17 48 | 06 08 | 18 11 |
| 21..... | 07 18 | 17 26 | 06 49 | 17 49 | 06 07 | 18 11 |
| 22..... | 07 17 | 17 27 | 06 48 | 17 50 | 06 05 | 18 12 |
| 23..... | 07 17 | 17 28 | 06 46 | 17 50 | 06 04 | 18 13 |
| 24..... | 07 16 | 17 28 | 06 45 | 17 51 | 06 02 | 18 13 |
| 25..... | 07 15 | 17 29 | 06 44 | 17 52 | 06 01 | 18 14 |
| 26..... | 07 15 | 17 30 | 06 43 | 17 53 | 05 59 | 18 15 |
| 27..... | 07 14 | 17 31 | 06 41 | 17 53 | 05 58 | 18 16 |
| 28..... | 07 13 | 17 31 | 06 40 | 17 54 | 05 56 | 18 16 |
| 29..... | 07 12 | 17 32 | 06 39 | 17 55 | 05 55 | 18 17 |
| 30..... | 07 12 | 17 33 | 06 37 | 17 55 | 05 54 | 18 18 |
| 31..... | 07 11 | 17 33 | 06 36 | 17 56 | | |

*Note: Daylight saving time is subject to change.

Sunrise and Sunset times calculated on 3 December 2015.

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| | \$ | | \$ |
|--|--------|--|--------|
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| Attorney, Appointment of..... | 51.00 | Lost Certificate of Title Notices | 64.00 |
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| Companies: | | Caveat Lodgement | 26.00 |
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| Meeting Final..... | 42.50 | Annual Financial Statement—Forms 1 and 2 | 712.00 |
| Meeting Final Regarding Liquidator's Report on | | Electricity Supply—Forms 19 and 20..... | 506.00 |
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| Meeting') | | First Name | 101.00 |
| First Name..... | 51.00 | Each Subsequent Name..... | 13.00 |
| Each Subsequent Name | 13.00 | Noxious Trade | 37.75 |
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| Change of Name..... | 26.00 | Registered Building Societies (from Registrar-General) | 26.00 |
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| —Release Granted | 64.00 | Advertisements..... | 3.60 |
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| Restored Name..... | 47.75 | Full page advertisement..... | 591.00 |
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South Australia

Motor Vehicles (Trials of Automotive Technologies) Amendment Act (Commencement) Proclamation 2016

1—Short title

This proclamation may be cited as the *Motor Vehicles (Trials of Automotive Technologies) Amendment Act (Commencement) Proclamation 2016*.

2—Commencement of Act

The *Motor Vehicles (Trials of Automotive Technologies) Amendment Act 2016* (No 10 of 2016) will come into operation on 9 June 2016.

Made by the Governor

with the advice and consent of the Executive Council
on 9 June 2016

MTR/16/037

South Australia

Statutes Amendment (Home Detention) Act (Commencement) Proclamation 2016

1—Short title

This proclamation may be cited as the *Statutes Amendment (Home Detention) Act (Commencement) Proclamation 2016*.

2—Commencement of Act

- (1) Subject to subclause (2), the *Statutes Amendment (Home Detention) Act 2016* (No 20 of 2016) will come into operation on 10 June 2016.
- (2) The following provisions of the Act will come into operation on 1 September 2016:
 - (a) Part 2;
 - (b) section 8(2) and (3);
 - (c) section 9;
 - (d) sections 11 to 13 (inclusive).

Made by the Governor

with the advice and consent of the Executive Council
on 9 June 2016

AGO0114/15CS

South Australia

Rates and Land Tax Remission Variation Regulations 2016

under the *Cost of Living Concessions Act 1986*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Rates and Land Tax Remission Regulations 2009*

- 4 Variation of regulation 1—Short title
 - 5 Variation of regulation 3—Interpretation
 - 6 Insertion of regulation 3A
 - 3A Prescribed classes of person (section 2(2) and (3))
 - 7 Variation of regulation 4—Remission of water rates
 - 8 Substitution of regulation 7
 - 5 Eligible person (section 3(1))
 - 6 Concession eligibility requirements (section 3(2)(b))
 - 7 Concession payment amounts (section 3(2))
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Rates and Land Tax Remission Variation Regulations 2016*.

2—Commencement

These regulations will come into operation on 1 July 2016.

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 *Rates and Land Tax Remission Regulations 2009*

4—Variation of regulation 1—Short title

Regulation 1—delete "Rates and Land Tax Remission" and substitute:
Cost of Living Concessions

5—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *Act*—delete "Rates and Land Tax Remission" and substitute:
Cost of Living Concessions
- (2) Regulation 3(1), definition of *approved aged persons housing scheme*—delete the definition
- (3) Regulation 3(1), definitions of *land tax* and *Low Income Health Care Card*—delete the definitions and substitute:
low income earner, for a financial year, means a person of a class determined by the Minister, by notice published on a website determined by the Minister, to be low income earners for that financial year;
- (4) Regulation 3(1), definition of *prescribed card*—after paragraph (a) insert:
(ab) a Low Income Health Care Card issued by the Commonwealth Government; or
- (5) Regulation 3(1), definition of *prescribed payments*—after paragraph (e) insert:
(f) farm household allowance payments under the *Farm Household Support Act 2014* of the Commonwealth;
- (6) Regulation 3(1)—after the definition of *prescribed payments* insert:
residential park site agreement has the same meaning as in the *Residential Parks Act 2007*;
residential park tenancy agreement has the same meaning as in the *Residential Parks Act 2007*;

6—Insertion of regulation 3A

After regulation 3 insert:

3A—Prescribed classes of person (section 2(2) and (3))

- (1) For the purposes of section 2(2)(b)(ix) of the Act, the following classes of person are prescribed:
 - (a) spouses and domestic partners of any of the persons referred to in subparagraphs (i) to (vii) of section 2(2)(b) of the Act;
 - (b) persons who are granted a right of occupancy under a residential park site agreement;
 - (c) spouses and domestic partners of persons who are granted a right of occupancy under a residential park site agreement.
- (2) For the purposes of section 2(3)(b)(ii) of the Act, persons who are granted a right of occupancy under a residential park tenancy agreement are prescribed.

7—Variation of regulation 4—Remission of water rates

Regulation 4(1)—delete "or a Low Income Health Care Card" wherever occurring

8—Substitution of regulation 7

Regulation 7—delete the regulation and substitute:

5—Eligible person (section 3(1))

The following classes of person are prescribed for the purposes of section 3(1) of the Act:

- (a) holders of a prescribed card;
- (b) holders of a Commonwealth Seniors Health Card issued by the Commonwealth Government;
- (c) persons in receipt of prescribed payments;
- (d) low income earners.

6—Concession eligibility requirements (section 3(2)(b))

- (1) For the purposes of section 3(2)(b) of the Act, the following eligibility requirements are prescribed:
 - (a) subject to subregulation (2), it is a requirement that the eligible person must have, before 31 October in that financial year, applied to the Minister in a manner and form determined by the Minister (and the application must have been accompanied by any documents or information required by the Minister in connection with the application);
 - (b) it is a requirement that the Minister has been provided with ADI account details which will allow the payment under section 3(2) of the Act for that financial year to be made to the person by electronic funds transfer;
 - (c) it is a requirement that no other eligible person has been given a payment under section 3(2) of the Act for that financial year in respect of the same residential premises;
 - (d) in the case of a person who is an eligible person for a financial year because he or she occupied residential premises as a tenant on 1 July of that financial year, it is (in addition to the requirements set out in the preceding paragraphs) a requirement that the person must not have, on that date, occupied the residential premises with another person whose annual income is \$3 000 or more unless—
 - (i) the other person was, on that date, the spouse, domestic partner or a dependent of the eligible person; or
 - (ii) the income of the other person consists only of prescribed payments.
- (2) The eligibility requirement set out in subregulation (1)(a) does not apply to an eligible person if the person received a payment under section 3(2) of the Act for the previous financial year in respect of the same residential premises.

7—Concession payment amounts (section 3(2))

The amount to be paid to an eligible person in respect of a financial year in accordance with section 3(2) of the Act is determined as follows:

- (a) in the case of an eligible person who, on 1 July of that financial year, occupied residential premises as an owner—
 - (i) where the eligible person was, on that date, of a class described in paragraph (b) of regulation 5—\$100;
 - (ii) where the eligible person was, on that date, of a class described in paragraph (a), (c) or (d) of regulation 5—\$200;
- (b) in the case of an eligible person who, on 1 July of that financial year, occupied residential premises as a tenant—\$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 9 June 2016

No 44 of 2016

DCSICS/16/022

South Australia

Fisheries Management (Fees) Variation Regulations 2016

under the *Fisheries Management Act 2007*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

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

- 4 Variation of Schedule 1—Fees
 - Division 1—Licence and permit application and annual fees
 - Division 2—Registration application and annual fees

Part 3—Transitional provisions

- 5 Transitional provisions
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Fees) Variation Regulations 2016*.

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 *Fisheries Management (Fees) Regulations 2007*

4—Variation of Schedule 1—Fees

Schedule 1, Part 1, Divisions 1 and 2—delete Divisions 1 and 2 and substitute:

Division 1—Licence and permit application and annual fees

Application or annual fees payable for a fishery licence (section 54(1)(c) and 56(5)(a) of Act)

- 1 For a licence in respect of the Central Zone Abalone Fishery—

- (a) base fee

\$15 576.00

| | | |
|---|---|-------------|
| | (b) additional fee for each abalone unit of the abalone quota entitlement under the licence | \$623.15 |
| 2 | For a licence in respect of the Southern Zone Abalone Fishery— | |
| | (a) base fee | \$15 103.00 |
| | (b) additional fee for each abalone unit of the abalone quota entitlement under the licence | \$270.55 |
| 3 | For a licence in respect of the Western Zone Abalone Fishery— | |
| | (a) base fee | \$12 259.00 |
| | (b) additional fee for each abalone unit of the abalone quota entitlement under the licence | \$487.40 |
| 4 | For a licence in respect of the Blue Crab Fishery— | |
| | (a) base fee | \$2 980.00 |
| | (b) additional fee for each blue crab unit of the blue crab quota entitlement under the licence | \$26.75 |
| 5 | For a licence in respect of the Charter Boat Fishery | \$2 669.00 |
| 6 | For a licence in respect of the Lakes and Coorong Fishery— | |
| | (a) base fee | \$3 251.00 |
| | (b) additional fee— | |
| | (i) for a gill net entitlement under the licence | no fee |
| | (ii) for each gill net to be registered for use under the licence | no fee |
| | (iii) for a pipi quota entitlement under the licence | \$3 250.00 |
| | (iv) for each pipi unit of the pipi quota entitlement under the licence | \$251.65 |
| 7 | For a licence in respect of the Marine Scalefish Fishery or Restricted Marine Scalefish Fishery— | |
| | (a) base fee— | |
| | (i) for a cockle quota entitlement under the licence relating to the Coffin Bay cockle fishing zone | \$6 868.00 |
| | (ii) for a cockle quota entitlement under the licence relating to the Port River cockle fishing zone | no fee |
| | (iii) for a cockle quota entitlement under the licence relating to the West Coast cockle fishing zone | \$6 868.00 |
| | (iv) if there is no cockle quota entitlement under the licence | \$5 059.00 |
| | (b) additional fee for each blue crab unit of the blue crab quota entitlement under the licence | \$29.25 |
| | (c) additional fee for each pipi unit of the pipi quota entitlement under the licence | \$251.65 |
| | (d) additional fee for each cockle unit of the cockle quota entitlement under the licence— | |
| | (i) for a cockle quota entitlement relating to the Coffin Bay cockle fishing zone | \$68.65 |
| | (ii) for a cockle quota entitlement relating to the Port River cockle fishing zone | no fee |

