



# THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

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ADELAIDE, TUESDAY, 4 JULY 2017

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**All public Acts appearing in this gazette are to be considered official, and obeyed as such**

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Department of the Premier and Cabinet  
Adelaide, 4 July 2017

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Legal Practitioners Disciplinary Tribunal, pursuant to the provisions of the Legal Practitioners Act 1981:

Member: (from 10 July 2017 until 9 July 2020)

Maurine Teresa Pyke  
Sashi Jass Maharaj  
Simon Patrick O'Sullivan  
Liesl Jane Chapman  
Robert Lindsay Kennett  
Lesley Hastwell  
Domenico Petracaro  
Debra Ruth Lane  
Patsy Alison Kellett  
Sandra Gail Lilburn  
Anne Gordon Burgess  
Michael John Dean Dawson  
Gary Davis  
Roger Sallis

Presiding Member: (from 10 July 2017 until 9 July 2020)

Maurine Teresa Pyke

Deputy Presiding Member: (from 10 July 2017 until 9 July 2020)

Sashi Jass Maharaj

By command,

JAY WILSON WEATHERILL, Premier

AGO0069/17CS

Department of the Premier and Cabinet  
Adelaide, 4 July 2017

HIS Excellency the Governor in Executive Council has been pleased to appoint Professor Brenda Wilson as Governor's Deputy of South Australia for the period from 8:00 am on Wednesday, 5 July 2017 until 5.00 pm on Thursday, 6 July 2017.

By command,

JAY WILSON WEATHERILL, Premier

Department of the Premier and Cabinet  
Adelaide, 4 July 2017

HIS Excellency the Governor in Executive Council has approved the resignation of his Honour Justice Gregory Parker as the President of the South Australian Civil and Administrative Tribunal, effective from 4 July 2017, pursuant to Section 10 (8) of the South Australian Civil and Administrative Tribunal Act 2013.

By command,

JAY WILSON WEATHERILL, Premier

AGO0084/17CS

Department of the Premier and Cabinet  
Adelaide, 4 July 2017

HIS Excellency the Governor in Executive Council has been pleased to appoint Judith Hughes as a Judge of the Supreme Court of South Australia effective from 4 July 2017, pursuant to the provisions of the Supreme Court Act 1935.

By command,

JAY WILSON WEATHERILL, Premier

AGO0084/17CS

Department of the Premier and Cabinet  
Adelaide, 4 July 2017

HIS Excellency the Governor in Executive Council has been pleased to appoint the people listed as Supplementary Panel Members of the South Australian Employment Tribunal for a period of five years commencing on 4 July 2017 and expiring on 3 July 2022, pursuant to the provisions of the legislation stated below.

Supplementary Panel Members appointed pursuant to Section 18A of the South Australian Employment Tribunal Act 2014 and Section 29 and Section 54 of the Education Act 1972:

Kathryn Bruggemann  
Stan Hagias  
Christine Hatzl  
Greg Petherick  
Jenny Sommer  
Mark Stewart Williams  
Richard Costi  
Robin Harkin  
Ros Maio  
Brendyn David Semmens  
Tony Sullivan

Supplementary Panel Members appointed pursuant to Section 18A of the South Australian Employment Tribunal Act 2014 and Schedule 1 of the Equal Opportunity Act 1984:

Richard Altman  
Elizabeth Anne Bachmann  
Helena Alide Jasinski

Supplementary Panel Members appointed pursuant to Section 18A of the South Australian Employment Tribunal Act 2014 and Schedule 1 of the Fire and Emergency Services Act 2005:

Eero Juhani Haatainen  
Gregory Brian Howard  
Colin James Lindsay  
Andrew Mark Lindsay  
Robert Mark Prime  
Peter John Reynolds  
Mark William Searcy  
Michael Gerrard Shepherd  
Scott Justin Thompson  
Kevin Charles Fischer  
David John Harvey  
Michael Lucas Vander Jeugd  
Neil James Mangelsdorf  
Stephen John Smithson  
Barton John Lewis

Supplementary Panel Members appointed pursuant to Section 18A of the South Australian Employment Tribunal Act 2014 and Schedule 2, Clause 1 of the Public Sector Act 2009:

Jean-Guy Townsend  
Lesley Jean Burford  
Raylene Dawson  
Ligeri Lillia Rozaklis  
David Michael Coombe  
Grace Fitzpatrick  
Ribnga Green  
Robyn Janene Holthouse  
Despina Parente  
Jacqueline Ann Pennington  
Andrew Patrick Martin Porter  
San Russo  
Emma Steel  
Heather Williams  
Jo Mitchell-Smith  
Peter Hewish  
Steven Rapisarda  
Justin Tulloch  
Julie Watson  
Liz Lillecrapp  
Tim Walsh  
Prema Osborne  
Margaret Elizabeth Barnett  
Denise Brine  
Nicole Deacon  
Christine Penelope Koch  
Brenda Thornton  
Natalie McCance  
Olga Ventra  
Joanne Kay Galpin  
Tanya Di Lorenzo  
Duncan Wood  
Hugh Wells  
Linda Hundertmark  
Caroline Henshell  
Helen Stevens  
Sarah Watson  
Kelly White

Fiona Sarah MacDonald  
Tracey Snoad  
Kristian Holling  
Vy Vo  
Angela Lloyd  
Malcolm Haynes  
Michelle Hill  
Cara Kilsby  
Susan Joy Kite

Supplementary Panel Members appointed pursuant to Section 18A of the South Australian Employment Tribunal Act 2014 and Schedule 4, Clause 1 of the Work Health and Safety Act 2012:

Sarah Hills  
Estha van der Linden  
Elisa Pecorelli  
Anthony Penney  
Jenny Briggs  
Rebecca Pickering  
Denis Kildare  
Mark Richard Linke  
Antonietta Colella  
Colin Bruce Shearing  
Tricia Kaukas  
Anna Louise Moeller  
Christopher James Mahoney  
Trevor Edwin Evans  
Jill Cavanough  
Janet Giles  
Erin Hennessey  
Nikki Candy  
Joe Szakacs  
Angas Story  
Luke Westenburg

By command,  
JAY WILSON WEATHERILL, Premier

MIR0017/17CS

Department of the Premier and Cabinet  
Adelaide, 4 July 2017

HIS Excellency the Governor in Executive Council has been pleased to appoint the people listed to the position of Community Visitor for a period of 3 years commencing on 4 July 2017 and expiring on 3 July 2020, pursuant to the provisions of the Mental Health Act 2009.

Trang Huyen Dao  
Andrea Claire Richardson  
Leonie Ridge

By command,  
JAY WILSON WEATHERILL, Premier

HEAC-2017-00046

#### AQUACULTURE ACT 2001

##### *Grant of Aquaculture Lease*

PURSUANT to the provisions of Section 22 of the Aquaculture Act 2001, notice is hereby given of the grant of the following lease for the purposes of aquaculture in the waters of the state:

LA00406

Further details are available for the above lease on the Aquaculture Public Register; which can be found at [http://www.pir.sa.gov.au/aquaculture/aquaculture\\_public\\_register](http://www.pir.sa.gov.au/aquaculture/aquaculture_public_register) or by contacting Aquaculture Leasing and Licensing on 8226 0900.

E. KAESE, Leasing and Licensing Officer

#### ASSOCIATIONS INCORPORATION ACT 1985

##### ORDER PURSUANT TO SECTION 42 (2)

##### *Dissolution of Association*

WHEREAS the Corporate Affairs Commission ('the Commission'), pursuant to Section 42 (1) of the Associations Incorporation Act 1985 ('the Act') is of the opinion that the undertaking or operations of The Friends of Israel Gospel Ministry (Australia) Incorporated ('the Association') being an incorporated association under the Act are being carried on, or would more appropriately be carried on by a company limited by guarantee incorporated under the Corporations Act 2001 (Commonwealth) and whereas the Commission was on 14 March 2017, requested by the Association to transfer its undertaking to The Friends of Israel Gospel Ministry (Australia) Limited (ACN 619 077 271), the Commission, pursuant to Section 42 (2) of the Act does hereby order that at 4 July 2017, the Association will be dissolved, the property of the Association becomes the property of The Friends of Israel Gospel Ministry (Australia) Limited and the rights and liabilities of the Association become the rights and liabilities of The Friends of Israel Gospel Ministry (Australia) Limited.

Given under the seal of the Commission at Adelaide, 27 June 2017.

R. ALOI, A Delegate of the  
Corporate Affairs Commission

#### DEVELOPMENT ACT 1993, NOTICE UNDER SECTION 25 (17): CITY OF UNLEY—RESIDENTIAL GROWTH AND CHARACTER DEVELOPMENT PLAN AMENDMENT PART 1 (EAST)

##### *Preamble*

1. The Residential Growth and Character Development Plan Amendment Part 1 (East) (the Amendment) by the City of Unley 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 26 June 2017.

JOHN RAU, Minister for Planning

#### DEVELOPMENT ACT 1993, SECTION 25 (17): DISTRICT COUNCIL OF GRANT—PORT MACDONNELL AND ENVIRONS DEVELOPMENT PLAN AMENDMENT (PART 1)

##### *Preamble*

1. The Port MacDonnell and Environs Development Plan Amendment (the Amendment) (Part 1) by the District Council of Grant 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 26 June 2017.

JOHN RAU, Minister for Planning

DEVELOPMENT ACT 1993, SECTION 25 (17): CITY OF UNLEY—UNLEY CENTRAL PRECINCT DEVELOPMENT PLAN AMENDMENT

*Preamble*

1. The Unley Central Precinct Development Plan Amendment (the Amendment) by the City of Unley 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 26 June 2017.

JOHN RAU, Minister for Planning

DEVELOPMENT ACT 1993

*Southern Innovation Area Development Plan Amendment—  
Prepared by the Minister—For Public Consultation*

NOTICE is hereby given that the Minister for Planning, pursuant to Sections 24 and 26 of the Development Act 1993, has prepared a Southern Innovation Area Development Plan Amendment (DPA) to amend the following Development Plans:

- Marion Council
- Mitcham (City)
- Onkaparinga Council.

The DPA is intended to support the delivery of zoning improvements to enable integrated land use and transport outcomes from the \$620+ million Government Darlington Upgrade Project including the additional freeway extension and extended Tonsley train line to the Flinders University/Flinders Medical Centre site (Flinders Link).