| | | |
|----|---|-------------|
| | (iii) for a cockle quota entitlement relating to the West Coast cockle fishing zone | \$44.95 |
| 8 | For a licence in respect of the Miscellaneous Fishery with a giant crab quota entitlement— | |
| | (a) base fee | \$4 367.00 |
| | (b) additional fee for each giant crab unit of the giant crab quota entitlement under the licence | \$21.30 |
| 9 | For a licence in respect of the Miscellaneous Fishery without a giant crab quota entitlement— | |
| | (a) base fee— | |
| | (i) if the licence authorises the taking of aquatic resources in the Lake Eyre Basin | no fee |
| | (ii) in any other case | \$4 367.00 |
| | (b) additional fee if the licence authorises the taking of aquatic resources in the Lake Eyre Basin | no fee |
| | (c) additional fee if a prescribed fishing activity (as defined in the <i>Fisheries Management (Vessel Monitoring Scheme) Regulations 2007</i>) is to be engaged in under the licence | \$900.00 |
| 10 | For a licence in respect of the Gulf St Vincent Prawn Fishery | \$24 932.00 |
| 11 | For a licence in respect of the Spencer Gulf Prawn Fishery | \$26 825.00 |
| 12 | For a licence in respect of the West Coast Prawn Fishery | \$24 733.00 |
| 13 | For a licence in respect of the River Fishery | \$200.00 |
| 14 | For a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition limiting the holder of the licence to the taking of Southern Rocklobster, Octopus and Giant Crab and a condition authorising the holder to take, for the purpose of bait only, any aquatic resources of a class (other than Octopus or Giant Crab) prescribed by Schedule 1 of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2006</i> that are incidentally caught in rock lobster pots— | |
| | (a) base fee | \$3 655.00 |
| | (b) additional fee for each rock lobster unit of the rock lobster quota entitlement under the licence | \$10.60 |
| | (c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence | \$21.30 |
| | (d) additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip | \$11.90 |
| 15 | For a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition limiting the holder to the taking of Southern Rocklobster, Octopus and Giant Crab and limiting the holder to the taking of aquatic resources of a class (other than Octopus or Giant Crab) prescribed by Schedule 1 of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2006</i> for the purpose of bait only— | |
| | (a) base fee | \$4 155.00 |
| | (b) additional fee for each rock lobster unit of the rock lobster quota entitlement under the licence | \$10.60 |

| | | | |
|----|------|---|------------|
| | (c) | additional fee for each giant crab unit of the giant crab quota entitlement under the licence | \$21.30 |
| | (d) | additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip | \$11.90 |
| 16 | | For a licence in respect of the Northern Zone Rock Lobster Fishery not subject to a condition limiting the classes of aquatic resources that may be taken or the purpose for which aquatic resources may be taken— | |
| | (a) | base fee | \$5 927.00 |
| | (b) | additional fee for each rock lobster unit of the rock lobster quota entitlement under the licence— | |
| | (i) | relating to the Northern Zone Inner Region | \$10.60 |
| | (ii) | relating to the Northern Zone Outer Region | \$10.60 |
| | (c) | additional fee for each giant crab unit of the giant crab quota entitlement under the licence | \$21.30 |
| | (d) | additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip | \$11.90 |
| 17 | | For a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition limiting the holder of the licence to the taking of Southern Rocklobster, Octopus and Giant Crab and a condition authorising the holder to take, for the purpose of bait only, any aquatic resources of a class (other than Octopus or Giant Crab) prescribed by Schedule 1 of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2006</i> that are incidentally caught in rock lobster pots— | |
| | (a) | base fee | \$7 493.00 |
| | (b) | additional fee for each rock lobster pot of the rock lobster pot entitlement under the licence | \$158.40 |
| | (c) | additional fee for each giant crab unit of the giant crab quota entitlement under the licence | \$21.30 |
| | (d) | additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip | \$11.90 |
| 18 | | For a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition limiting the holder to the taking of Southern Rocklobster, Octopus and Giant Crab and limiting the holder to the taking of aquatic resources of a class (other than Octopus or Giant Crab) prescribed by Schedule 1 of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2006</i> for the purpose of bait only— | |
| | (a) | base fee | \$7 993.00 |
| | (b) | additional fee for each rock lobster pot of the rock lobster pot entitlement under the licence | \$158.40 |
| | (c) | additional fee for each giant crab unit of the giant crab quota entitlement under the licence | \$21.30 |
| | (d) | additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip | \$11.90 |

| | | |
|----|--|------------|
| 19 | For a licence in respect of the Southern Zone Rock Lobster Fishery not subject to a condition limiting the classes of aquatic resources that may be taken or the purpose for which aquatic resources may be taken— | |
| | (a) base fee | \$9 765.00 |
| | (b) additional fee for each rock lobster pot of the rock lobster pot entitlement under the licence | \$158.40 |
| | (c) additional fee for each giant crab unit of the giant crab quota entitlement under the licence | \$21.30 |
| | (d) additional fee if the licence is subject to a condition limiting the number of Giant Crab that may be taken on each boat trip | \$11.90 |

Application fees payable by an applicant for the issue of a fishery permit (section 54(1)(c) of Act)

| | | |
|-----|---|------------|
| 19A | For a permit in respect of the Miscellaneous Broodstock and Seedstock Fishery | \$368.00 |
| 19B | For a permit in respect of the Miscellaneous Developmental Fishery | \$4 545.00 |
| 19C | For a permit in respect of the Miscellaneous Research Fishery | \$368.00 |

Annual fees payable by the holder of a fishery permit (section 56(5)(a) of Act)

| | | |
|-----|--|------------|
| 19D | For a permit in respect of the Miscellaneous Developmental Fishery | \$2 103.00 |
|-----|--|------------|

Division 2—Registration application and annual fees

Application or annual fees for the registration of a device under a fishery licence (section 54(1)(c) and 56(5)(a) of Act)

| | | |
|----|---|-------------|
| 24 | For registration of 1 or more swinger nets to be used under a licence in respect of the Lakes and Coorong Fishery | no fee |
| 25 | For registration of 1 or more fish nets (other than swinger nets) under a licence in respect of the Lakes and Coorong Fishery under which the holder may take aquatic resources prescribed in Schedule 1 of the <i>Fisheries Management (Marine Scalefish Fisheries) Regulations 2006</i> | \$2 272.00 |
| 26 | For registration of 1 or more fish nets under a licence in respect of the Northern Zone Rock Lobster Fishery or Southern Zone Rock Lobster Fishery | \$2 272.00 |
| 27 | For registration of 1 or more sardine nets under a licence in respect of the Marine Scalefish Fishery | \$47 786.00 |
| 28 | For registration of 1 or more fish nets (other than sardine nets) under a licence in respect of the Marine Scalefish Fishery, Restricted Marine Scalefish Fishery or Miscellaneous Fishery | \$4 544.00 |
| 29 | For registration of 1 or more sand crab pots under a licence in respect of the Marine Scalefish Fishery | no fee |
| 30 | For registration of a fish net used solely to take fish for bait provided that the bait is not for sale | no fee |

Application fees payable by an applicant for the registration of a boat under a fishery licence (section 54(1)(c) of Act)

- 31 On application for registration of a boat under a licence in respect of the Charter Boat Fishery—
- | | |
|--|------------|
| (a) if the certificate of survey in force in respect of the boat specifies that the boat may carry up to unberthed 6 passengers | \$667.25 |
| (b) if the certificate of survey in force in respect of the boat specifies that the boat may carry up to unberthed 12 passengers | \$1 334.00 |
| (c) if the certificate of survey in force in respect of the boat specifies that the boat may carry more than unberthed 12 passengers | \$2 669.00 |

Part 3—Transitional provisions

5—Transitional provisions

- (1) The licence and registration application fees prescribed by Schedule 1 Divisions 1 and 2 of the *Fisheries Management (Fees) Regulations 2007*, as substituted by these regulations, apply where a licence or registration is to take effect on or after 1 July 2016.
- (2) The licence and registration annual fees prescribed by Schedule 1 Divisions 1 and 2 of the *Fisheries Management (Fees) Regulations 2007*, as substituted by these regulations, apply in respect of the period of 12 months commencing on 1 July 2016.
- (3) Despite regulation 4 of these regulations—
 - (a) the licence and registration application fees prescribed by Schedule 1 Divisions 1 and 2 of the *Fisheries Management (Fees) Regulations 2007*, as in force immediately before the commencement of these regulations, continue to apply where a licence or registration is to take effect before 1 July 2016;
 - (b) the licence and registration annual fees prescribed by Schedule 1 Divisions 1 and 2 of the *Fisheries Management (Fees) Regulations 2007*, as in force immediately before the commencement of these regulations, continue to apply in respect of the period of 12 months that commenced on 1 July 2015.

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 9 June 2016

No 45 of 2016

16MAFF0038

South Australia

Teachers Registration and Standards Regulations 2016

under the *Teachers Registration and Standards Act 2004*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Nomination of teachers to Teachers Registration Board
- 5 Exemptions from requirement to be registered
- 6 Prescribed qualifications, experience and requirements for registration as teacher
- 7 Fees for registration
- 8 Assessment by Teachers Registration Board of qualifications
- 9 Replacement of certificate of registration
- 10 Fee to accompany application for special authority for unregistered person to teach
- 11 Special authority to teach and completion of mandatory notification course
- 12 Remission of fees
- 13 Information to be reported by employers relating to unprofessional conduct or incapacity

Schedule 1—Revocation of regulations

- 1 Revocation of *Teachers Registration and Standards Regulations 2005*
 - 2 Revocation of *Teachers Registration and Standards (Elections for Board) Regulations 2005*
-

1—Short title

These regulations may be cited as the *Teachers Registration and Standards Regulations 2016*.

2—Commencement

These regulations will come into operation on 1 September 2016.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Teachers Registration and Standards Act 2004*;

mandatory notification course means a course of instruction approved by the Teachers Registration Board relating to child abuse and neglect and the requirements under Part 4 Division 1 of the *Children's Protection Act 1993* for notification of suspected child abuse or neglect.

4—Nomination of teachers to Teachers Registration Board

- (1) Elections must be held in accordance with this regulation whenever there is a vacancy in the office of a member of the Teachers Registration Board required to be appointed by the Governor on the nomination of the AEU under section 9(1)(c) of the Act or the IEU under section 9(1)(f) of the Act.
- (2) The returning officer of the relevant organisation must publish in a publication that is circulated to members of the relevant organisation a notice specifying—
 - (a) the number of vacancies to be filled; and
 - (b) the requirements to be satisfied in order for candidates to be eligible for nomination in respect of the vacant offices; and

Note—

Section 9(1)(c) of the Act provides that the 5 persons nominated by the AEU must be registered teachers, including at least 4 practising teachers.

Section 9(1)(f) of the Act provides that the 2 persons nominated by the IEU must be registered teachers, including at least 1 practising teacher.

- (c) the date (being not less than 21 days after the date of the notice) and the hour by which nominations for candidates for election in respect of those vacant offices must be received by the returning officer; and
 - (d) such other information as the returning officer thinks fit.
- (3) A nomination of a candidate for election must—
 - (a) be in writing; and
 - (b) set out whether the candidate is a registered teacher or a practising registered teacher; and
 - (c) be signed by the candidate; and
 - (d) be signed by 1 other member of the relevant organisation; and
 - (e) be lodged with the returning officer of the relevant organisation not later than the time fixed in the notice for the closure of nominations.
- (4) If the number of candidates duly nominated is the same as or less than the number of vacancies to be filled, the returning officer must, if the candidates satisfy the requirements of section 9(1)(c) or (f) (as the case may be), declare those candidates to be duly elected.
- (5) If the number of candidates duly nominated who satisfy the requirements of section 9(1)(c) or (f) (as the case may be) is greater than the number of vacancies to be filled, an election must be held by the relevant organisation at a meeting of the relevant organisation.
- (6) If an election is held under subregulation (5), the returning officer must declare those candidates who receive the highest number of votes who also satisfy the requirements of section 9(1)(c) or (f) (as the case may be) to be duly elected.

- (7) In this regulation—

AEU means the Australian Education Union (SA Branch);

IEU means the Independent Education Union (SA Branch);

relevant organisation means—

- (a) in relation to a vacancy in the office of a member of the Teachers Registration Board appointed by the Governor under section 9(1)(c) of the Act—the AEU;
- (b) in relation to a vacancy in the office of a member of the Teachers Registration Board appointed by the Governor under section 9(1)(f) of the Act—the IEU;

returning officer, in relation to a relevant organisation, means a person appointed by the relevant organisation to be the returning officer.

5—Exemptions from requirement to be registered

- (1) Pursuant to section 61 of the Act, a person employed as a director at a prescribed education and care service is exempt from the operation of section 20(1)(a) of the Act.
- (2) Pursuant to section 61 of the Act, a person who employs a person as a director at a prescribed education and care service is exempt from the operation of section 20(2) of the Act in respect of that employment.
- (3) In this regulation—

approved education and care service has the same meaning as in the *Education and Care Services National Law (South Australia)*;

out of school hours care means the provision of recreational and leisure programs to children before or after school hours, or during school vacation time;

prescribed education and care service means an approved education and care service comprising—

- (a) out of school hours care that consists of, or includes, pre-school education; or
- (b) the provision of centre-based long day care services that consist of, or include, pre-school education to children who have not yet commenced school.

6—Prescribed qualifications, experience and requirements for registration as teacher

- (1) For the purposes of section 21(1)(a) of the Act, the qualifications required for registration as a teacher are as follows:
 - (a) an approved teacher education degree, diploma or other qualification awarded on satisfactory completion of a higher education course of pre-service teacher education in pre-school, primary or secondary education that—
 - (i) is of at least 4 years' full-time duration or part-time equivalent duration; and
 - (ii) includes a practical student teaching component undertaken at a school or pre-school; or
 - (b) —
 - (i) an approved non-teacher education degree, diploma or other qualification awarded on satisfactory completion of a higher education course that is of at least 3 years' full-time duration or part-time equivalent duration; and

- (ii) an approved postgraduate degree, diploma or other qualification awarded on satisfactory completion of a higher education course of pre-service teacher education in pre-school, primary or secondary education that—
 - (A) is of at least 1 year's full-time duration or part-time equivalent duration; and
 - (B) includes a practical student teaching component undertaken at a school or pre-school.
- (2) For the purposes of section 21(1)(a) of the Act, the experience required for registration as a teacher is 1 year's full-time (or part-time equivalent of 200 days') satisfactory service as a teacher at a school or pre-school in Australia or New Zealand.
- (3) For the purposes of section 21(1)(b) of the Act, a person must have satisfactorily completed a mandatory notification course during the period of 12 months before an application for registration as a teacher is made.
- (4) However, subregulation (3) does not apply to a person who applies for registration as a teacher—
 - (a) before 1 March 2006; or
 - (b) within 2 years after having satisfactorily completed a course of teacher education referred to in subregulation (1) during which the person satisfactorily completed a mandatory notification course.
- (5) In this regulation—

approved degree, diploma or other qualification means—

 - (a) a degree, diploma or other qualification awarded by a higher education institution that is a member of Universities Australia; or
 - (b) a degree, diploma or other qualification that was at any time nationally registered by the former Australian Council on Awards in Advanced Education or the former Australian Council on Tertiary Awards,

but does not include a degree, diploma or other qualification that the Teachers Registration Board has determined is not an appropriate qualification for registration.

7—Fees for registration

- (1) An application for registration as a teacher must be accompanied by the following fees:
 - (a) \$330; plus
 - (b) if the Teachers Registration Board is required to assess qualifications of the applicant obtained outside Australia or New Zealand—\$120; plus
 - (c) if the application is made by a person whose name has been removed from the register following a failure to apply for renewal of registration before the expiry of the registration—\$100.
- (2) An application for renewal of registration as a teacher must be accompanied by a fee of \$330.

8—Assessment by Teachers Registration Board of qualifications

- (1) The Teachers Registration Board may, on application, make an assessment as to whether a qualification is an appropriate qualification for registration.
- (2) An application for assessment of a qualification must—
 - (a) be made to the Teachers Registration Board in the manner and form approved by the Board; and
 - (b) be accompanied by a fee of \$120.
- (3) An applicant for assessment of a qualification must provide the Teachers Registration Board with any information required by the Board for the purposes of determining the application, verified, if the Board so requires, by statutory declaration.

9—Replacement of certificate of registration

If a person satisfies the Teachers Registration Board by statutory declaration that his or her certificate of registration as a teacher has been lost or destroyed, the Registrar must, on payment of a fee of \$25, issue to the person a duplicate certificate of registration.

10—Fee to accompany application for special authority for unregistered person to teach

An application for a special authority under Part 6 of the Act must be accompanied by the following fees:

- (a) —
 - (i) if the special authority is to be in force for a period of not more than 12 months—\$110; or
 - (ii) if the special authority is to be in force for a period of more than 12 months—an amount of \$110 for each 12 month period, or part of such period, during which the special authority is to be in force; plus
- (b) an amount specified by the Teachers Registration Board, being the amount payable by the Board for the conduct by the Board of a criminal record check relating to the applicant.

11—Special authority to teach and completion of mandatory notification course

- (1) A person granted a special authority under Part 6 of the Act, must within 3 months after the grant of the authority, satisfactorily complete a mandatory notification course.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (2) However, subregulation (1) does not apply to a person if the person's application for a special authority was made—
 - (a) before 1 March 2006; or
 - (b) within 12 months after having satisfactorily completed a mandatory notification course.

12—Remission of fees

The Teachers Registration Board may, if satisfied that reasonable cause exists for doing so, remit a fee prescribed by these regulations in whole or in part.

13—Information to be reported by employers relating to unprofessional conduct or incapacity

For the purpose of section 37(1) or section 39(1) of the Act, the report to the Teachers Registration Board must contain (in addition to the information required under that section)—

- (a) the name, address and teacher registration number of the teacher; and
- (b) the name and address of the school or other place at which the teacher is (or was at the relevant time) employed; and
- (c) the names and addresses of all persons who the employer believes may be able to give material evidence relevant to the question of the teacher's alleged unprofessional conduct or incapacity, as the case may be.

Schedule 1—Revocation of regulations

1—Revocation of *Teachers Registration and Standards Regulations 2005*

The *Teachers Registration and Standards Regulations 2005* are revoked.

2—Revocation of *Teachers Registration and Standards (Elections for Board) Regulations 2005*

The *Teachers Registration and Standards (Elections for Board) Regulations 2005* 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 9 June 2016

No 46 of 2016

MECD16/024

South Australia

Public Sector Variation Regulations 2016

under the *Public Sector Act 2009*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Public Sector Regulations 2010*

- 4 Variation of regulation 13—Application of Part 7 of Act (section 41 of Act)
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Public Sector Variation Regulations 2016*.

2—Commencement

These regulations will come into operation on 1 July 2016.

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 Sector Regulations 2010*

4—Variation of regulation 13—Application of Part 7 of Act (section 41 of Act)

- (1) Regulation 13—after subregulation (2ac) insert:

(2ad) Part 7 of the Act, as modified by subregulation (2ae), applies in relation to—

- (a) an employee of the employing authority under section 12 of the *Children's Services Act 1985* (other than an employee employed in duties that are classified in a classification contained in the *Pre-School (Kindergarten) Teaching Staff Award* (or any award made in substitution for that award)); and
- (b) an employee of the employing authority under section 101B of the *Education Act 1972* (other than an employee employed in duties as an hourly paid instructor or a swimming and aquatics instructor as classified in a classification contained in the *Teachers DECS Award* or the *SA School and Preschool Education Staff Enterprise Agreement 2012* (or any award or enterprise agreement made in substitution for that award or enterprise agreement)).

- (2ae) For the purposes of subregulation (2ad), Part 7 of the Act is modified as follows:
- (a) section 45(3) of the Act does not apply in relation to an employee referred to in that subregulation;
 - (b) Part 7 Division 2 of the Act does not apply in relation to an employee employed under an executive employment contract entered into before the day on which this subregulation commences;
 - (c) a grievance about an employment decision made before the day on which this subregulation commences is to be heard and determined, or to continue to be heard and determined, in accordance with policies and procedures, established by the Department for Education and Child Development for the purpose of dealing with such grievances, in force when the employment decision was made.

(2) Regulation 13—after subregulation (2e) insert:

- (2f) Part 7 of the Act, as modified by subregulation (2g), applies in relation to an employee of an employing authority under the *Health Care Act 2008* if—
- (a) the employee is employed in duties that are classified in a classification contained in the *South Australian Public Sector Wages Parity Enterprise Agreement: Salaried 2014* (or any enterprise agreement made in substitution for that enterprise agreement); or
 - (b) the employee is employed in executive level administrative duties.
- (2g) For the purposes of subregulation (2f), Part 7 of the Act is modified as follows:
- (a) section 45(3) of the Act does not apply in relation to an employee referred to in that subregulation;
 - (b) Part 7 Division 2 of the Act does not apply in relation to an employee employed under an executive employment contract entered into before the day on which this subregulation commences;
 - (c) a grievance about an employment decision made before the day on which this subregulation commences is to be heard and determined, or to continue to be heard and determined, in accordance with the *SA Health (Health Care Act) Human Resources Manual*.

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 9 June 2016

No 47 of 2016

MPS0002/16CS

South Australia

Public Sector (Special Leave With Pay) Variation Regulations 2016

under the *Public Sector Act 2009*

Contents

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-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Public Sector (Special Leave With Pay) Variation Regulations 2016*.

2—Commencement

These regulations will come into operation on 1 July 2016.

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 Sector Regulations 2010*

4—Variation of regulation 9—Application of Commissioner's determinations (section 16(1)(b) of Act)

- (1) Regulation 9(4)—delete subregulation (4) and substitute:
 - (4) A determination of the Commissioner applies to employment by virtue of the operation of subregulation (3) only to the extent that the determination is relevant to—
 - (a) the management of excess employees; or
 - (b) special leave with pay.