The DPA will:

- Reflect the needs of a modern and growing university and health precinct through the introduction of a new Regional Activity Zone that provides for a greater range and mix of land uses.
- Provide greater flexibility for intensification of employment, commercial, education, health and technology activities, supported by opportunities for high density residential.
- Provide opportunities for medium to high density residential (including housing for the aged) and supportive low scale retail and commercial development adjacent key activity areas or transport routes.
- Encourage creation of a western gateway to Tonsley and extend the 'high street' environment to Marion Road.
- Increase opportunities for a range of housing styles and densities.
- Provide additional protection to the Warriparinga Wetlands.

The DPA will be on public consultation from Tuesday, 4 July 2017 to Tuesday, 29 August 2017.

There will be two public information sessions held in the Flinders University Foyer, Ground level, 1284 South Road, Tonsley (via Tonsley Boulevard) on:

- (1) Wednesday, 9 August from 4 p.m. to 6.30 p.m.
- (2) Saturday, 12 August from 11 a.m. to 1.30 p.m.

For more information and to view the DPA online visit the Southern Innovation Area amendment webpage:  
[www.saplanningportal.sa.gov.au/en/consultation](http://www.saplanningportal.sa.gov.au/en/consultation)

Copies of the DPA also are available during normal office hours at the Department of Planning, Transport and Infrastructure, Level 5, 50 Flinders Street, Adelaide and the following locations:

View a copy at:

- City of Marion  
245 Sturt Road,  
Sturt, S.A. 5047  
Phone: (08) 8375 6600
- City of Mitcham Civic Centre  
131 Belair Road,  
Torrens Park, S.A. 5062  
Phone: (08) 8372 8888
- City of Onkaparinga  
Ramsay Place,  
Noarlunga Centre, S.A. 5168  
Phone: (08) 8384 0666

Written submissions regarding the DPA should be submitted no later than 5 p.m. on Tuesday, 29 August 2017:

- on the SA Planning Portal:  
[www.saplanningportal.sa.gov.au/en/consultation](http://www.saplanningportal.sa.gov.au/en/consultation)
- by post: G.P.O. Box 1815, Adelaide, S.A. 5001.

Submissions should be marked Southern Innovation Area DPA and sent to The Presiding Member, DPAC, c/o Department of Planning, Transport and Infrastructure.

Your submission should clearly indicate whether you wish to be heard at the public meeting.

Copies of all public submissions will be available for inspection by interested persons at the Department of Planning, Transport and Infrastructure, Level 5, 50 Flinders Street, from Wednesday, 30 August 2017 until Tuesday, 12 September 2017 conclusion of the public meeting, and will also be available for viewing online in the Southern Innovation Area amendment webpage at:  
[www.sa.gov.au/planning/ministerialdpas](http://www.sa.gov.au/planning/ministerialdpas)

The public meeting will be held on Tuesday, 12 September 2017 at 7 p.m. at the Marion Bowling Club, 262 Sturt Road, Marion, at which time interested persons may appear to be heard in relation to the DPA and the submissions. Public meetings may not be held if no submissions are received or if no-one requests to be heard. Please check the Southern Innovation Area amendment webpage at [www.saplanningportal.sa.gov.au/en/consultation](http://www.saplanningportal.sa.gov.au/en/consultation) or the Development Policy Advisory Committee website at [www.dpac.sa.gov.au](http://www.dpac.sa.gov.au) before the scheduled date of the meeting to find out whether it is being held.

If you would like more information about the DPA, please contact the department on telephone number (08) 7109 7007.

M. VRANAT, Secretary,  
Development Policy Advisory Committee

ELECTORAL ACT 1985

*Part 6—Registration of Political Parties*

NOTICE is hereby given, pursuant to Section 42 of the Electoral Act 1985, that I have this day registered the following political party:

Name of Party: Nick Xenophon's SA-BEST Inc

Abbreviation of Party Name: Nick Xenophon's SA-BEST

Dated 4 July 2017.

M. SHERRY, Electoral Commissioner

ECSA 77/2017

ELECTORAL ACT 1985

*Part 6—Registration of Political Parties*

NOTICE is hereby given, pursuant to Section 42 of the Electoral Act 1985, that I have this day registered the following political party:

Name of Party: Australian Conservatives (SA)

Abbreviation of Party Name: Conservatives

Dated 4 July 2017.

M. SHERRY, Electoral Commissioner

ECSA 80/2017

## ENVIRONMENT PROTECTION ACT 1993

*Granting of an Exemption*

THE Environment Protection Authority (EPA) has issued an exemption to Peregrine Corporation Pty Ltd under Section 37 of the Environment Protection Act 1993 in respect of the requirements of Clauses 23 (1) (a) (ii) and 23 (2) of the Environment Protection (Noise) Policy 2007.

This Exemption specifically authorises construction activity resulting in noise with an adverse impact on amenity to be undertaken during hours outside of the provisions prescribed in Clauses 23 (1) (a) (ii) and 23 (2)—Construction noise, of the Environment Protection (Noise) Policy 2007.

This construction activity would otherwise be considered a contravention of a mandatory provision of an environment protection policy and considered an offence.

This exemption is issued subject to the specific operating conditions imposed in the Authorisation.

Dated 27 June 2017.

K. VOGELSANG, Delegate,  
Environment Protection Authority

## FISHERIES MANAGEMENT ACT 2007: SECTION 90 (2)

*Department of Primary Industries and  
Regions SA—Fisheries Division*

NOTICE is hereby given pursuant to Section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by Officers of the Department of Primary Industries and Regions SA, Fisheries and Aquaculture.

5 opera house nets, 4 green string and 1 yellow rope, 3 had clear floats and 2 with milk bottles as floats.

The above items were suspected to have been used, or intended to be used, in contravention of the Fisheries Management Act 2007, and were taken into possession at Whyalla on 25 August 2016.

After the expiration of one month from the date of this notice the item listed above shall, on the order of the Minister for Agriculture, Food and Fisheries, be forfeited to the Crown and shall be either disposed of by sale or destruction.

The above items may be viewed at the Largs North office of the Department of Primary Industries and Regions SA, Fisheries and Aquaculture.

Dated 27 April 2017.

B. BALMER, Prosecutions Co-ordinator

## FISHERIES MANAGEMENT ACT 2007: SECTION 90 (2)

*Department of Primary Industries and  
Regions SA—Fisheries Division*

NOTICE is hereby given pursuant to Section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by Officers of the Department of Primary Industries and Regions SA, Fisheries and Aquaculture.

Rock lobster pot with wire mesh, 2 small green floats, 1 L white float, black rope with red plastic woven neck.

Rock lobster pot with red plastic neck, wire mesh, a small white float and white rope.

Rock lobster pot with red neck, 3 red floats, one with initials G. J. Wilson, wire mesh, red plastic bait basket and green rope.

Rock lobster pot with red plastic woven neck, 2 red floats, green rope, wire mesh.

The above items were suspected to have been used, or intended to be used, in contravention of the Fisheries Management Act 2007, and were taken into possession at Port MacDonnell on 13 June 2017.

After the expiration of one month from the date of this notice the item listed above shall, on the order of the Minister for Agriculture, Food and Fisheries, be forfeited to the Crown and shall be either disposed of by sale or destruction.

The above items may be viewed at the Mount Gambier office of the Department of Primary Industries and Regions SA, Fisheries and Aquaculture.

Dated 26 June 2017.

B. BALMER, Prosecutions Co-ordinator

## FISHERIES MANAGEMENT ACT 2007: SECTION 115

*Exemption No. ME9902937*

TAKE notice that pursuant to Section 115 of the Fisheries Management Act 2007, the holders of Marine Scalefish Fishery licences listed in Schedule 1 (the 'exemption holders'), or their registered masters, are exempt from the provisions of Section 70 of the Fisheries Management Act 2007, and Regulation 7 (b) and Schedule 7 of the Fisheries Management (General) Regulations 2007, but only insofar as the exemption holder may use a Sardine net for the purposes of trade or business in the waters described in Schedule 2 (the 'exempted activity'), subject to the conditions set out in Schedule 3, from 1 July 2017 until 30 June 2018, unless this notice is varied or revoked earlier.

## SCHEDULE 1

Licence No.	Licence Holder
M262	Sime Sarin
M273	Anne Tapley
M354	Mario Valcic
M324	Nansi Nelligan
M429	Sime Sarin
M491	Sime Sarin
M505	Peter White
M274	Brendan Sheehy

## SCHEDULE 2

1. The waters of or near Coffin Bay contained within and bounded by a line commencing at Mean High Water Springs closest to latitude 34°25'44.84"S, longitude 135°12'22.73"E (Point Sir Isaac), then easterly to the location on Mean High Water Springs closest to latitude 34°25'06.25"S, longitude 135°21'31.65"E (Frenchman Bluff), then beginning southerly following the line of Mean High Water Springs to the location on Mean High Water Springs closest to latitude 34°31'19.92"S, longitude 135°22'38.52"E, then westerly to the location on Mean High Water Springs closest to latitude 34°31'19.92"S, longitude 135°21'12.12"E (Point Longnose), then beginning northerly following the line of Mean High Water Springs to the point of commencement.

2. Waters adjacent to Port Lincoln west of the geodesic from the location on Mean High Water Springs closest to latitude 34°32'30.60"S, longitude 136°05'19.80"E (Point Bolingbroke) to the location on Mean High Water Springs closest to latitude 34°43'43.80"S, longitude 135°59'37.80"E (Cape Donington), excluding those waters contained within and bounded by a line commencing at Mean High Water Springs at the shore end of the North Shields jetty, then south-easterly to Maria Point on Boston Island, then beginning southerly following the line of Mean High Water Springs to the light at Point Fanny, then west-south-westerly to the most northerly point of Billy Lights Point, then beginning south-westerly following the line of Mean High Water Springs to the point of commencement.

## SCHEDULE 3

1. This exemption is valid only in respect of fishing activities undertaken on boats that are registered and endorsed on the exemption holder's Marine Scalefish Fishery licence.

2. The exempted activity may only be undertaken using a registered Sardine net that is endorsed on the exemption holder's Marine Scalefish Fishery licence, and is being used pursuant to that licence and the conditions of that licence.

3. The exempted activity must not be undertaken in waters less than 10 m in depth.

4. The exempted activity may only be undertaken using one Sardine net to take Australian Sardine or Australian Anchovy at any one time.

5. While engaged in the exempted activity the exemption holder must not use any other registered device endorsed on their Marine Scalefish Fishery licence.

6. The exemption holder must notify PIRSA Fishwatch on 1800 065 522 prior to conducting the exempted activity and provide the following information:

- the place and time of departure;
- the place and time of landing; and
- Exemption number.