- (2) Regulation 9—after subregulation (6) insert:
- (7) In addition to the operation of the other provisions of this regulation, but subject to subregulation (8), all public sector employment outside the Public Service is employment to which section 16 of the Act applies.
 - (8) A determination of the Commissioner applies to employment by virtue of the operation of subregulation (7) only to the extent that the determination relates to special leave with pay and is relevant to domestic/family violence leave.

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 9 June 2016

No 48 of 2016

MPS0006/16CS

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Creating a liveable, prosperous and happy City

Public Consultation

Periodical Review of Elector Representation

Pursuant to the provisions of Section 12(7) of the Local Government Act 1999, the Council is to carry out a review to determine whether alterations are required in respect to elector representation, including ward boundaries and the composition of Council. The city is divided into 6 wards represented by one Mayor and 15 Council Members.

The representation review will explore the composition of council, including the number of elected members required to provide fair and adequate representation to the community.

Representation Options Paper

Notice is hereby given that a representation options paper detailing information regarding the review is available from City of Playford Operations Centre, 12 Bishopstone Road, Davoren Park SA 5113 during office hours or the Council website playford.sa.gov.au/wards.

Written Submissions

Written submissions are invited from interested persons from **13 June 2016 – 1 August 2016**, and should be directed to Manager Governance, Steven Watson
12 Bishopstone Road,
Davoren Park SA 5113
or email publicconsultation@playford.sa.gov.au, to be received by close of business on **Monday 1 August 2016**.

Sam Green
Deputy Chief Executive Officer

playford.sa.gov.au

CITY OF VICTOR HARBOR
DEVELOPMENT ACT 1993

Victor Harbor Better Development Plan (BDP) and General Development Plan Amendment (DPA)—Public Consultation

NOTICE is hereby given that the City of Victor Harbor, pursuant to Sections 24 and 25 of the Development Act 1993, has prepared a Development Plan Amendment Report (DPA) to amend its Development Plan.

The Amendment will change the Development Plan by proposing to:

- Convert the Council's current Development Plan into the 'Better Development Plan' structure and format which results in the adoption of consistent state-wide policies from the SA Planning Policy Library; and
- Address some minor planning zone boundary anomalies.

The DPA report will be on public consultation from 9 June 2016 until 9 August 2016.

Copies of the DPA report are available during normal office hours at the City of Victor Harbor Council, Civic Centre and Library, 1 Bay Road, Victor Harbor. Alternatively, the DPA report can be viewed online at www.yoursay.victor.sa.gov.au/bdp.

Written submissions regarding the DPA should be submitted no later than 5 p.m. on 9 August 2016. All submissions should be addressed to the Chief Executive Officer, P.O. Box 11, Victor Harbor, S.A. 5211 and should clearly indicate whether you wish to be heard in support of your submission at the public hearing. If you wish to lodge your submission electronically, please email it to the Chief Executive Officer at localgov@victor.sa.gov.au.

A public hearing will be held on 16 August 2016 at 3 p.m. at the City of Victor Harbor Council Chambers, 1 Bay Road, Victor Harbor, at which time interested persons may be heard in relation to the DPA and their submission. The public hearing will not be held if no submissions are received, or if no submission makes a request to be heard.

Copies of all submissions will be available for inspection at the City of Victor Harbor Council Civic Centre, 1 Bay Road, Victor Harbor, from 10 August 2016 until the conclusion of the public hearing.

A public information 'drop-in' session is also available on Monday, 20 June 2016, between 2 p.m. and 6 p.m. at the Victor Harbor Council Civic Centre ('Encounter Room'), 1 Bay Road, Victor Harbor.

If you would like further information about the DPA, contact David Read (Strategic and Policy Planner) via email at localgov@victor.sa.gov.au or call (08) 8551 0536.

Dated 9 June 2016.

G. MAXWELL, Chief Executive Officer

CITY OF VICTOR HARBOR
LOCAL GOVERNMENT ACT 1999

Naming of Roads

NOTICE is hereby given pursuant to Section 219 (1) of the Local Government Act 1999, that the City of Victor Harbor resolved at its meeting held on 23 May 2016, that the new roads created by the subdivision of 160 Waggon Road, Hindmarsh Valley, be named Blake Street, Brown Street, Cyperus Court, Greenfield Street, Heron Street, Ibis Court and Pearl Street.

Dated 9 June 2016.

G. MAXWELL, Chief Executive Officer

CITY OF WEST TORRENS

Asset Naming Policy

NOTICE is hereby given that at its meeting on 17 May 2016, the City of West Torrens endorsed the review of the Asset Naming Council Policy, pursuant to Section 219 of the Local Government Act 1999.

The Policy provides guidelines for selecting new and replacement names for assets in the City of West Torrens. The Policy also outlines the purpose of, and on what basis, the Council may apply the provisions of Section 219 of the Local Government Act 1999, to assign a name to, or change the name of a public road, a private road and a public place.

The Policy is available for public inspection during normal office hours at the City of West Torrens, 165 Sir Donald Bradman Drive, Hilton, and at www.westtorrens@wtcc.sa.gov.au.

Dated 7 June 2016.

T. BUSS, Chief Executive Officer

DISTRICT COUNCIL OF THE COPPER COAST
ROADS (OPENING AND CLOSING) ACT 1991

Road Closure—Public Road, Paramatta and Boors Plain

NOTICE is hereby given, pursuant to Section 10 of the Roads (Opening and Closing) Act 1991, that the District Council of the Copper Coast proposes to make a Road Process Order to:

Close portion of unmade public road situated adjacent to and between Sections 995 and 1731, Hundred of Wallaroo.

The portions of closed road are to merge with the adjoining Sections 995, 2004, Allotment 3 in D90214 and Section 1731, Hundred of Wallaroo as delineated and lettered A, B, C and D on Preliminary Plan No. 16/0015.

A copy of the plan and a statement of persons affected are available for public inspection at the Council Office, 51 Taylor Street, Kadina, S.A. 5554 and the Adelaide Office of the Surveyor-General during normal office hours.

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons.

The application for easement or objection must be made in writing to the Council, P.O. Box 396, Kadina, S.A. 5554 within 28 days of this notice and a copy must be forwarded to the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001. Where a submission is made, the Council will give notification of a meeting at which the matter will be considered.

P. HARDER, Chief Executive Officer

DISTRICT COUNCIL OF THE COPPER COAST

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-law No. 1—Permits and Penalties

A by-law to create a permit system for Council by-laws, to fix maximum and continuing penalties for offences, and for the construction of Council by-laws.

PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Permits and Penalties By-law 2016 and is By-law No. 1 of the District Council of the Copper Coast.

2. *Authorising Law*

This by-law is made under Section 246 of the Act.

3. *Purpose*

The objects of this by-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:

- 3.1 creating a permit system for Council by-laws;
- 3.2 providing for the enforcement of breaches of Council by-laws and fixing penalties; and
- 3.3 clarifying the construction of Council by-laws.

4. *Commencement, Revocation and Expiry*

4.1 The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation¹:

- 4.1.1 By-law No. 1—Permits and Penalties 2009.²

4.2 This by-law will expire on 1 January 2024.³

Note:

¹ Generally a by-law comes into operation 4 months after the day on which it is gazetted: Section 249 (5) of the Act.

² Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

³ Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the gazettal of the by-law.

5. *Application*

5.1 This by-law applies throughout the Council's area.

6. *Interpretation*

In this by-law, unless the contrary intention appears;

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *Council* means District Council of the Copper Coast;
- 6.3 *person* includes a body corporate.

Note:

Section 14 of the Acts Interpretation Act 1915 provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Act.

7. *Construction of By-laws Generally*

7.1 Every by-law of the Council is subject to any Act of Parliament and Regulations made thereunder.

7.2 In any by-law of the Council, unless the contrary intention appears *permission* means permission of the Council, or such other person authorised by Council, granted in writing prior to the act, event or activity to which it relates.

PART 2—PERMITS AND PENALTIES

8. *Permits*

8.1 Where a by-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.

8.2 The Council, or such other person authorised by the Council, may attach such conditions as it thinks fit to a grant of permission and may vary or revoke such conditions, or impose new conditions by notice in writing to the person granted permission.

8.3 A person granted permission must comply with every such condition. Failure to do so is an offence (to the extent it gives rise to a contravention of a by-law).

8.4 The Council, or such other person authorised by the Council, may suspend or revoke a grant of permission at any time by notice in writing to the person granted permission.

9. *Offences and Penalties*

9.1 A person who acts in contravention of any by-law of the Council is guilty of an offence and may be liable to pay:

9.1.1 the maximum penalty, being the maximum penalty referred to in the Act that may be fixed by a by-law for any breach of a by-law; or

9.1.2 subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against by-laws, being a fee equivalent to 25 per cent of the maximum penalty fixed for any breach of a by-law.

9.2 A person who commits a breach of a by-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a by-law for a breach of a by-law of a continuing nature.

Note:

The maximum penalty for a breach of a by-law is currently \$750, and the maximum penalty for every day in which a breach of a continuing nature continues is currently \$50—see Section 246 (3) (g) of the Act.

Pursuant to Section 246 (5) of the Act, expiation fees may be fixed for alleged offences against by-laws either by a by-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty for the offence to which it relates.

This by-law was duly made and passed at a meeting of the Council of the District Council of the Copper Coast held on 1 June 2016 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

P. HARDER, Chief Executive Officer

DISTRICT COUNCIL OF THE COPPER COAST

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-Law No. 2—Local Government Land

A by-law to regulate the access to and use of Local Government land (other than roads), and certain public places.

PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Local Government Land By-law 2016 and is By-law No. 2 of the District Council of the Copper Coast.

2. *Authorising Law*

This by-law is made under Sections 238 and 246 of the Act and Section 18A of the Harbours and Navigation Act 1993.

3. *Purpose*

The objectives of this by-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:

- 3.1 to prevent and mitigate nuisances;
- 3.2 to prevent damage to Local Government land;
- 3.3 to protect the convenience, comfort and safety of members of the public;
- 3.4 to enhance the amenity of the Council area; and
- 3.5 for the good rule and government of the area.

4. *Commencement, Revocation and Expiry*

4.1 The following by-law previously made by the Council is revoked from the day on which this by-law comes into operation¹:

4.1.1 By-law No. 2—Local Government Land²

4.2 This by-law will expire on 1 January 2024.³

Note:

¹ Generally a by-law comes into operation 4 months after the day on which it is gazetted: Section 249 (5) of the Act.

² Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

³ Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the gazetting of the by-law.

5. *Application*

- 5.1 This by-law operates subject to the Council's Permits and Penalties by-law 2016.
- 5.2 Subject to Clauses 5.3 and 5.4, this by-law applies throughout the Council's area.
- 5.3 Clauses 9.3, 9.8.1, 9.9.1, 9.25.1-9.25.4, 9.28.2, 9.35, 10.3 and 10.10.2 of this by-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with Section 246 (3) (e) of the Act.
- 5.4 Clauses 9.8.3, 9.13.2 (b) and 9.36 of this by-law only apply throughout the Council area except in such part or parts of the Council area as the Council may by resolution direct in accordance with Section 246 (3) (e) of the Act.