7. While engaged in the exempted activity the exemption holder must have in their possession the copy of this notice, and produce that notice to a Fisheries Officer upon request.

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 28 June 2017.

S. SLOAN, Director,  
Fisheries and Aquaculture

#### FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to Section 115 of the Fisheries Management Act 2007, David Corston (the 'exemption holder') is exempt from Section 52 of the Fisheries Management Act 2007, but only insofar as the exemption holder or a person acting as his agent may take Turbo (*Turbo undulatus*) for the purpose of trade or business from South Australian coastal waters (the 'exempted activity'), subject to the conditions in Schedule 1, from 29 June 2017 until 29 June 2018, unless revoked or varied earlier.

##### SCHEDULE 1

1. The exemption holder may only take Turbo (*Turbo undulatus*) by diving and collection by hand from South Australian Coastal Waters, excluding Aquatic Reserves, Marine Park sanctuary zones and the Adelaide Dolphin Sanctuary.

2. The exemption holder must not take more than 200 kg of Turbo (*Turbo undulatus*) in any one calendar week.

3. The exemption holder must not undertake any other fishing activity whilst engaged in the exempted activity.

4. The exempted activity may only be conducted by David Corston and/or the permitted agents of the exemption holder, Reece Gynell and Tony Lee. Only one person may undertake the exempted activity at any one time.

5. The exemption holder or a person acting as an agent must notify PIRSA Fisheries and Aquaculture prior to departing on a fishing trip by calling 1800 065 522 and providing the following information:

- the name of the person making the call;
- details of the boat that will be used to engage in the exempted activity;
- the time and date the exempted activity will commence;
- an estimated time of landing;
- the place of landing; and
- Exemption number ME9902946.

6. If the exemption holder is not able to land Turbo at the estimated time or place notified in accordance with condition 5 above, they must notify PIRSA Fisheries and Aquaculture by calling 1800 065 522 before the estimated time provided in accordance with condition 5 and provide a new time of landing or place of landing.

7. Within half an hour of landing Turbo the exemption holder must weigh the Turbo and complete the daily log sheet in accordance with condition 8.

8. The exemption holder or a person acting as his agent must ensure that all Turbo (*Turbo undulatus*) taken under the exemption are consigned or delivered to a registered fish processor.

9. The exemption holder must provide the Director, Fisheries and Aquaculture Policy, with separate statistical catch and effort information, in the form of a log sheet as provided by the Director. The exemption holder must complete the log sheet every day and submit a completed monthly log to the Director no later than the 15th day of the month following the month to which the log sheet relates. The log sheet must be submitted to the Director at the address specified on the approved log sheet. If no fishing activity

was undertaken or no fish were taken on a day or during the month, a nil return must be completed and submitted to the Director.

10. The exemption holder must allow a PIRSA Fisheries and Aquaculture employee to accompany the exemption holder at any time whilst undertaking the exempted activity.

11. While engaged in the exempted activity the exemption holder, or a person acting as his agent, must carry or have about or near his person a copy of this notice. Such notice must be produced to a Fisheries Officer upon request.

12. The exemption holder must not contravene or fail to comply with the Fisheries Management Act 2007, or any 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 28 June 2017.

S. SLOAN, Director,  
Fisheries and Aquaculture Policy

#### FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to Section 115 of the Fisheries Management Act 2007, Tony Lee of 21694 Riddoch Highway, Mount Gambier, S.A. 5290 (the 'exemption holder') is exempt from Section 52 of the Fisheries Management Act 2007, but only insofar as the exemption holder or a person acting as his agent may take Turbo (*Turbo undulatus*) for the purpose of trade or business from South Australian coastal waters (the 'exempted activity'), subject to the conditions in Schedule 1, from 29 June 2017 until 29 June 2018, unless revoked or varied earlier.

##### SCHEDULE 1

1. The exemption holder may only take Turbo (*Turbo undulatus*) by diving and collection by hand from South Australian coastal waters, excluding Aquatic Reserves, Marine Park sanctuary zones and the Adelaide Dolphin Sanctuary.

2. The exemption holder must not take more than 3000 kg of Turbo (*Turbo undulatus*) in any consecutive three calendar month period during this exemption.

3. The exemption holder must not undertake any other fishing activity whilst engaged in the exempted activity.

4. The exempted activity may only be conducted by Tony Lee and/or the permitted agent of the exemption holder, Luke Morton Skinner, 608 Wandilo Road, Wandilo S.A. 5291 or Paul Patrick Polacco, 69 The Parade, Brownlow, Kangaroo Island, S.A. 5223. Only one person may conduct the exempted activity at any one time.

5. The exemption holder or a person acting as an agent must notify PIRSA Fisheries and Aquaculture prior to departing on a fishing trip by calling 1800 065 522 and providing the following information:

- the name of the person making the call;
- details of the boat that will be used to engage in the exempted activity;
- the time and date the exempted activity will commence;
- an estimated time of landing;
- the place of landing; and
- Exemption number ME9902945.

6. If the exemption holder is not able to land Turbo at the estimated time or place notified in accordance with condition 5 above, they must notify PIRSA Fisheries and Aquaculture by calling 1800 065 522 before the estimated time provided in accordance with condition 5 and provide a new time of landing or place of landing.

7. Within half an hour of landing Turbo the exemption holder must weigh the Turbo and complete the daily log sheet in accordance with condition 8.

8. The exemption holder or a person acting as his agent must ensure that all Turbo (*Turbo undulatus*) taken under the exemption are consigned or delivered to a registered fish processor.

9. The exemption holder must provide the Director, Fisheries and Aquaculture Policy, with separate statistical catch and effort information, in the form of a log sheet as provided by the Director. The exemption holder must complete the log sheet every day and submit a completed monthly log to the Director no later than the 15<sup>th</sup> day of the month following the month to which the log sheet relates. The log sheet must be submitted to the Director at the address specified on the approved log sheet. If no fishing activity was undertaken or no fish were taken on a day or during the month, a nil return must be completed and submitted to the Director.

10. The exemption holder must allow a PIRSA Fisheries and Aquaculture employee to accompany the exemption holder at any time whilst undertaking the exempted activity.

11. While engaged in the exempted activity the exemption holder, or a person acting as his agent, must carry or have about or near his person a copy of this notice. Such notice must be produced to a Fisheries Officer upon request.

12. The exemption holder must not contravene or fail to comply with the Fisheries Management Act 2007, or any 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 28 June 2017.

S. SLOAN, Director,  
Fisheries and Aquaculture Policy

#### LOCAL GOVERNMENT ACT 1999

##### *2017 Mount Barker, Totness and Littlehampton Stormwater Management Plan*

NOTICE is hereby given in accordance with Clause 19 (3) of Schedule 1A of the Local Government Act 1999, that the 2017 Mount Barker, Totness and Littlehampton Stormwater Management Plan prepared by the Mount Barker District Council was approved by the Stormwater Management Authority on 3 May 2017.

Dated 30 June 2017.

Executed for and on behalf of the Stormwater Management Authority by its Presiding Member pursuant to a resolution of the Board and in the presence of:

STEPHEN HAINS, Presiding Member  
STEVEN MORTON, General Manager,  
Stormwater Management Authority

#### 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: SA Exploration Pty Ltd

Location: Pine Creek Area—Approximately 45 km east-south-east of Peterborough.

Term: 2 years

Area in km<sup>2</sup>: 235

Reference number: 2017/00107

Plan and co-ordinates can be found on the Department of the Premier and Cabinet website:

[http://www.minerals.dpc.sa.gov.au/exploration/public\\_notices](http://www.minerals.dpc.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.dpc.sa.gov.au/land\\_access/community\\_information](http://www.minerals.dpc.sa.gov.au/land_access/community_information)  
or hard copy on request to Mineral Tenements.

J. MARTIN, Mining Registrar,  
Department of the Premier and Cabinet,  
Delegate of the Minister for Mineral Resources and Energy

#### MENTAL HEALTH ACT 2009

NOTICE is hereby given in accordance with Section 93 (1) of the Mental Health Act 2009, that the Chief Psychiatrist has determined the following persons as Authorised Medical Practitioners:

Martin Downs  
Georgina Weir

A determination will be automatically revoked upon the person being registered as a specialist psychiatrist with the Australian Health Practitioner Regulation Agency and as a fellow of the Royal Australian and New Zealand College of Psychiatrists.

A. GROVES, Chief Psychiatrist

#### MENTAL HEALTH ACT 2009

NOTICE is hereby given in accordance with Section 97A of the Mental Health Act 2009, that the Chief Psychiatrist has determined the following facilities as Authorised Community Mental Health Facilities:

Beachside Home and Woodland Home of Northgate House,  
78-96 Dumfries Avenue, Northgate, S.A. 5085.

A. GROVES, Chief Psychiatrist

#### NATIONAL ELECTRICITY LAW

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

Under s 107, the time for making the draft determination on the *Five Minute Settlement* (Ref. ERC0201) proposal has been extended to **5 September 2017**.

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, N.S.W. 2000

Telephone: (02) 8296 7800

[www.aemc.gov.au](http://www.aemc.gov.au)

4 July 2017.

#### NATIONAL PARKS AND WILDLIFE ACT 1972

##### *South Australian Commercial Kangaroo Management Plan 2018-2022—Draft*

I, JOHN ERWIN SCHUTZ, Director of National Parks and Wildlife, hereby give notice under the provisions of Section 60I of the National Parks and Wildlife Act 1972, that a draft of the South Australian Commercial Kangaroo Management Plan 2018-2022 is now available for public comment.

The draft plan is available online from the Department of Environment, Water and Natural Resources (DEWNR) at:

- DEWNR Kangaroo Conservation and Management website <http://www.environment.sa.gov.au/managing-natural-resources/plants-and-animals/Abundant-species/kangaroo-conservation-and-management>, and
- The South Australian Government's YourSAy website <https://www.yoursay.sa.gov.au>.

Hard copies of the plan are available on request.

Any person may make representations in connection with the draft management plan during the period up to and including 8 October 2017.

Written comments should be forwarded to Amanda McLean, Kangaroo Ecologist/Policy Officer, Natural Resources SA Arid Lands, Department of Environment, Water and Natural Resources, P.O. Box 78, Port Augusta, S.A. 5700 or e-mailed to [kmp@sa.gov.au](mailto:kmp@sa.gov.au).

Dated 4 July 2017.