6. *Interpretation*

In this by-law, unless the contrary intention appears:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *animal or animals* includes birds and insects but does not include a dog;
- 6.3 *authorised person* has the same meaning as in the Act;
- 6.4 *boat* includes a raft, pontoon or personal watercraft or other similar device;
- 6.5 *camp* includes setting up a camp, or causing a tent, caravan or motor home to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;

6.6 *Council* means District Council of the Copper Coast;

6.7 *electoral matter* has the same meaning as in the Electoral Act 1985 provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;

6.8 *effective control* means a person exercising effective control of an animal either:

6.8.1 by means of a physical restraint; or

6.8.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times.

6.9 *emergency worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014;

6.10 *foreshore* means land extending from the low water mark on the seashore in the Council's area to the nearest road or section boundary, or for a distance of 50 metres from the high water mark (whichever is the lesser);

6.11 *funeral ceremony* means a ceremony only (i.e. a memorial service) and does not include a burial;

6.12 *liquor* has the same meaning as in the Liquor Licensing Act 1997;

6.13 *Local Government land* means all land owned by the Council or under the Council's care, control and management (except roads);

6.14 *low water mark* means the lowest meteorological tide;

6.15 *offensive* includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;

6.16 *open container* means a container which:

6.16.1 after the contents of the container have been sealed at the time of manufacture:

(a) being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);

(b) being a can, it has been opened or punctured;

(c) being a cask, it has had its tap placed in a position to allow it to be used;

(d) being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or

(e) is a flask, glass, mug or other container able to contain liquid.

6.17 *personal watercraft* means a device that:

6.17.1 is propelled by a motor;

6.17.2 has a fully enclosed hull;

6.17.3 is designed not to retain water if capsized; and

6.17.4 is designed to be operated by a person who sits astride, stands, or kneels on the device;

and includes the device commonly referred to as a jet ski;

6.18 *recreation ground* means Local Government land commonly used for playing sports or games, or accommodating the spectators at any sport or game;

6.19 *tobacco product* has the same meaning as in the Tobacco Products Regulation Act 1997;

6.20 *vehicle* has the same meaning as in the Road Traffic Act 1961;

6.21 *Wallaroo Marina* means the land highlighted in the plan attached to this by-law and marked 'Attachment A' that is under the Council's care control and management.

6.22 *waters* includes a body of water such as a pond, lake, river, creek or wetlands under the care, control and management of the Council and includes the waters within the Wallaroo Marina;

6.23 *Wheeled recreational device* has the same meaning as in the Road Traffic Act 1961.

Note:

Section 14 of the Acts Interpretation Act 1915 provides that an expression used in a by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-law was made.

PART 2—ACCESS TO LOCAL GOVERNMENT LAND

7. Access

Note:

Pursuant to Section 238 (3) of the Act, if a Council makes a by-law about access to or use of a particular piece of Local Government land (under Section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the by-law applies.

The Council may:

- 7.1 close, or regulate or restrict access to, any part of Local Government land to the public for specified times and days; and
- 7.2 fix charges or fees payable for entry onto any part of Local Government land.

8. Closed Lands

A person must not without permission, enter or remain on any Local Government land:

- 8.1 which has been closed, or in respect of which access by the public is regulated or restricted in accordance with Clause 7.1;
- 8.2 where entry fees or charges are payable, without paying those fees or charges; or
- 8.3 where the land has been enclosed by fences and/or walls and gates that have been closed and locked.

PART 3—USE OF LOCAL GOVERNMENT LAND

9. Activities Requiring Permission

Note:

Pursuant to Section 238 (3) of the Act, if a Council makes a by-law about access to or use of a particular piece of Local Government land (under Section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the by-law applies.

A person must not without the permission of the Council, do any of the following on Local Government land:

9.1 Advertising

Subject to Clause 14.2, display, paint or erect any sign or hoarding for the purpose of commercial advertising or any other purpose.

9.2 Aircraft

Subject to the Civil Aviation Act 1988, land any aircraft on, or take off any aircraft from the land.

9.3 Alcohol

Consume, carry or be in possession or in charge of any liquor on Local Government land comprising parks or reserves to which the Council has determined this paragraph applies.

9.4 Amplification

Use an amplifier or other mechanical or electrical device for the purpose of amplifying sound.

9.5 Animals

On Local Government land other than the foreshore:

- 9.5.1 cause or allow an animal to stray onto, move over, graze or be left unattended on Local Government land;
- 9.5.2 cause or allow an animal to enter, swim, bathe or remain in any waters located on Local Government land; or
- 9.5.3 lead, herd or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided that the animal or animals are under effective control.

On Local Government land comprising the foreshore:

9.5.4 cause or allow a sheep, cow, goat or horse to enter, swim, bath or remain in any waters; or

9.5.5 lead, herd or exercise a sheep, cow, goat or horse.

9.6 Attachments

Attach anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.

9.7 Bees

Place a hive of bees on such land, or allow it to remain thereon.

9.8 Boats

Subject to the provisions of the Harbors and Navigation Act 1993 and the Marine Safety (Domestic Commercial Vessel) National Law:

9.8.1 launch or retrieve a boat to or from any waters where the Council has determined that this subclause applies;

9.8.2 launch or retrieve a boat to or from any waters other than from a boat ramp constructed for that purpose;

9.8.3 propel, float or otherwise use a boat on or in any waters except any waters where the Council has determined this clause applies;

9.8.4 hire out a boat or otherwise use a boat for commercial purposes; or

9.8.5 moor a boat on any waters or to a pontoon attached to Local Government land.

9.9 Boat Ramps

9.9.1 Launch or retrieve a boat from any boat ramp on Local Government land to which the Council has determined this clause applies:

(a) without having purchased a short term ticket or having been granted a launch permit; and

(b) other than in accordance with the conditions attaching to a short term ticket or a launch permit (as the case may be).

9.9.2 For the purposes of this Clause 9.9, the following definitions apply:

(a) launch permit means a permit issued by the Council and/or its agent upon application and which authorises the launch of a boat from a boat ramp in accordance with the conditions determined by the Council;

(b) short term ticket means a ticket purchased from a vending machine located at or in the vicinity of a boat ramp that authorises a single launch of a boat from the boat ramp in accordance with the conditions determined by the Council and, which is valid until midnight of the date of purchase.

9.10 Bridge Jumping

Jump or dive from a bridge or jetty on Local Government land.

9.11 Buildings

Use a building, or structure on Local Government land for a purpose other than its intended purpose.

9.12 Burials and Memorials

9.12.1 Bury, inter or spread the ashes of any human or animal remains;

9.12.2 Erect any memorial.

9.13 Camping and Tents

9.13.1 Erect, for the purposes of camping, a tent or other structure of calico, canvas, plastic or similar material.

- 9.13.2 Camp or sleep overnight:
- (a) unless in a caravan park on Local Government land, the proprietor of which has been given permission to operate the caravan park on that land; or
 - (b) other than in an area to which the Council has, by resolution, designated for camping and in accordance with such time limits and other conditions determined by resolution of the Council (if any).
- 9.14 *Canvassing*
- 9.14.1 Subject to Clause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other;
- 9.14.2 Convey to any bystander or person a message or any material that may jeopardise public order because it is offensive, insulting or that might otherwise encourage a breach of the peace.
- 9.15 *Defacing Property*
- Deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or property of the Council.
- 9.16 *Depasturing*
- Cause, suffer or allow any horse, cattle, sheep, goat or other animal under his or her control to depasture thereon.
- 9.17 *Distribution*
- Subject to Clause 14.2, place on a vehicle (without the consent of the owner of the vehicle), or give out or distribute any hand bill, book, notice, leaflet, or other printed matter to any bystander, passer-by or other person.
- 9.18 *Donations*
- Ask for or receive or indicate that he or she desires a donation of money or any other thing.
- 9.19 *Entertainment and Busking*
- 9.19.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money;
- 9.19.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 9.20 *Equipment*
- Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.
- 9.21 *Fires*
- Subject to the Fire and Emergency Services Act 2005 light a fire except:
- 9.21.1 in a place provided by the Council for that purpose; or
 - 9.21.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least 4 metres.
- 9.22 *Fireworks*
- Ignite or discharge any fireworks.
- 9.23 *Flora and Fauna*
- Subject to the Native Vegetation Act 1991, and the National Parks and Wildlife Act 1972:
- 9.23.1 damage, pick, disturb, interfere with or remove any plant or flower thereon;
 - 9.23.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
 - 9.23.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
 - 9.23.4 take, interfere with, tease, harm or disturb any animal, bird or marine creature or the eggs or young of any animal, bird or marine creature;
 - 9.23.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
 - 9.23.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
 - 9.23.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or marine creature; or
 - 9.23.8 burn any timber or dead wood.
- 9.24 *Foreshore*
- On Local Government land comprising the foreshore:
- 9.24.1 drive or propel a vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or set aside by the Council for that purpose;
 - 9.24.2 drive or propel a vehicle on the foreshore except on an area or road that is constructed or set aside for that purpose;
 - 9.24.3 launch or retrieve a boat from the foreshore without using a boat ramp or thoroughfare constructed or set aside by the Council for that purpose; or
 - 9.24.4 allow a vehicle to remain stationary on a boat ramp longer than is necessary to launch or retrieve a boat.
- 9.25 *Games*
- 9.25.1 Participate in, promote or organise any organised competition or sport, as distinct from organised social play on Local Government land to which the Council has resolved this subclause applies;
 - 9.25.2 Play or practice any game which involves kicking, hitting or throwing a ball or other object on Local Government land to which the Council has resolved this subclause applies;
 - 9.25.3 Play or practice the game of golf on Local Government land to which the Council has resolved this subclause applies;
 - 9.25.4 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
- 9.26 *Litter*
- 9.26.1 Throw, cast, place, deposit or leave any rubbish, dirt or refuse of any kind whatsoever except in a garbage container provided for that purpose;
 - 9.26.2 Deposit any soil, clay, stone, gravel, green waste or other putrescible waste or any other matter.
- 9.27 *Marine Life*
- Introduce any marine life to any waters located on Local Government land.
- 9.28 *Model Aircraft, Boats and Cars*
- Subject to the Civil Aviation Safety Regulations 1998:
- 9.28.1 fly or operate a model or drone aircraft, boat or model or remote control car in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or
 - 9.28.2 fly or operate a model or drone aircraft, boat or model or remote control car on any Local Government land to which the Council has resolved this subclause applies.
- 9.29 *Overhanging Articles or Displaying Personal Items*
- Suspend or hang an article or object from a building, verandah, pergola, post or other structure on Local Government land where it might present a nuisance or danger to a person using the land or be of an unsightly nature.

- 9.30 *Pontoons*
Install or maintain a pontoon or jetty in any waters.
- 9.31 *Posting of Bills*
Post or allow or cause to be posted any bills, advertisements or other papers or items on a building or structure on Local Government land or in a public place.
- 9.32 *Preaching*
Preach, harangue or solicit for religious purposes.
- 9.33 *Recreation Ground*
Use or occupy a Recreation Ground:
9.33.1 in such a manner as to damage or be likely to damage the surface of the Recreation Ground or infrastructure (above and under ground level);
9.33.2 in a manner contrary to the purpose for which the Recreation Ground was intended to be used or occupied; or
9.33.3 contrary to any directions of the Council made by resolution and indicated on a sign displayed adjacent to the Recreation Ground.
- 9.34 *Ropes*
Place a buoy, cable, chain, hawser, rope net, or other similar object in or across any waters.
- 9.35 *Skateboards, Wheeled Recreational Devices*
Subject to the Road Traffic Act 1961, ride on a skateboard or use roller skates or blades, or similar devices on Local Government land to which the Council has resolved this paragraph applies.
- 9.36 *Swimming*
Subject to the provisions of the Harbors and Navigation Act 1993 swim in, bathe or enter any waters:
9.36.1 to which the Council has determined this subclause applies; and
9.36.2 in accordance with any conditions that the Council may have determined by resolution apply to such use.
- 9.37 *Trading*
Sell, buy, offer or display anything for sale.
- 9.38 *Vehicles*
9.38.1 Drive or propel a vehicle except on an area or road constructed and set aside by the Council for that purpose;
9.38.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose;
9.38.3 Repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.39 *Weddings, Functions and Special events*
9.39.1 Hold, conduct or participate in a marriage ceremony, funeral or special event;
9.39.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event;
9.39.3 Hold or conduct any filming where the filming is for a commercial purpose.
10. *Prohibited activities*
A person must not do any of the following on Local Government land:
- 10.1 *Animals*
10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming;
10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place;
10.1.3 Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.
- 10.2 *Equipment*
Use any item of equipment, facilities or property belonging to the Council other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it.
- 10.3 *Fishing*
Fish in any waters to which the Council has determined this subclause applies.
- 10.4 *Glass*
Wilfully break any glass, china or other brittle material.
- 10.5 *Interference with Land*
Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
10.5.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
10.5.2 erecting or installing a structure in, on, across, under or over the land;
10.5.3 changing or interfering with the construction, arrangement or materials of the land;
10.5.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
10.5.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 10.6 *Interference with Permitted Use*
Interrupt, disrupt or interfere with any other person's use of Local Government land which is permitted or for which permission has been granted.
- 10.7 *Nuisance*
Behave unreasonably in a manner that causes discomfort, inconvenience, annoyance or offence to any other person.
- 10.8 *Playing games*
Play or practice a game or sport:
10.8.1 which is likely to cause damage to the land or anything on it; or
10.8.2 which endangers the safety or interferes with the comfort of any person; or
10.8.3 in any area where a sign indicates that the game or sport is prohibited.
- 10.9 *Rubbish and Rubbish Dumps*
10.9.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land;
10.9.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a Council rubbish bin on Local Government land.
- 10.10 *Smoking*
Subject to the Tobacco Products Regulation Act 1997, smoke, hold or otherwise have control over an ignited tobacco product:
10.10.1 in any building; or
10.10.2 on any land to which the Council has determined this subclause applies.
- 10.11 *Solicitation*
Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.

10.12 *Throwing objects*

Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.

10.13 *Toilets*

In any public convenience on Local Government land:

- 10.13.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 10.13.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
- 10.13.3 use it for a purpose for which it was not designed or constructed.
- 10.13.4 enter a toilet that is set aside for use of the opposite sex except:
- where a child under the age of eight years is accompanied by an adult parent or guardian of that sex; or
 - to provide assistance to a disabled person; or
 - in the case of a genuine emergency.

10.14 *Waste*

- 10.14.1 Deposit or leave thereon:
- anything obnoxious or offensive;
 - any offal, dead animal, dung or filth; or
 - any mineral, mineral waste, industrial waste or bi-products.
- 10.14.2 Foul or pollute any waters situated thereon.
- 10.14.3 Deposit any rubbish other than in receptacles provided by the Council for that purpose.
- 10.14.4 Deposit in a receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs.

PART 4—ENFORCEMENT

11. *Directions*

11.1 A person on Local Government land must comply with a reasonable direction from an authorised person relating to:

- that person's use of the land;
- that person's conduct and behaviour on the land;
- that person's safety on the land; or
- the safety and enjoyment of other persons on the land.

11.2 A person who, in the opinion of an authorised person, is likely to commit or has committed, a breach of this by-law must immediately comply with a direction of an authorised person to leave that part of Local Government land.

12. *Orders*

If a person fails to comply with an order of an authorised person made pursuant to Section 262 of the Act in respect of a breach of this by-law, the Council may seek to recover its costs of any action taken under Section 262 (3) of the Act from the person to whom the order was directed.

Note:

Section 262 (1) of the Act states:

- If a person (the offender) engages in conduct that is a contravention of this Act or a by-law under this Act, an authorised person may order the offender:

- if the conduct is still continuing—to stop the conduct; and
- whether or not the conduct is still continuing—to take specified action to remedy the contravention.

Subsections (2) and (3) of Section 262, also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land;
- dismantle and remove a structure erected on Local Government land without permission.

13. *Removal of Animals and Objects*

An authorised person may remove an animal or object that is on Local Government land in breach of a by-law if no person is in charge of, or apparently in charge of, the animal or object.

PART 5—MISCELLANEOUS

14. *Exemptions*

14.1 The restrictions in this by-law do not apply to a police officer, emergency worker, Council officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer;

14.2 The restrictions in Clauses 9.1, 9.14.1, 9.17 and 9.32 of this by-law do not apply to electoral matter authorised by a candidate and which is:

- related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- related to an election under the Act or the Local Government (Elections) Act 1999, and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- related to, and occurs during the course of and for the purpose of a referendum.

15. *Liability of Vehicle Owners*

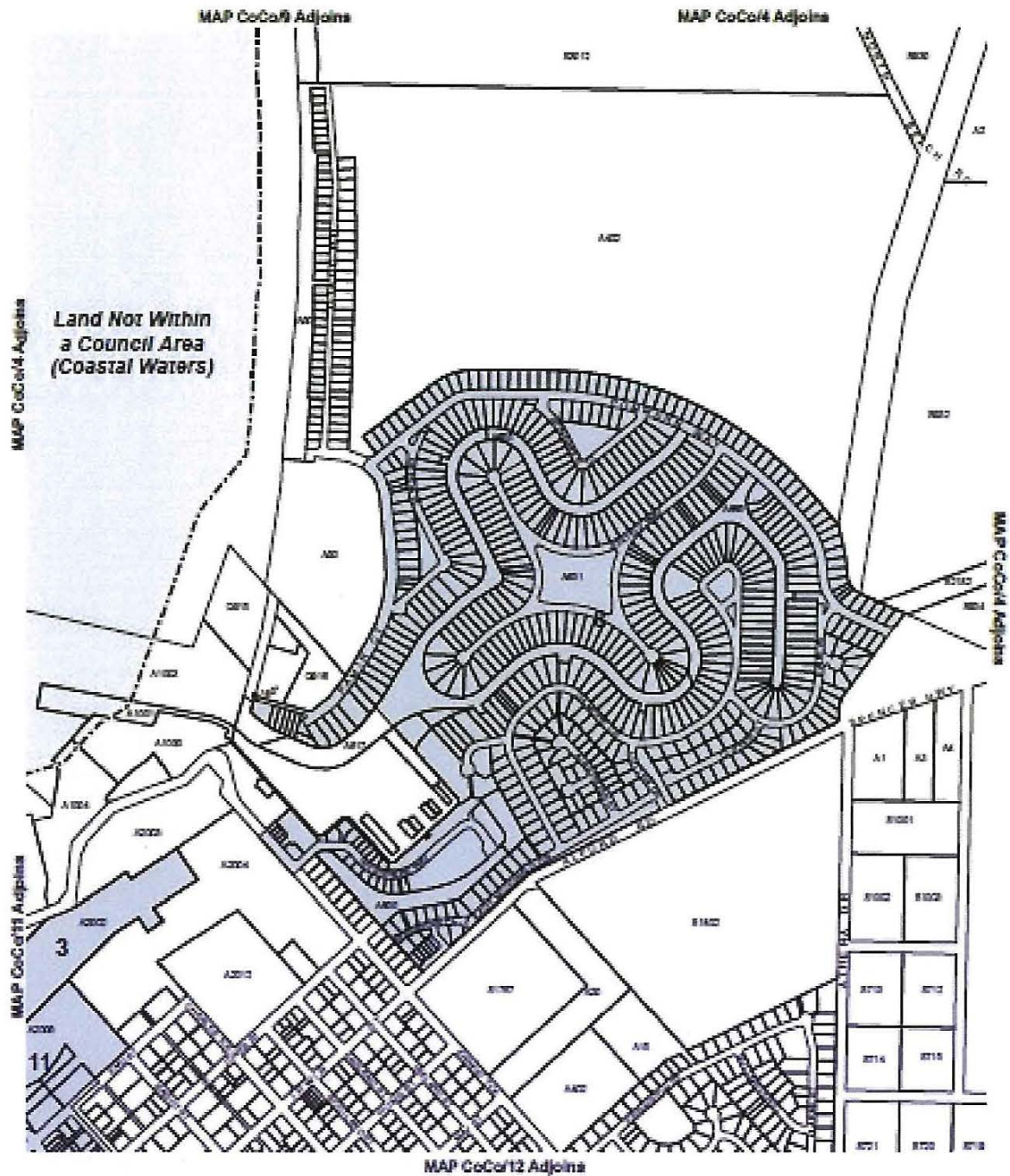
15.1 For the purposes of this Clause 15, owner in relation to a vehicle has the same meaning as contained in Section 4 of the Act;

15.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This by-law was duly made and passed at a meeting of the Council of the District Council of the Copper Coast held on 1 June 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

P. HARDER, Chief Executive Officer

ATTACHMENT A



Lambert Conformal Conic Projection (GDA94)

- Policy Area**
- 11 Wallaroo
 - 3 Wallaroo Town
 - 8 Wallaroo Marina



WALLAROO

Policy Area Map CoCo/10

- Policy Area Boundary
- Development Plan Boundary

COPPER COAST COUNCIL
 Consolidated - 28 August 2014

DISTRICT COUNCIL OF THE COPPER COAST

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-law No. 3—Roads

A by-law to regulate certain activities on roads in the Council area.

PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Roads By-law 2016 and is By-law No. 3 of the District Council of the Copper Coast.

2. *Authorising Law*

This by-law is made under Sections 239 and 246 of the Act and Regulation 28A of the Local Government (General) Regulations 2013.

3. *Purpose*

The objectives of this by-law are to manage and regulate the use of roads in the Council area:

- 3.1 to protect the convenience, comfort and safety of road users and members of the public;
- 3.2 to prevent damage to buildings and structures on roads;
- 3.3 to prevent certain nuisances occurring on roads; and
- 3.4 for the good rule and government of the Council area.

4. *Commencement, Revocation and Expiry*

4.1 The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation¹:

4.1.1 By-law No. 3—Roads 2009.²

4.2 This by-law will expire on 1 January 2024.³

Note:

¹ Generally a by-law comes into operation 4 months after the day on which it is gazetted: Section 249 (5) of the Act.

² Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

³ Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the gazettal of the by-law.

5. *Application*

5.1 This by-law applies throughout the Council area and operates subject to the Council's Permits and Penalties By-law 2016.

6. *Interpretation*

In this by-law, unless the contrary intention appears:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *animal* includes birds, insects and poultry but does not include a dog;
- 6.3 *camp* includes setting up a camp, or causing a tent or, subject to the Road Traffic Act 1961, a caravan or motor home, to remain on a road overnight, whether or not any person is in attendance or sleeps on the road;
- 6.4 *Council* means District Council of the Copper Coast;
- 6.5 *effective control* means a person exercising effective control of an animal either:
 - 6.5.1 by means of a physical restraint; or
 - 6.5.2 by command, the animal being in close proximity to the person, and the person being able to see the animal at all times;
- 6.6 *electoral matter* has the same meaning as in the Electoral Act 1995 provided that such electoral matter is not capable of causing physical damage or injury to a person within its immediate vicinity;
- 6.7 *emergency vehicle* has the same meaning as in the Australian Road Rules;

6.8 *emergency worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014;

6.9 *vehicle* has the same meaning as in the Road Traffic Act 1961.