J. E. SCHUTZ, Director of National Parks and Wildlife,  
Delegate of the Minister for Sustainability,  
Environment and Conservation

#### OATHS ACT 1936

##### *Notice of Termination of Appointment of Proclaimed Members of the Police Force to take Declarations and Attest the Execution of Documents*

NOTICE BY THE ATTORNEY-GENERAL

PURSUANT to Section 33 (3) of the Oaths Act 1936, the appointment of the persons named below to take declarations and attest the execution of documents has, by virtue of the operation of Section 33 (2) (b) of that Act, been terminated by reason of those persons ceasing to be members of the Police Force:

Martin Bazeley, appointed 4 January 1996;  
Dennis Arthur Blowes, appointed 28 September 2006;  
Neville Maurice Bone, appointed 28 September 2006;  
Kelvin Brian Brinkley, appointed 28 February 2017;  
Joseph John Butler, appointed 15 November 2001;  
Geoffrey Lionel Capper, appointed 13 March 2009;  
Michael John Cornish, appointed 22 May 2003;  
Brian Devitt, appointed 22 May 2003;  
Ian Paul Drummond, appointed 15 November 2001;  
Norman John Elliott, appointed 11 March 1999;  
John William Fassbender, appointed 23 September 2015;  
Scott Allan Favero, appointed 19 December 2013;  
Peter Kenneth Feltus, appointed 20 July 2000;  
Rickie John Foweraker, appointed 1 May 1997;  
Joseph Andrew Gallina, appointed 20 August 2015;  
Christopher John Gill, appointed 11 March 1999;  
John Michael Graetz, appointed 15 November 2001;  
Marita Catherine Halpin, appointed 11 November 2015;  
Bruce Craig James-Martin, appointed 7 October 1987;  
William Kierns, appointed 27 May 2004;  
Stephen Joseph Lawless, appointed 28 September 2006;  
Roy Armand Lisman, appointed 28 September 2006;  
Christopher Gert Loebell, appointed 13 March 2008;  
Nicholas Russell Maiden, appointed 1 July 2004;  
Paul David Murdoch, appointed 28 July 2011;  
Terrence Alan Obee, appointed 15 November 2001;  
James Pio O'Connell, appointed 28 April 2016;  
Stuart Paxton, appointed 11 March 1999;  
Jillian Gwen Pearce, appointed 30 April 2009;  
Nicholas Pipinias, appointed 8 October 2009;  
Angela Raffin, appointed 19 December 2013;  
Michael Andrew Richardson, appointed 22 May 2003;  
Ian Rodney Schlein, appointed 15 November 2001;  
Paul Anthony Shacklady, appointed 20 August 2015;  
Tamara Joan Sheridan, appointed 10 July 2014;  
Simon Colin Shillabeer, appointed 8 October 2009;  
Roger Kenneth Hugh Sketchley, appointed 27 January 2012;  
Raymond John Sparrow, appointed 15 November 2001;  
Andrew Morrell Speck, appointed 26 July 2012;  
Paul Robert Summerton, appointed 28 February 2017;  
Katherine Anne Sykes, appointed 28 September 2006;  
David Wardrop, appointed 13 March 2008;  
Leith Graham Wasley, appointed 11 December 1987;  
Mark Neil Weaver, appointed 27 May 2004.

Dated 20 June 2017.

JOHN RAU, Deputy Premier  
Attorney-General

#### PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

##### *Suspension of Petroleum Production Licence—PPL 21*

PURSUANT to Section 90 of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that the abovementioned Petroleum Production Licence has been suspended for the period from and including 28 April 2017 to 27 April 2018, under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 31 March 2017.

The expiry date of PPL 21 is now determined to be 30 April 2022.

Dated 26 June 2017.

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

#### DETERMINATION OF THE REMUNERATION TRIBUNAL

No. 5 OF 2017

*Auditor-General, Electoral Commissioner,  
Deputy Electoral Commissioner, Health and  
Community Services Complaints Commissioner*

##### SCOPE OF DETERMINATION

1. The Remuneration Tribunal has jurisdiction pursuant to Section 14 of the Remuneration Act 1990 ('the Act'), to determine the remuneration payable to the Auditor-General, Electoral Commissioner, Deputy Electoral Commissioner and Health and Community Services Complaints Commissioner.

2. The Tribunal determines that the salaries payable to the statutory office holders referred to above shall be as follows.

##### SALARY

##### 3. *Auditor-General*

The salary of the office of Auditor-General shall be \$319 049 per annum.

##### 4. *Electoral Commissioner*

The salary of the office of Electoral Commissioner shall be \$199 903 per annum between the dates 1 January 2017 to 19 February 2017. This salary will increase to \$227 000 per annum on 20 February 2017.

##### 5. *Deputy Electoral Commissioner*

The salary of the office of Deputy Electoral Commissioner shall be \$145 384 per annum between the dates 1 January 2017 to 3 May 2017. This salary shall increase to \$170 000 per annum on and from 4 May 2017.

When acting as Electoral Commissioner for a continuous period of more than one week, the Deputy Electoral Commissioner will be paid for the acting period at the rate of the salary for the Electoral Commissioner.

##### 6. *Health and Community Services Complaints Commissioner*

The salary of the office of Health and Community Services Complaints Commissioner shall be \$235 120 per annum.

##### TRAVELLING AND ACCOMMODATION ALLOWANCES

7. The allowances will be paid in accordance with the Tribunal's most recent Determination on these allowances as amended from time to time.

##### COMMUNICATION ALLOWANCE

8. The allowance will be paid in accordance with the Tribunal's most recent Determination on this allowance as amended from time to time.



## CONVEYANCE ALLOWANCE

9. The allowance will be paid in accordance with the Tribunal's most recent Determination on this allowance as amended from time to time.

## DATE OF OPERATION

10. The salaries prescribed in this Determination are operative on and from 1 January 2017, with the exception of the salary applicable to the offices of Electoral Commissioner and Deputy Electoral Commissioner, for which the operative dates are the date as per Clauses 4 and 5 of this Determination.

Dated 29 June 2017.

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

## REMUNERATION TRIBUNAL

## REPORT RELATING TO DETERMINATION 5 OF 2017

*2017 Review of Remuneration for the Auditor-General, Electoral Commissioner, Deputy Electoral Commissioner and Health and Community Services Complaints Commissioner*

## INTRODUCTION

1. The Remuneration Tribunal ('the Tribunal') is responsible pursuant to Section 14 of the Remuneration Act 1990 ('the Act'), for determining the remuneration payable to the following statutory office holders:

- the Auditor-General;
- the Electoral Commissioner;
- the Deputy Electoral Commissioner; and
- the Health and Community Services Complaints Commissioner.

2. In accordance with Section 10 (2) of the Act, prior to the Tribunal making its Determination, it must allow the parties who are affected by its Determination a reasonable opportunity to make submissions. The Tribunal wrote to the above parties on 20 December 2016 inviting submissions for the purposes of the Tribunal's annual review of remuneration payable to those offices. The Tribunal also wrote to the Honourable Premier ('the Premier') as Minister responsible for the Act, inviting submissions in the public interest.

## BACKGROUND

3. The last review of remuneration for the abovementioned statutory office holders was conducted in 2016, whereby the Tribunal increased that remuneration by 2.5 per cent, with an operative date of 1 July 2015.

4. A discrete review of the salary of the Electoral Commissioner was conducted by the Tribunal as part of the 2016 review. The review of the Electoral Commissioner's salary was a consequential effect of various amendments made to the Electoral Act 1985 ('the Electoral Act'), which brought about material changes to the value of the Electoral Commissioner's work. The Tribunal reported accordingly in 2016, and increased the salary of the Electoral Commissioner from \$190 457 to \$227 000 per annum.

5. In the Tribunal's 2016 Report<sup>1</sup> the Tribunal foreshadowed a discrete review of the salary of the Deputy Electoral Commissioner. Paragraph 5 of that report states:

*'The Tribunal will conduct a separate review of the salary of the Deputy Electoral Commissioner, which will take place at a later date and after the appointment of a new Electoral Commissioner.'*

6. A new Electoral Commissioner was appointed with effect 20 February 2017, and that appointment was published in the *Government Gazette* on 27 January 2017.

7. On 20 December 2016 and 2 February 2017, the Tribunal wrote to the Electoral Commissioner and the Deputy Electoral Commissioner, notifying those parties of the Tribunal's intention to conduct a discrete review of the salary of the Deputy Electoral Commissioner.

<sup>1</sup> Remuneration Tribunal Report 4 of 2016-Annual Review of Remuneration of Statutory Office Holders

## SUBMISSIONS

8. The Tribunal received written submissions from the Office for the Public Sector, on behalf of the Premier and the Crown Solicitor's Office, on behalf of the Premier.

9. A hearing was convened on 21 March 2017 and the following parties appeared:

- Ms Carly Cooper, Crown Solicitor's Office, on behalf of the Premier;
- Ms Alice Hateley, Office for the Public Sector, on behalf of the Premier;
- Mr Michael Sherry, Electoral Commissioner; and
- Mr David Gully, Deputy Electoral Commissioner.

10. It was submitted on behalf of the Premier that, in the course of previous reviews, the Tribunal has had regard to remuneration increases applicable in the broader public sector, and particularly increases applicable to Public Sector Executives.

11. It was further submitted on behalf of the Premier that the Tribunal should have regard to the following economic factors in its review of remuneration:

- The economic indices published by the Australian Bureau of Statistics for:
  - The Wage Price Index ('WPI') for South Australia, which indicated that the costs of employment in South Australia had increased by 2.3% over the 12 months to September 2016 and is slightly higher than the national WPI figure of 2.0% nationally;
  - The Consumer Price Index ('CPI') for South Australia (all groups) which showed an increase of 1.2% for the year to September 2016, which was slightly lower than 1.3% nationally; and
  - The Underlying Inflation rate for September 2016, which showed the measure of 'underlying' inflation in Australia at an annual growth of 1.5% (weighted mean).
- *The South Australian Public Sector Wages Parity Enterprise Agreement: Salaried 2014* was approved before the Industrial Relations Commission of South Australia on 4 December 2014 and included general salary increases of 2.5% per annum in 2014, 2015 and 2016.
- The 2016 review of Public Service Executive Remuneration approved an increase of 1.5%, with an operative date of 1 July 2016.

12. The Electoral Commissioner and the Deputy Electoral Commissioner appeared on 21 March 2017 to discuss the Tribunal's procedure in relation to the review of the remuneration of the Deputy Electoral Commissioner.