Note:

Section 14 of the Acts Interpretation Act 1915, provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-law was made.

PART 2—USE OF ROADS

7. *Activities Requiring Permission*

A person must not do any of the following activities on a road without the permission of the Council:

7.1 *Advertising*

Display or cause to be displayed any signs, other than a moveable sign which is displayed on a road in accordance with the Council's Moveable Signs By-law.

7.2 *Amplification*

Use an amplifier or other device whether mechanical or electrical for the purpose of broadcasting announcements or advertisements.

7.3 *Animals*

7.3.1 Cause or allow an animal to stray onto, move over or graze on a road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind and then only if under the effective control of a person.

7.3.2 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.

7.4 *Camping and Tents*

7.4.1 Erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation.

7.4.2 Camp or sleep overnight.

7.5 *Donations*

Ask for or receive or indicate a desire for a donation of money or any other thing.

7.6 *Obstructions*

Erect, install or place or cause to be erected, installed or placed any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road.

7.7 *Posting and Distribution of Bills*

Subject to Clause 11.2:

7.7.1 place on a vehicle (without the consent of the owner of the vehicle), give out or distribute any hand bill, book, notice, leaflet or other printed matter to any person; or

7.7.2 post or allow or cause to be posted any bills, advertisements, or other papers or items on a building or structure on a road.

7.8 *Preaching*

Preach, harangue, solicit or canvass for religious or charitable purposes.

7.9 *Public Exhibitions and Displays*

7.9.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.

7.9.2 Conduct or hold a concert, festival, show, circus, performance or a similar activity.

7.9.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.

7.9.4 Cause any public exhibitions or displays.

7.10 *Vehicles*

Repair, wash, paint, panel beat or perform other work of a similar nature to a vehicle, except for running repairs in the case of a vehicle breakdown.

Note:

Moveable signs on roads are regulated by Sections 226 and 227 of the Act and the Council's Moveable Signs By-law.

PART 3—ENFORCEMENT

8. *Directions*

A person who, in the opinion of an authorised person is committing or has committed a breach of this by-law, must immediately comply with a direction of an authorised person to leave that part of the road.

9. *Orders*

If a person does not comply with an order of an authorised person made pursuant to Section 262 of the Act in respect of a breach of this by-law, the Council may seek to recover its costs of any action taken under Section 262 (3) of the Act from the person to whom the order was directed.

Note:

Section 262 (1) of the Act states:

- (1) If a person (*the offender*) engages in conduct that is a contravention of this Act or a by-law under this Act, an authorised person may order the offender:
- (a) if the conduct is still continuing—to stop the conduct; and
 - (b) whether or not the conduct is still continuing to take specified action to remedy the contravention.

Subsections (2) and (3) of Section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease busking on a road;
- remove an object or structure blocking a footpath;
- remove bills posted on a structure on a road;
- dismantle and remove a tent from a road.

10. *Removal of Animals and Objects*

An authorised person may remove an animal or object that is on a road in breach of a by-law if no person is in charge, or apparently in charge, of the animal or object.

PART 4—MISCELLANEOUS

11. *Exemptions*

11.1 The restrictions in this by-law do not apply to a police officer, Council officer or employee acting in the course and within the scope of that person's normal duties, a contractor while performing work for the Council and while acting under the supervision of a Council officer, or an emergency worker when driving an emergency vehicle for the purpose of responding to an emergency.

11.2 The restrictions in Clause 7.7 of this by-law do not apply to electoral matter that is:

- 11.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- 11.2.2 related to an election under the Act or the Local Government (Elections) Act 1999 and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 11.2.3 related to, and occurs during the course of and for the purpose of a referendum.

12. *Liability of Vehicle Owners*

12.1 For the purposes of this Clause 12, *owner* in relation to a vehicle has the same meaning as contained in Section 4 of the Act.

12.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This by-law was duly made and passed at a meeting of the Council of the District Council of the Copper Coast held on 1 June 2016 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

P. HARDER, Chief Executive Officer

DISTRICT COUNCIL OF THE COPPER COAST

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-law No. 4—Moveable Signs

A by-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs.

PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Moveable Signs By-law 2016 and is By-law No. 4 of the District Council of the Copper Coast.

2. *Authorising Law*

This by-law is made under Sections 226, 239 and 246 of the Act.

3. *Purpose*

The object of this by-law is to set standards for moveable signs on roads:

- 3.1 to protect the comfort and safety of road users and members of the public;
- 3.2 to enhance the amenity of roads and surrounding parts of the Council area;
- 3.3 to prevent nuisances occurring on roads;
- 3.4 to prevent unreasonable interference with the use of a road; and
- 3.5 for the good rule and government of the Council area.

4. *Commencement, Revocation and Expiry*

4.1 The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation¹:

4.1.1 By-law No. 2—Moveable Signs 2009.²

4.2 This by-law will expire on 1 January 2024.³

Note:

¹ Generally a by-law comes into operation 4 months after the day on which it is gazetted: Section 249 (5) of the Act.

² Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

³ Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the gazettal of the by-law.

5. *Application*

5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2016.

5.2 This by-law applies throughout the Council area.

6. *Interpretation*

In this by-law, unless the contrary intention appears:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *business premises* means premises from which a business is being conducted;

- 6.3 *Council* means the District Council of the Copper Coast;
- 6.4 *footpath area* means:
- 6.4.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;
- 6.4.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.5 *road* has the same meaning as in the Act;
- 6.6 *vehicle* has the same meaning as in the Road Traffic Act 1961.

Note:

Section 14 of the Acts Interpretation Act 1915 provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-law was made.

PART 2—MOVEABLE SIGNS

7. *Construction and Design*

A moveable sign placed on a footpath area must:

- 7.1 be of kind known as an 'A' frame or sandwich board sign, an 'inverted T' sign, or a flat sign or, with the permission of the Council, a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition;
- 7.3 be of strong construction and sufficiently stable or securely fixed when in position so as to keep its position in adverse weather conditions;
- 7.4 have no sharp or jagged edges or corners;
- 7.5 not be, in the opinion of an authorised person, unsightly or offensive in appearance or content;
- 7.6 not move when in a position or contain an animated display;
- 7.7 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.8 not exceed 900mm in height, 600mm in width and 600mm in depth;
- 7.9 in the case of an 'A' frame or sandwich board sign:
- 7.9.1 be hinged or joined at the top;
- 7.9.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 7.9.3 not have a base area in excess of 0.6 square metres;
- 7.10 in the case of an 'inverted T' sign, not contain struts or members that run between the display area and the base of the sign;
- 7.11 not rotate, contain flashing parts or lights or have balloons, flags, streamers or other things attached to it;

8. *Placement*

A moveable sign must not be:

- 8.1 placed on any part of a road other than the footpath area;
- 8.2 placed on a footpath that is less than 2.2 metres wide;
- 8.3 placed within 1 metre of an entrance to any business premises;
- 8.4 placed on the sealed part of a footpath area unless the sealed part is wide enough to contain the sign and still leave a clean thoroughfare of at least 1.2 metres;
- 8.5 placed so as to:
- 8.5.1 obstruct a vehicle door when opened, provided that the vehicle is parked lawfully on the road; or
- 8.5.2 otherwise interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed;

- 8.6 placed closer than 1.5 metres to the kerb (or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, whichever is the greater);
- 8.7 placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.8 placed within 10 metres of an intersection of two or more roads;
- 8.9 placed on a footpath area with a minimum height clearance from a structure above it of less than 2 metres;
- 8.10 placed on a designated parking area or within 1 metre of an entrance to premises;
- 8.11 tied, fixed or attached to, or placed closer than 2 metres to any other structure, object or thing (including a tree, bush or another moveable sign);
- 8.12 displayed during the hours of darkness unless it is clearly lit; or
- 8.13 placed in such a position or in such circumstances that the safety of a user of the footpath area or road is at risk.

9. *Appearance*

A moveable sign placed on the footpath area of a road must, in the opinion of an authorised person:

- 9.1 be painted or otherwise detailed at a competent and professional manner;
- 9.2 be attractive, legible and simply worded to convey a precise message;
- 9.3 be of such design and contain such colours which are compatible with the architectural design of the premises adjacent to the sign, and which relate well to the town scope and overall amenity of the locality in which it is situated; and
- 9.4 contain combinations of colour and typographical styles which blend in with and reinforce the heritage qualities of the locality and the buildings where it is situated.

10. *Banners*

A person may erect or display a banner on or over a road provided that the banner:

- 10.1 is not, without the Council's permission, attached to any building, structure, fence, vegetation or other item on a road that is owned by the Council;
- 10.2 is securely fastened to a pole, fence or other structure so that it does not hang loose or flap;
- 10.3 only advertises an event to which the public are invited;
- 10.4 is not displayed more than two weeks before and two days after the event that it advertises;
- 10.5 is not displayed for a continuous period of more than two weeks and two dates in any twelve month period; and
- 10.6 does not exceed 3m² in size or 1.5m in height.

Note:

A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under Section 222 of the Local Government Act 1999.

11. *Restrictions*

- 11.1 The owner or operator of a business must not cause or allow more than one moveable sign for each business premises to be displayed on the footpath area of a road at any time.
- 11.2 A person must not cause or allow a moveable sign to be placed on a footpath area unless:
- 11.2.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and
- 11.2.2 the business premises to which it relates is open to the public;
- 11.3 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council may prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.

12. Exemptions

12.1 Subclauses 11.1, and 11.2 of this by-law do not apply to a moveable sign which:

- 12.1.1 advertises a garage sale taking place from residential premises; or
- 12.1.2 is a directional sign to an event run by a community organisation or charitable body.

12.2 Subclauses 11.1 and 11.2 of this by-law do not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.

12.3 A requirement of this by-law will not apply where the Council has granted permission for the moveable sign to be displayed contrary to that requirement

Note:

This by-law does not apply to moveable signs placed and maintained on a road in accordance with Section 226 (3) of the Act, which includes any sign:

- placed there pursuant to an authorisation under another Act;
- designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
- related to an election held under this Act or the Local Government (Elections) Act 1999 and is displayed during the period commencing four (4) weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- the sign is of a prescribed class.

PART 3—ENFORCEMENT

13. Removal of Moveable Signs

13.1 A person must immediately comply with the order of an authorised person to remove a Moveable Sign made pursuant to Section 227 (1) of the Act.

Note:

Pursuant to Section 227 (1) of the Act, an authorised person may order the owner of a Moveable Sign to remove the sign from the road if:

- the design, construction or positioning of a Moveable Sign does not comply with a requirement of this by-law; or
- any other requirement of this by-law is not complied with; or
- the Moveable Sign unreasonably restricts the use of the Road, or endangers the safety of other persons.

13.2 The owner of, or other person entitled to recover, a Moveable Sign removed by an authorised person pursuant to Section 227 (2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the Moveable Sign before being entitled to recover the Moveable Sign.