13. As a role description for the Deputy Electoral Commissioner would need to be provided by the Electoral Commissioner, in light of recent amendments to the Electoral Act, it was decided that the Premier's representative would be given an opportunity to make a submission when that role description was produced. That written submission was received on 7 June 2017.

14. The Deputy Electoral Commissioner was given an opportunity to make a submission in reply, which was acknowledged by the Tribunal on 14 June 2017.

15. The Crown Solicitor's Office, on behalf of the Premier, was given an opportunity to make an additional submission in reply. That submission was received on 20 June 2017.

## DEPUTY ELECTORAL COMMISSIONER

16. The Tribunal is advised that, at the time of writing, the relevant salaries of Deputy Electoral Commissioners from other States and Territories is as follows:

State/Territory	Salary \$
New South Wales .....	157 923–225 209
Victoria .....	201 425
Western Australia .....	190 776
Queensland .....	161 902–188 396
<b>South Australia (prior to this Determination) .....</b>	<b>141 977</b>
Northern Territory .....	129 137–140 750
Tasmania .....	111 465–119 047
Australian Capital Territory .....	No Deputy

17. The average of the maximum salaries of other Deputy Electoral Commissioners throughout Australia (excluding S.A.) is \$177 601.

18. Based on the information before the Tribunal, and notwithstanding the differences between jurisdictions, the Tribunal has observed that the current remuneration payable to the Deputy Electoral Commissioner of South Australia is comparatively lower than the remuneration payable to other State and Territory Deputy Electoral Commissioners.

19. The outcome of the review will place the salary of the Deputy Electoral Commissioner within the matrix of remuneration payable to similar office holders throughout other States and Territories as follows:

State/Territory	Salary \$
New South Wales .....	157 923–225 209
Victoria .....	201 425
Western Australia .....	190 776
Queensland .....	161 902–188 396
<b>South Australia (after this Determination) .....</b>	<b>170 000</b>
Northern Territory .....	129 137–140 750
Tasmania .....	111 465–119 047
Australian Capital Territory .....	No Deputy

20. The Tribunal notes that the parties have made submissions in respect of the duties of the Deputy Electoral Commissioner, including the extent to which functions of the Electoral Act are delegated to the Deputy Electoral Commissioner, by the Electoral Commissioner.

21. The Deputy Electoral Commissioner has submitted that there has been a significant reorganisation to the management structure of the Electoral Commission, resulting in increased responsibilities assigned to the office of Deputy Electoral Commissioner. A summary of those organisational changes was provided with that submission.

22. The Tribunal has given consideration to the delegation of the functions to the Deputy Electoral Commissioner, by the Electoral Commissioner, pursuant to the Electoral Act, and in addition, the matters of reorganisation within the management structure of the Electoral Commission. The Tribunal therefore has decided that the salary of the Deputy Electoral Commissioner will be an amount of \$170 000 per annum.

## CONCLUSION

23. The Tribunal has decided to increase the salaries of the statutory officers at Paragraph 1 of this report by 2.4 per cent.

24. The Tribunal has decided to make an additional and discrete Determination for the office of Deputy Electoral Commissioner, which will be applicable on and from 4 May 2017.

25. The Tribunal has therefore determined that the salary for the:

- Electoral Commissioner be \$199 903, per annum operative between the dates 1 January 2017 to 19 February 2017. This salary will increase to \$227 000 per annum on and from 20 February 2017;

- Auditor-General be \$319 049 per annum;
- Deputy Electoral Commissioner be \$145 384 per annum, operative between the dates 1 January 2017 and 3 May 2017. This salary will increase to \$170 000 per annum on and from 4 May 2017; and
- Health and Community Services Complaints Commissioner be \$235 120 per annum.

## OPERATIVE DATE

26. The salaries prescribed in Paragraph 25 of the accompanying Determination are operative on and from 1 January 2017, with the exception of the salary applicable to the Electoral Commissioner and Deputy Electoral Commissioner of South Australia, for which the operative dates are as per Paragraph 25 of this Report.

Dated 29 June 2017.

J. LEWIN, President

P. ALEXANDER, Member

P. MARTIN, Member

## REMUNERATION TRIBUNAL

## REPORT NO. 6 OF 2017

*2017 Review of Salary for Presidential Members of  
the South Australian Civil and Administrative Tribunal*

## INTRODUCTION

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.

2. The relevant statutory provisions are as follows:

- 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);
- 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
- 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).

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.

## BACKGROUND

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.

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.

6. In accordance with the provisions of the Remuneration Act 1990 ('the Act'), the Remuneration Tribunal, by letters dated 9 May 2017, 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.

#### SUBMISSIONS

7. The Tribunal received submissions from the JRCC and the Crown Solicitor's Office, on behalf of the Premier, in the public interest.

#### 8. *Judicial Remuneration Coordinating Committee*

The JRCC, on behalf of the President and Deputy President of SACAT, submitted that no change should be made to the percentage of the loadings payable to the presidential members of SACAT.

#### 9. *Crown Solicitor's Office on behalf of the Premier*

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 the prescribed percentages of the loadings payable to the presidential members of SACAT should not be varied.

#### CONCLUSION

10. The Tribunal has completed its annual review of additional salary for the presidential members of SACAT.

11. Based on the submissions of the parties, and all of the information before it, the Tribunal has reached a decision that no change should be made to the loadings payable to the presidential members of SACAT, as outlined in Determination 2 of 2015 and restated in Determination 8 of 2016.

12. 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.

Dated 29 June 2017.

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

#### DETERMINATION OF THE REMUNERATION TRIBUNAL

NO. 7 OF 2017

#### *2017 Review of Salary of the Governor of South Australia*

#### DETERMINATION

1. The Tribunal determines that the salary of the Governor of South Australia shall be \$323 183 per annum.

2. The operative date of this Determination shall be 1 January 2017.

Dated 29 June 2017.

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

#### REMUNERATION TRIBUNAL

#### REPORT RELATING TO DETERMINATION 7 OF 2017

#### *2017 Review of Salary of the Governor of South Australia*

#### INTRODUCTION

1. The Remuneration Tribunal ('the Tribunal') has 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 His Excellency 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.

#### BACKGROUND

2. 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 the Constitution Act at the rate of 75% of a puisne judge of the Supreme Court of South Australia. This arrangement no longer applies.

3. In 2016, the Tribunal issued its inaugural Determination<sup>1</sup> of salary of the Governor of South Australia, resulting in that salary being fixed at \$315 608 per annum, operative from 11 February 2016.

4. In accordance with Section 10 (2) of the Act, the Tribunal, by letter dated 9 May 2017, 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 Attorney-General and the Premier, as Minister responsible for the Act, to make submissions in the public interest.

<sup>1</sup> Determination 7 of 2016—Inaugural Determination of Salary for the Governor of South Australia

#### SUBMISSIONS

5. The Official Secretary to the Governor wrote to the Tribunal on 23 May 2017, advising that the Governor does not intend to make a submission in relation to the Tribunal's Determination of the Governor's salary in 2017.

6. The Crown Solicitor's Office, on behalf of the Premier, wrote to the Tribunal on 22 May 2017, advising that the Premier does not wish to make a submission in relation to the determination of the Governor's salary by the Tribunal.

#### CONCLUSION

7. The Tribunal has decided to adjust the salary of the Governor, having regard to the Tribunal's Determination for judicial officers<sup>2</sup>, issued in 2017. Consequently, the salary of the Governor shall be \$323 183 per annum.

<sup>2</sup> Remuneration Tribunal Determination 4 of 2017—Review of the Remuneration of the Members of the Judiciary and other offices.

8. The Tribunal is of the view that the operative date of its Determination should be 1 January 2017.

Dated 29 June 2017.

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

#### ROADS (OPENING AND CLOSING) ACT 1991: SECTION 24

#### NOTICE OF CONFIRMATION OF ROAD PROCESS ORDER

#### *North Coast Road, Stokes Bay, Kangaroo Island*

BY Road Process Order made on 15 October 2015, the Kangaroo Island Council ordered that:

1. Portion of Certificate of Title Volume 5829, Folio 216, more particularly delineated and numbered '2' on Preliminary Plan No. 13/0026 is to be opened as road.

2. Portion of Certificate of Title Volume 5954, Folio 384, more particularly delineated and numbered '1' on Preliminary Plan No. 13/0026 is to be opened as road.

3. Portions of North Coast Road situated adjoining Allotment 19 in Deposited Plan 67977, more particularly delineated and lettered 'A' and 'B' on Preliminary Plan No. 13/0026 is to be closed.

4. The road being opened in Schedule 2 is being exchanged for the land being closed in Schedule 3 in accordance with the Agreement for Exchange dated 20 September 2013, entered into between the Kangaroo Island Council and Larcombe Holdings Pty Ltd.

5. The road being opened in Schedule 1 is being transferred to the Kangaroo Island Council in accordance with the Agreement for Road Opening dated 30 September 2013, entered into between the Kangaroo Island Council and John Bruce Crawford and Colleen Kay Crawford.

On 27 June 2017 that order was confirmed by the Minister for Transport and Infrastructure, conditionally upon the deposit by the Registrar-General of Deposited Plan 92520, 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 4 July 2017.

M. P. BURDETT, Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991:  
SECTION 24

**NOTICE OF CONFIRMATION OF ROAD  
PROCESS ORDER**

*Range Road and Gerritsen Road, Cadgee and The Gap*

BY Road Process Order made on 8 August 2014, the Naracoorte Lucindale Council ordered that:

1. Portion of Sections 433 and 353, Hundred of Hynam and Piece 25 in Deposited Plan 20909, more particularly delineated and numbered '1' and '6' on Preliminary Plan No. 13/0002 is to be opened. Forming the realignment of Range Road.

2. Portion of Sections 433 and 353, Hundred of Hynam and Piece 25 in Deposited Plan 20909, more particularly delineated and numbered '2', '3', '4' and '5' on Preliminary Plan No. 13/0002 is to be opened. Forming the realignment of Range Road.

3. The portion of Range Road situated adjoining Section 433, Hundred of Hynam more particularly delineated and lettered 'D' on Preliminary Plan No. 13/00032 is to be closed.

4. Portions of Gerritsens Road and Range Road situated adjoining Sections 352 and 353, Hundred of Hynam more particularly delineated and lettered 'E' and 'F' on Preliminary Plan No. 13/00032 is to be closed.

5. The road being opened in Schedule 2 is being transferred to the Naracoorte Lucindale Council in accordance with the Agreement for Road Opening dated 26 May 2017, entered into between the Naracoorte Lucindale Council and Ian Andrew Stewart Winters.

6. The road being opened in Schedule 1 is being exchanged for the land being closed in Schedules 3 and 4 in accordance with the following orders:

(i) The road being opened and numbered '1' on Preliminary Plan No. 13/0002 is being exchanged for the whole of land subject to closure lettered 'D' in accordance with the Agreement for Exchange 20 December 2013, entered into between the Naracoorte Lucindale Council and Andrew John Green.

(ii) The road being opened and numbered '6' on Preliminary Plan No. 13/0002 is being exchanged for the whole of land subject to closure lettered 'E' and 'F' in accordance with the agreement for Exchange 20 December 2013, entered into between the Naracoorte Lucindale Council and Karel Gerardus Gerritsen and Margaretha Maria Gerritsen.

On 21 November 2014 that order was confirmed by the Minister for Transport and Infrastructure, conditionally upon the deposit by the Registrar-General of Deposited Plan 94999 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 4 July 2017.

M. P. BURDETT, 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 23 June 2017, 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
75859	Aldridge, Mark William
75012	Clark, Paul Clifford
74572	Deuter, Jonathan Paul
75761	Dobbin, Nicholas Victor
75261	Ellis, Lorelie Elisabeth
75760	Gerhardy, Joel David
74175	Keenan, Matthew David
75925	Ormesher, Luke Andrew
76039	Osborne, Scott William
75951	Slattery, Phillip Adrian
77181	Smith, Kirsty Anne
75873	Webb, James Patrick

GRANT STEVENS, Commissioner of Police

**SOUTH AUSTRALIA****CASINO ACT 1997****GR Notice No. 3 of 2017****Adelaide Casino—Basic Training—Recognition  
Notice 2017***[4 July 2017]*

The Independent Gambling Authority publishes this notice under Section 33A of the *Casino Act 1997*:

**1. Citation, authorising provisions**

- (1) This notice may be cited as the Adelaide Casino—Basic Training Recognition Notice 2015.
- (2) This notice is authorised by Section 33A of the *Casino Act 1997*.

**2. Recognised course of training**

- (1) This notice applies to the basic training course described in an application made by Skycity Adelaide Pty Ltd ABN 72 082 362 061 held on File No. AUTH 14/0063 Part 2.
- (2) The course of training identified in the table is recognised as basic training for provision from the date indicated.

**TABLE**

<i>Course documentation description</i>	<i>Date of first provision</i>
Version 2 (23/3/2017)	4 July 2017

## SOUTH AUSTRALIA

## CASINO ACT 1997

## GR Notice No. 4 of 2017

**Adelaide Casino—Advanced Training—Recognition  
Notice 2017***[4 July 2017]*

The Independent Gambling Authority publishes this notice under section 33A of the *Casino Act 1997*:

**1. Citation, authorising provisions**

(1) This notice may be cited as the Adelaide Casino—Advanced Training—Recognition Notice 2017.

(2) This notice is authorised by section 33A of the *Casino Act 1997*.

**2. Recognised course of training**

(1) This notice applies to the advanced training course described in an application made by Skycity Adelaide ABN 72 082 362 061 held on File No. AUTH 14/0063 Part 2.

(2) The course of training identified in the table is recognised as advanced training for provision from the date indicated.

TABLE

<i>Course documentation description</i>	<i>Date of first provision</i>
Version 2 (23/3/2017)	4 July 2017

DEVELOPMENT ACT 1993, SECTION 29 AMENDMENTS  
(STATE HERITAGE PLACE LISTINGS WITHIN DEVELOPMENT PLANS)

*Preamble*

It is necessary to amend the following Development Plans in order to insert and amend State Heritage place listings:

1. Adelaide (City) Development Plan—consolidated 20 June 2017.
2. Grant Council Development Plan—consolidated 11 February 2016.
3. Norwood, Payneham and St Peters (City) Development Plan—consolidated 30 May 2017.
4. Onkaparinga Council Development Plan—consolidated 30 May 2017.
5. West Torrens Council Development Plan—consolidated 30 May 2017.

## NOTICE

PURSUANT to 29 (2) (3) (a) and 29 (2) (b) (ii) of the Development Act 1993, I:

1. Amend the Adelaide (City) Development Plan as follows:

(a) within Table Adel/1 State Heritage Places, replace the Heritage ID 26350 row with the following row:

111-124 MacKinnon Parade and 51 Finmiss Street, North Adelaide	Kathleen Lumley College including Amenities Wing, Residential Wing, Master's Residence, Central and Front Gardens, Transformer Building, Southern Boundary Walls and Gates	A1	D80242	CT 6045/420	e g	26350
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(b) within Table Adel/1 State Heritage Places, replace the Heritage ID 10983 row with the following row:

2-10 Flinders Street, Adelaide	Pilgrim Uniting (previously Stow Memorial) Church	A829 A829	F181671 F181671	CT 5936/934 CT 5936/935		10983
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(c) within Table Adel/1 State Heritage Places, replace the Heritage ID 13393 row with the following row:

147 Frome Street, and 37-43 Sudholz Place, Adelaide	Offices (former Reid, Jay and Co. Stables and Residential Quarters)	A10	D24175	CT 5407/98		13393
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(d) within Table Adel/1 State Heritage Places, replace the Heritage ID 10770 row with the following row:

Corner of Gilles Arcade and Playhouse Lane, Adelaide	Former Queen's (sometime Royal Victoria) Theatre and Horse Bazaar	FCP A20	C27340 D46141	CT 6097/555 CT 6097/557		10770
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(e) within Table Adel/1 State Heritage Places, replace the Heritage ID 16927 row with the following row:

Goodman Crescent in The University of Adelaide, Adelaide	Memorial to Sir Thomas Elder, The University of Adelaide	S693	H105100	CT 5685/768	e g	16927
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(f) within Table Adel/1 State Heritage Places, replace the Heritage ID 13403 row with the following row:

11 and 15 Ruthven Avenue, Adelaide	Dwelling	A335 A336	F181177 F181178	CT 5390/940 CT 5780/621		13403
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(g) within Table Adel/1 State Heritage Places, replace the Heritage ID 13105 row with the following row:

10-14 Grenfell Street, Adelaide	Tattersalls Building	A4	F31390	CT 5585/334		13105
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(h) within Table Adel/1 State Heritage Places, replace the Heritage ID 13559 row with the following row:

161-175 Melbourne Street, and 19 Jerningham Street, North Adelaide	The Lion Hotel (former Old Lion Brewery, Chimney & Hotel)	A20 A21	D45773 D45773	CT 5391/60 CT 5878/176		13559
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(i) within Table Adel/1 State Heritage Places, replace the Heritage ID 13424 row with the following row:

161-162 East Terrace, Adelaide	Dwelling (‘Craigweil’)	A6	D1257	CT 5643/276		13424
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(j) within Table Adel/1 State Heritage Places, replace the Heritage ID 13462 row with the following row:

147-159 Hill Street and 140 Mills Terrace, North Adelaide	Dwelling	A865	F183327	CT 5555/304		13462
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(k) within Table Adel/1 State Heritage Places, replace the Heritage ID 13455 row with the following row:

73-79 Halifax Street, Adelaide	Chimney Stack and former Disinfector Building of former City Destructor Complex	A4 A22	D55094 D55398	CT 5812/58 CT 5812/68	e	13455
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(l) within Table Adel/1 State Heritage Places, replace the Heritage ID 13535 row with the following row:

24 Brougham Place, and Lot 101 Ward Street, North Adelaide	Dwelling and Domestic Outbuilding - St Margaret's and Stable (former)	A103 A101	D70963 D70963	CT 5970/186 CT 5970/184		13535
--	--	--------------	------------------	----------------------------	--	-------

2. Amend the Grant Council Development Plan as follows:

(a) within Table Gra/4 State Heritage Places, insert the following row:

640 McLeans Road, Mount Schank	Mount Salt Limestone Track	A57	F935	CT 6152/401	b	26430
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(b) replace Overlay Map Gra/1 - Heritage with the contents of ‘Attachment A’



3. Amend the Norwood, Payneham and St Peters (City) Development Plan as follows:

(a) within Table NPSP/5 State Heritage Places, insert the following row under the heading 'Hackney':

Hackney Road	St Peter's College—Big Quad Precinct	GM 2/71 H105100
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(b) replace Overlay Map Fig Her/15 - Heritage with the contents of 'Attachment B'

4. Amend the Onkaparinga Council Development Plan as follows:

(a) within Table Onka/10 State Heritage Places, replace the Heritage ID 14256 row with the following row:

2 Luke Road, Clarendon	Dwelling (former Clarendon Wesleyan Methodist Church)	A101 A102	D48136 D48136	CT 5554/102 CT 5554/103		14256
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5. Amend the West Torrens Council Development Plan as follows:

(a) within Table WeTo/5 State Heritage Places, replace the Heritage ID 10987 row with the following row:

Holland Street, Hindmarsh	Sir William Goodman Bridge (formerly 'Holland Street Bridge')	S1 A71	D1038 D82876	CT 400/195 CT 6114/298		10987
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(b) within Table WeTo/5 State Heritage Places, replace the Heritage ID 11792 row with the following row:

36-50A and 39-45A Rose Street, Mile End	Dwelling - Row Cottages (Adelaide Workmen's Homes)	A39	D45807	CT 5381/463		11792
		A40	D45807	CT 5381/464		
		A41	D45807	CT 5381/465		
		A42	D45807	CT 5381/466		
		A43	D45807	CT 5381/467		
		A44	D45807	CT 5381/468		
		A45	D45807	CT 5381/469		
		A46	D45807	CT 5381/470		
		A136	D48398	CT 5510/545		
		A137	D48398	CT 5510/546		
		A138	D48398	CT 5510/547		
		A139	D48398	CT 5510/548		
		A140	D48398	CT 5510/549		
		A141	D48398	CT 5510/550		
		A142	D48398	CT 5510/551		
		A143	D48398	CT 5510/552		
		A144	D48398	CT 5510/553		
		A145	D48398	CT 5510/554		
		A146	D48398	CT 5510/555		
		A147	D48398	CT 5510/556		
A148	D48398	CT 5510/557				
A149	D48398	CT 5510/558				
A150	D48398	CT 5510/559				
A151	D48398	CT 5510/560				

(c) within Table WeTo/5 State Heritage Places, replace the Heritage ID 11841 row with the following row:

42 and 42A Phillips Street, Thebarton	Former Thebarton Baptist Church & Hall	A2	F17710	CT 5986/242		11841
		A3	F17710	CT 5986/243		

(d) within Table WeTo/5 State Heritage Places, replace the Heritage ID 10553 row with the following row:

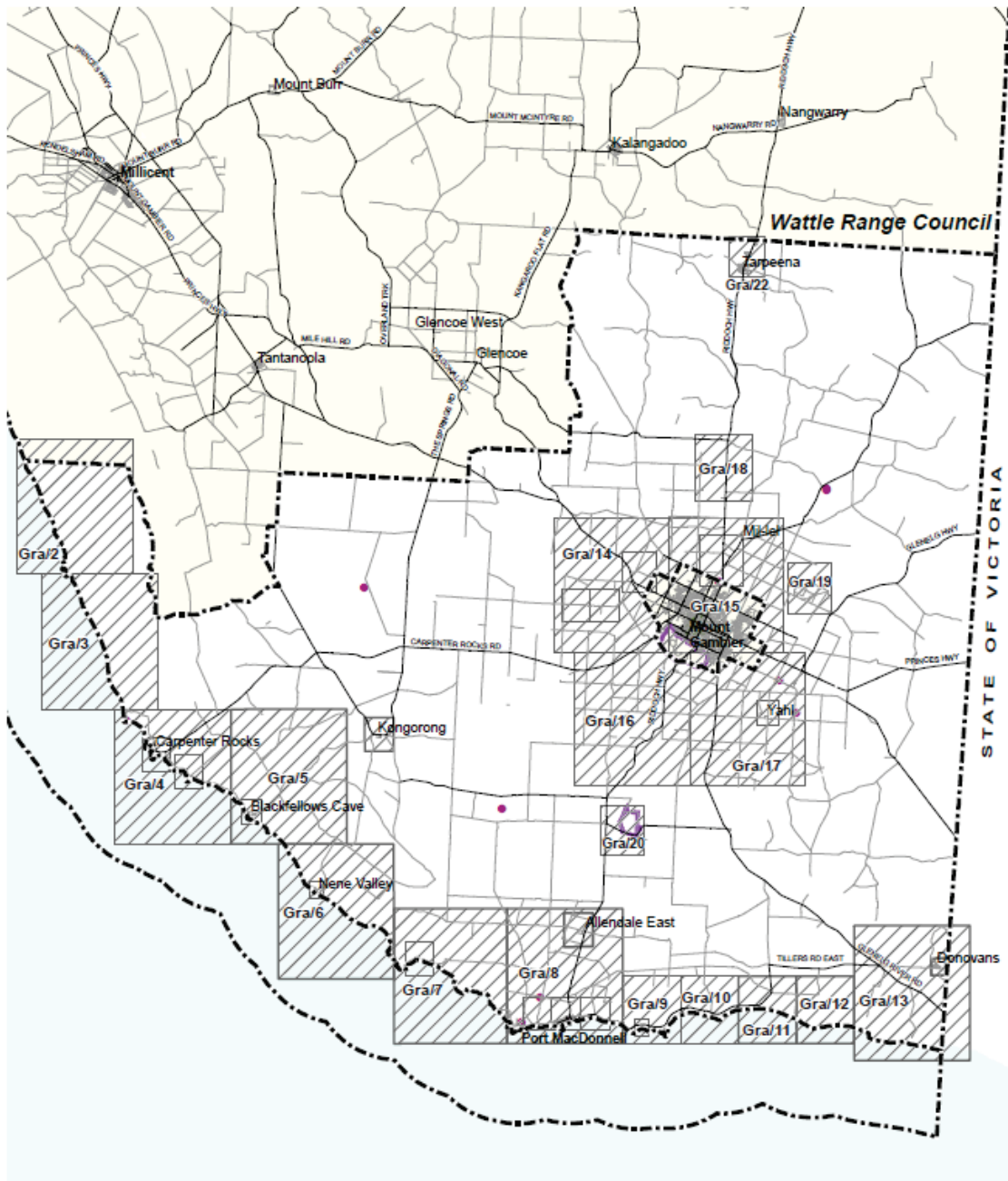
Lot 21 Ashwin Parade, Torrensville	Former Hoffman Brick Kiln, Brickworks Marketplace (former Hallett Brickworks)	A21	D96027	CT 6160/354		10553
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6. Fix the day on which this notice is published in the *Gazette* as the day on which the Section 29 amendment will come into operation.

Dated 30 June 2017.

S. SMITH, General Manager,  
Planning and Development Division,  
Department of Planning, Transport and Infrastructure  
As Delegate for JOHN RAU, Minister for Planning

### Attachment A



Heritage points are indicative only.  
 For further information on State and Local Heritage Places and Contributory items please refer to the relevant tables within this document.



- State heritage place
- State Heritage Area
- Historic Conservation Area
- Development Plan Boundary

# Overlay Map Gra/1

## HERITAGE

GRANT COUNCIL

### Attachment B

Fig Her/10 ADJOINS

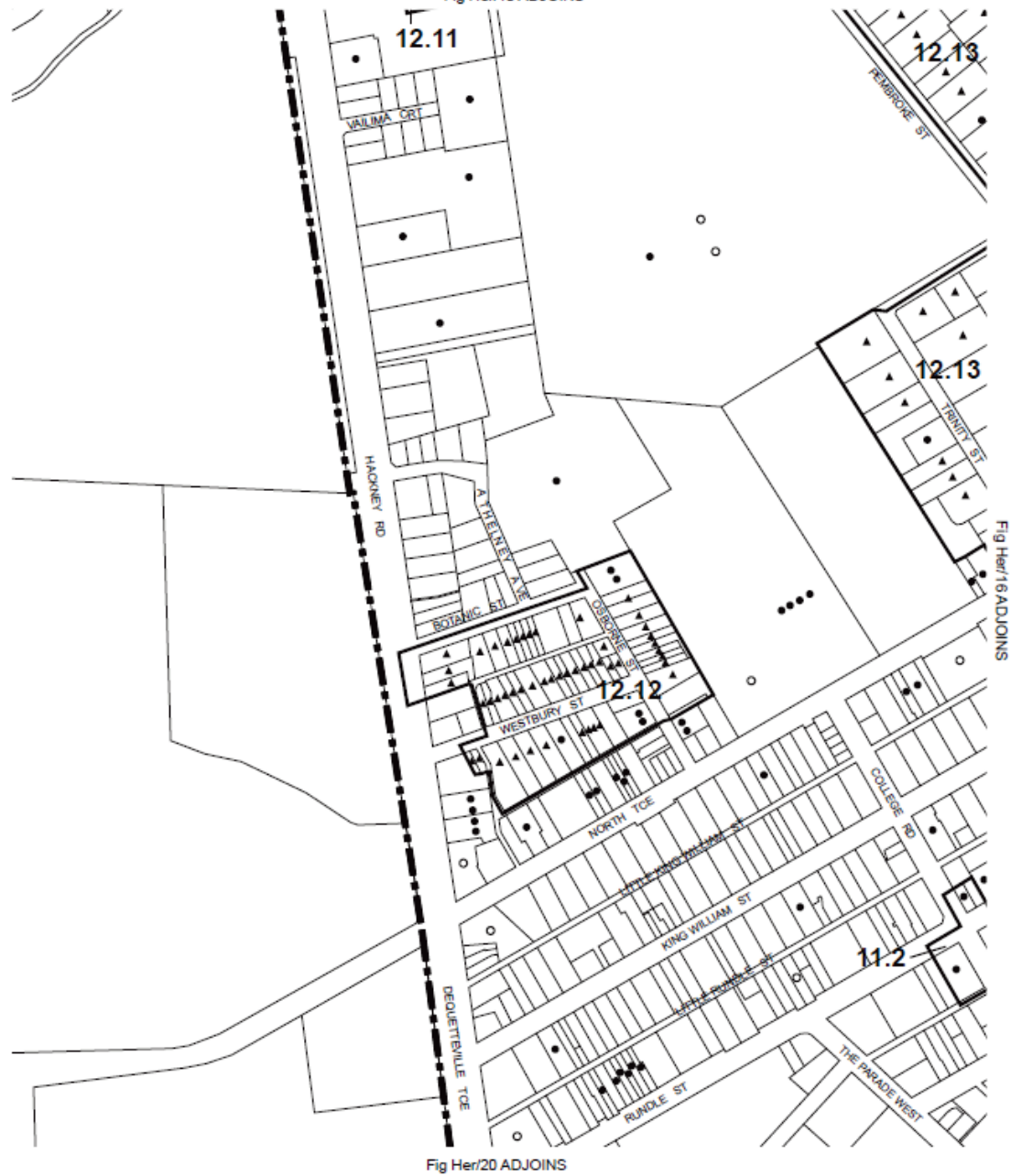


Fig Her/20 ADJOINS

Fig Her/16 ADJOINS

- State Heritage Place
  - Local Heritage Place
  - ▲ Contributory Item
- Mixed Use Historic (Conservation) Zone  
11.2 The Parade / Fullarton Road
- Residential Historic (Conservation) Zone  
12.11 Hackney North  
12.12 Hackney South  
12.13 College Park
- Policy Area Boundary
  - - - - - Development Plan Boundary



**NORWOOD PAYNEHAM  
AND ST PETERS (CITY)  
STATE AND LOCAL HERITAGE PLACES  
AND CONTRIBUTORY ITEMS  
Fig Her/15**

## HEALTH CARE ACT 2008

## SECTIONS 58 (1) (d) and 62—EXEMPTIONS

*Notice by the Minister*

TAKE notice that I, John James Snelling, Minister for Health, pursuant to sub-section 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 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 2017 and for the period expiring on 30 June 2018.