13.3 The owner, or other person responsible for a Moveable Sign, must remove or relocate the Moveable Sign at the request of an authorised person:

- 13.3.1 if, in the opinion of an authorised person, and not withstanding compliance with this by-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the Moveable Sign; or
- 13.3.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the Moveable Sign to protect public safety or to protect or enhance the amenity of a particular locality.

This by-law was duly made and passed at a meeting of the Council of the District Council of the Copper Coast held on 1 June 2016 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

P. HARDER, Chief Executive Officer

DISTRICT COUNCIL OF THE COPPER COAST

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-law No. 5—Dogs By-law

A by-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council area.

PART 1—PRELIMINARY

1. Title

This by-law may be cited as the Dog By-law 2016 and is By-law No. 5 of the District Council of the Copper Coast.

2. Authorising Law

This by-law is made under Section 90 (5) of the Dog and Cat Management Act 1995 and Sections 238 and 246 of the Act, and to the extent it applies to any foreshore areas, Section 18A of the Harbours and Navigations Act 1993.

3. Purpose

The objects of this by-law are to control and manage dogs in the Council area:

- 3.1 to reduce the incidence of environmental nuisance caused by dogs;
- 3.2 to promote responsible dog ownership;
- 3.3 to protect the convenience, comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council area.

4. Commencement, Revocation and Expiry

4.1 The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation¹:

4.1.1 By-law No. 5—Dogs 2009.²

4.2 This by-law will expire on 1 January 2024.³

Note:

¹ Generally a by-law comes into operation 4 months after the day on which it is gazetted: Section 249 (5) of the Act.

² Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

³ Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the gazettal of the by-law.

5. Application

5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2016.

5.2 Subject to Clause 5.3, this by-law applies throughout the Council area.

5.3 Clauses 9.1 and 10.2 of this by-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with Section 246 (3) (e) of the Act.

6. Interpretation

In this by-law, unless the contrary intention appears:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *authorised person* has the same meaning as in the Act;
- 6.3 *approved kennel establishment* means a building, structure or area approved by a relevant authority, pursuant to the Development Act 1993 for the keeping of dogs on a temporary or permanent basis;
- 6.4 *children's playground* means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);
- 6.5 *assistance dog* means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
- 6.6 *Council* means District Council of the Copper Coast;
- 6.7 *dog* (except for in Clause 7.1) has the same meaning as in the Dog and Cat Management Act 1995;

- 6.8 *effective control* means a person exercising effective control of a dog either:
- 6.8.1 by means of a physical restraint (as defined under the Dog and Cat Management Act 1995); or
 - 6.8.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times.
- 6.9 *keep* includes the provision of food or shelter;
- 6.10 *porch* has the same meaning as in the Dog and Cat Management Act 1995;
- 6.11 *premises* includes land, whether used or occupied for domestic or non-domestic purposes;
- 6.12 *small dwelling* means a self-contained residence that is:
- 6.12.1 a residential flat building; or
 - 6.12.2 contained in a separate strata unit or community title; or on an allotment less than 400 square metres in area; or
 - 6.12.3 without a secure yard of at least 100 square metres in area.
- 6.13 *working dog* means a dog used principally for droving or tending livestock.

Note:

Section 14 of the Acts Interpretation Act 1915, provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-laws was made.

PART 2—LIMITS ON DOG NUMBERS

7. Limits on Dog Numbers in Private Premises

- 7.1 Subject to Clauses 7.2, and 7.4 a person must not, without the Council's permission, keep or cause, suffer or permit to be kept:
- 7.1.1 in a township, more than one dog in a small dwelling;
 - 7.1.2 in a township, more than two dogs on premises other than a small dwelling;
 - 7.1.3 outside of a township, more than three dogs on premises (other than working dogs).
- 7.2 For the purposes of Clause 7.1, 'dog' means a dog that is three (3) months of age or older, or a dog that has lost its juvenile teeth.
- 7.3 Clause 7.1 does not apply to:
- 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or
 - 7.3.2 any business involving dogs provided that the business is registered in accordance with the Dog and Cat Management Act 1995, and operating in accordance with all required approvals and consents.
- 7.4 The Council may require that premises which are the subject of an application for permission to keep additional dogs must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 7.5 No dog is to be kept on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

PART 3—DOG CONTROLS

8. Dog Exercise Areas

- 8.1 Subject to Clauses 9 and 10 of this by-law, a person may enter a park in the Council area for the purpose of exercising a dog under his or her effective control.
- 8.2 A person entering a dog exercise area designated by the Council must ensure that any dog under that person's control, charge or authority is under effective control at all times.

Note:

Clause 8.2 is not an offence provision. If a person is exercising a dog in a park or reserve as permitted under this clause and the dog is not under effective control, this gives rise to a dog wandering at large offence under section 43(1) of the Dog and Cat Management Act 1995, for which the owner or person responsible for the dog may be liable.

9. Dog on Leash Areas

A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain:

- 9.1 on Local Government land or a public place to which the Council has resolved this subclause applies; or
- 9.2 on any park or reserve during times when organised sport is being played:
 - unless the dog is secured by a strong leash not exceeding 2 metres in length which is either tethered securely to a fixed object capable of securing the dog or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

10. Dog Prohibited Areas

A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain:

- 10.1 on any children's playground on Local Government land; or
- 10.2 on any other Local Government land or public place to which the Council has determined this subclause applies.

11. Dog Faeces

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under Section 45A (6) of the Dog and Cat Management Act 1995).

PART 4—ENFORCEMENT

12. Orders

- 12.1 If a person engages in conduct that is in contravention of this by-law, an authorised person may order that person:
- 12.1.1 if the conduct is still continuing—to stop the conduct; and
 - 12.1.2 whether or not the conduct is still continuing—to take specified action to remedy the contravention.
- 12.2 A person must comply with an order under this clause.
- 12.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 12.4 However, an authorised person may not use force against a person under this section.

Note:

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This By-law was duly made and passed at a meeting of the Council of the District Council of Copper Coast held on 1 June 2016 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

P. HARDER, Chief Executive Officer

DISTRICT COUNCIL OF THE COPPER COAST

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-law No. 6—Cats

A by-law to limit the number of cats kept on premises and for the management and control of cats in the Council area.

PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Cats By-law 2016 and is By-law No. 6 of the District Council of the Copper Coast.

2. *Authorising Law*

This by-law is made under Section 90 (5) of the Dog and Cat Management Act 1995 and Section 246 of the Act.

3. *Purpose*

The objects of this by-law are to control and manage cats in the Council area:

- 3.1 to promote responsible cat ownership;
- 3.2 to reduce the incidence of public and environmental nuisance caused by cats;
- 3.3 to protect the comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council area.

4. *Commencement, Revocation and Expiry*

4.1 The following by-law previously made by the Council is revoked from the day on which this by-law comes into operation¹:

4.1.1 By-law No. 6—Cats 2009.²

4.2 This by-law will expire on 1 January 2024.³

Note:

¹ Generally a by-law comes into operation 4 months after the day on which it is gazetted: Section 249 (5) of the Act.

² Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

³ Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the gazetting of the by-law.

5. *Application*

This by-law applies throughout the Council's area and operates subject to the Council's Permits and Penalties By-law 2016.

6. *Interpretation*

In this by-law, unless the contrary intention appears;

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *authorised person* has the same meaning as in the Act;
- 6.3 *cat* means an animal of the species *felis catus* which is three months of age or has lost its juvenile canine teeth;
- 6.4 *Council* means District Council of the Copper Coast;
- 6.5 *identified cat* means a cat identified as follows:
 - 6.5.1 by having a collar around its neck where the collar, or a tag securely attached to the collar, is marked with the current address or telephone number of the owner or other person entitled to possession of the cat; or
 - 6.5.2 by means of a microchip implanted in its body containing information that may be used to obtain the current address or telephone number of the owner or other person entitled to possession of the cat.
- 6.6 *keep* includes the provision of food or shelter;
- 6.7 *nuisance* means:
 - 6.7.1 unreasonably interfering with the peace, comfort or convenience of a person, including but not limited to a cat(s) displaying aggressive nature or creating unpleasant noise or odour;
 - 6.7.2 injurious to a person's real or personal property;
 - 6.7.3 obnoxious, offensive or hazardous to health; or

6.7.4 wandering onto land without the consent of the owner or occupier of the land.

6.8 *premises* includes land whether used or occupied for domestic or non-domestic purposes.

Note:

Section 14 of the Acts Interpretation Act 1915 provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-law is made.

PART 2—LIMITS ON CAT NUMBERS

7. *Limits on Cat Numbers*

7.1 Subject to Clause 7.2, a person must not, without the Council's permission, keep or cause, suffer or permit to be kept, on any premises:

- 7.1.1 more than two cats; or
- 7.1.2 a cat of or over the age of 3 months, or which has lost its juvenile canine teeth, unless the cat is an identified cat.

7.2 Clause 7.1 does not apply to premises comprising a business involving the keeping of cats provided that the business is operating in accordance with all required approvals and consents.

8. *Cats not to be a Nuisance*

An owner or occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance.

PART 3—ENFORCEMENT

9. *Orders*

9.1 If a person engages in conduct that is a contravention of this by-law, an authorised person may order that person:

- 9.1.1 if the conduct is still continuing—to stop the conduct; and
- 9.1.2 whether or not the conduct is still continuing—to take specified action to remedy the contravention.

9.2 A person must comply with an order under this clause.

9.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.

9.4 However, an authorised person may not use force against a person under this section.

Note:

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of cats on that person's premises; or
- take the necessary steps to mitigate a nuisance caused by cats.

This by-law was duly made and passed at a meeting of the Council of the District Council of the Copper Coast held on 1 June 2016 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

P. HARDER, Chief Executive Officer

DISTRICT COUNCIL OF STREAKY BAY

CLOSE OF NOMINATIONS

Supplementary Election for Councillor in Flinders Ward

AT the close of nominations at 12 noon on Thursday, 12 May 2016, no nominations were received for the vacancy of Councillor for Flinders Ward.

Accordingly, the Local Government (Elections) Act 1999, Section 8 (1) provides that where a Supplementary Election fails, the Council must appoint an eligible person to the position.

Council appointed Peter Ivan George Hackett to the position.

D. GULLY, Returning Officer

IN the matter of the estates of the undermentioned deceased persons:

Flitt, Robert Winston, late of 6 Pridham Boulevard, Aldinga Beach, retired clerk, who died on 23 January 2016.

Grant, Wanda Amelia, late of 14 Frew Street, Fullarton, of no occupation, who died on 25 December 2015.

Lavender, Eva Beryl, late of 393 Morphett Road, Oaklands Park, of no occupation, who died on 16 January 2016.

Reid, Valerie Mavis, late of 14 Pildappa Avenue, Park Holme, home duties, who died on 13 November 2012.

Ryan, Kevin Charles, late of Sylvan Way, Grange, retired accountant, who died on 5 February 2016.

White, Allan Alfred, late of 56 High Street, Grange, retired sales representative, who died on 17 April 2016.

Winzer, Barry Thomas, late of 53 Willison Road, Elizabeth South, of no occupation, who died on 23 December 2015.

Notice is hereby given pursuant to the Trustee Act 1936, the Inheritance (Family Provision) Act 1972 and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the office of Public Trustee, G.P.O. Box 1338, Adelaide, S.A. 5001, full particulars and proof of such claims, on or before the 8 July 2016, otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver same to the Public Trustee.

Dated 9 June 2016.

D. A. CONTALA, Public Trustee

ATTENTION

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