## SCHEDULE

Column A	Column B	Column C
Flinders Power, trading as Flinders Operating Services Pty Ltd	Non-emergency ambulance services provided at Leigh Creek Coalfield.	Nil.
Flinders Power, trading as Flinders Operating Services Pty Ltd	Non-emergency ambulance services provided in surrounding areas to Leigh Creek Coalfield and Leigh Creek township.	That the organisation notifies SA Ambulance Service of each occasion that non-emergency ambulance services are provided within a time and with details as requested by SA Ambulance Service.
BHP Billiton Olympic Dam Corporation Pty Ltd	Non-emergency ambulance services provided at Olympic Dam Operations.	Nil.
BHP Billiton Olympic Dam Corporation Pty Ltd	Non-emergency ambulance services provided in surrounding areas to Olympic Dam Operations, Roxby Downs and Andamooka.	That the organisation notifies SA Ambulance Service of each occasion that non-emergency ambulance services are provided within a time and with details as requested by SA Ambulance Service.
Broadspectrum (Australia) Pty Ltd	Non-emergency ambulance services provided at Defence Centre Woomera.	Nil.
Broadspectrum (Australia) Pty Ltd	Non-emergency ambulance services provided in surrounding areas to Defence Centre Woomera.	That the organisation notifies SA Ambulance Service of each occasion that non-emergency ambulance services are provided within a time and with details as requested by SA Ambulance Service.
Heathgate Resources Pty Ltd	Non-emergency ambulance services provided at Beverley Uranium Mine and surrounding areas.	Nil.
Iluka Resources Limited	Non-emergency ambulance services provided at Jacinth Ambrosia mineral sands mine and associated access roads.	Nil.
Nganampa Health Council Incorporated	Non-emergency ambulance services provided on the Anangu Pitjantjatjara Yankunytjatjara Lands.	Nil.
Nganampa Health Council Incorporated	Non-emergency ambulance services in Marla and surrounding areas including the Stuart Highway north of Marla to the Northern Territory border.	That the organisation notifies SA Ambulance Service of each occasion that non-emergency ambulance services are provided within a time and with details as requested by SA Ambulance Service.
OZ Minerals Carrapateena Pty Ltd	Non-emergency ambulance services provided at the Carrapateena mine site.	Nil.
OZ Minerals Carrapateena Pty Ltd	Non-emergency ambulance services provided in surrounding areas to the Carrapateena mine site for the purposes of rendezvousing with SA Ambulance Service.	That the organisation notifies SA Ambulance Service of each occasion that non-emergency ambulance services are provided within a time and with details as requested by SA Ambulance Service.
OZ Minerals Limited	Non-emergency ambulance services provided at Prominent Hill mine, associated access roads and ore delivery roads.	Nil.
OZ Minerals Limited	Non-emergency ambulance services provided on the Stuart Highway in proximity to Prominent Hill mine turnout.	That the organisation notifies SA Ambulance Service of each occasion that non-emergency ambulance services are provided within a time and with details as requested by SA Ambulance Service.
Royal Flying Doctor Service of Australia Central Operations	Non-emergency ambulance services provided at Marla, Marree and Andamooka.	Nil.
Royal Flying Doctor Service of Australia Central Operations	Non-emergency ambulance services provided in areas surrounding Marla, Marree and Andamooka.	That the organisation notifies SA Ambulance Service of each occasion that non-emergency ambulance services are provided within a time and with details as requested by SA Ambulance Service.
Royal Flying Doctor Service of Australia (South Eastern Section)	Non-emergency ambulance services provided at Santos Moomba gas field and surrounding areas including Innamincka.	Nil.
Southern Adelaide Local Health Network Inc.	Non-emergency ambulance services provided for patients of the Repatriation General Hospital, Flinders Medical Centre and the Noarlunga Hospital.	Nil.
Wilson Security	Non-emergency ambulance services provided for Santos at Port Bonython.	Nil.

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Wilson Security	Non-emergency ambulance services provided for Santos in surrounding areas to Port Bonython.	That the organisation notifies SA Ambulance Service of each occasion that non-emergency ambulance services are provided within a time and with details as requested by SA Ambulance Service.
Wilson Security	Non-emergency ambulance services provided in the Port Lowly shack area.	That the organisation notifies SA Ambulance Service of each occasion that non-emergency ambulance services are provided within a time and with details as requested by SA Ambulance Service.

Dated 29 June 2017.

JOHN JAMES SNELLING, Minister for Health

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## HEALTH CARE ACT 2008

## SECTIONS 57 (1) (c) and 62—EXEMPTIONS

*Notice by the Minister*

TAKE notice that I, John James Snelling, Minister for Health, pursuant to sub-section 57 (1) (c) 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 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 2017 and for the period expiring on 30 June 2018.

## SCHEDULE

Column A	Column B	Column C
Flinders Power, trading as Flinders Operating Services Pty Ltd	Emergency ambulance services provided at Leigh Creek Coalfield.	Nil.
Flinders Power, trading as Flinders Operating Services Pty Ltd	Emergency ambulance services provided in surrounding areas to Leigh Creek Coalfield and Leigh Creek township.	That the emergency services are provided either at the request of SA Ambulance Service or, in circumstances where SA Ambulance Service has not made a request, the organisation notifies SA Ambulance Service as soon as practical to determine if SA Ambulance Service have a more appropriate response or can support the response.
BHP Billiton Olympic Dam Corporation Pty Ltd	Emergency ambulance services provided at Olympic Dam Operations.	Nil.
BHP Billiton Olympic Dam Corporation Pty Ltd	Emergency ambulance services provided in surrounding areas to Olympic Dam Operations, Roxby Downs and Andamooka.	That the emergency services are provided either at the request of SA Ambulance Service or, in circumstances where SA Ambulance Service has not made a request, the organisation notifies SA Ambulance Service as soon as practical to determine if SA Ambulance Service have a more appropriate response or can support the response.
Broadspectrum (Australia) Pty Ltd	Emergency ambulance services provided at Defence Centre Woomera.	Nil.
Broadspectrum (Australia) Pty Ltd	Emergency ambulance services provided in surrounding areas to Defence Centre Woomera.	That the emergency services are provided either at the request of SA Ambulance Service or, in circumstances where SA Ambulance Service has not made a request, the organisation notifies SA Ambulance Service as soon as practical to determine if SA Ambulance Service have a more appropriate response or can support the response.
Heathgate Resources Pty Ltd	Emergency ambulance services provided at Beverley Uranium Mine and surrounding areas.	Nil.
Iluka Resources Limited	Emergency ambulance services provided at Jacinth Ambrosia mineral sands mine and associated access roads.	Nil.
Nganampa Health Council Incorporated	Emergency ambulance services provided on the Anangu Pitjantjatjara Yankunytjatjara Lands.	Nil.
Nganampa Health Council Incorporated	Emergency ambulance services in Marla and surrounding areas including the Stuart Highway north of Marla to the Northern Territory border.	That the emergency services are provided either at the request of SA Ambulance Service or, in circumstances where SA Ambulance Service has not made a request, the organisation notifies SA Ambulance Service as soon as practical to determine if SA Ambulance Service have a more appropriate response or can support the response.
OZ Minerals Carrapateena Pty Ltd	Emergency ambulance services provided at the Carrapateena mine site.	Nil.
OZ Minerals Carrapateena Pty Ltd	Emergency ambulance services provided in surrounding areas to the Carrapateena mine site for the purpose of rendezvousing with SA Ambulance Service.	That the emergency services are provided either at the request of SA Ambulance Service or, in circumstances where SA Ambulance Service has not made a request, the organisation notifies SA Ambulance Service within a time and with details as requested by SA Ambulance Service.
OZ Minerals Limited	Emergency ambulance services provided at Prominent Hill mine, associated access roads and ore delivery roads.	Nil.
OZ Minerals Limited	Emergency ambulance services provided on the Stuart Highway in proximity to Prominent Hill mine turnoff.	That the emergency services are provided either at the request of SA Ambulance Service or, in circumstances where SA Ambulance Service has not made a request, the organisation notifies SA Ambulance Service as soon as practical to determine if SA Ambulance Service have a more appropriate response or can support the response.
Royal Flying Doctor Service of Australia Central Operations	Emergency ambulance services provided at Marla, Marree and Andamooka.	Nil.

Royal Flying Doctor Service of Australia Central Operations	Emergency ambulance services provided in areas surrounding Marla, Marree and Andamooka.	That the emergency services are provided either at the request of SA Ambulance Service or, in circumstances where SA Ambulance Service has not made a request, the organisation notifies SA Ambulance Service as soon as practical to determine if SA Ambulance Service have a more appropriate response or can support the response.
Royal Flying Doctor Service of Australia (South Eastern Section)	Emergency ambulance services provided at Santos Moomba gas field and surrounding areas including Innamincka.	Nil.
Wilson Security	Emergency ambulance services provided for Santos at Port Bonython.	Nil.
Wilson Security	Emergency ambulance services provided for Santos in surrounding areas to Port Bonython.	That the emergency services are provided either at the request of SA Ambulance Service or, in circumstances where SA Ambulance Service has not made a request, the organisation notifies SA Ambulance Service as soon as practical to determine if SA Ambulance Service have a more appropriate response or can support the response.
Wilson Security	Emergency ambulance services provided in the Port Lowly shack area.	That the emergency services are provided either at the request of SA Ambulance Service or, in circumstances where SA Ambulance Service has not made a request, the organisation notifies SA Ambulance Service as soon as practical to determine if SA Ambulance Service have a more appropriate response or can support the response.

Dated 29 June 2017.

JOHN JAMES SNELLING, Minister for Health

#### HOUSING IMPROVEMENT ACT 2016

##### *Rent Control Revocations*

WHEREAS the Minister for Social Housing Delegate is satisfied that each of the houses described hereunder has ceased to be unsafe or unsuitable for human habitation for the purposes of the Housing Improvement Act 2016, notice is hereby given that, in exercise of the powers conferred by the said Act, the Minister for Social Housing does hereby revoke the said Rent Control in respect of each property.

Address of House	Allotment, Section, etc.	Certificate of Title	
		Volume	Folio
35-37 Maud Street, Ethelton, S.A. 5015 One House with No.35	Allotment 20 in Deposited Plan 384, Hundred of Port Adelaide	5177	209

Dated at Adelaide, 4 July 2017.

T. BAKER, Director, Property and Contract Management, Housing SA (Delegate SAHT)

South Australia

## Liquor Licensing (Dry Areas) Notice 2017

under section 131(1a) of the *Liquor Licensing Act 1997*

### 1—Short title

This notice may be cited as the *Liquor Licensing (Dry Areas) Notice 2017*.

### 2—Commencement

This notice comes into operation on 31 December 2017.

### 3—Interpretation

(1) In this notice—

*principal notice* means the *Liquor Licensing (Dry Areas) Notice 2015* published in the Gazette on 5.1.15, as in force from time to time.

(2) Clause 3 of the principal notice applies to this notice as if it were the principal notice.

### 4—Consumption etc of liquor prohibited in dry areas

- (1) Pursuant to section 131 of the Act, the consumption and possession of liquor in the area described in the Schedule is prohibited in accordance with the provisions of the Schedule.
- (2) The prohibition has effect during the periods specified in the Schedule.
- (3) The prohibition does not extend to private land in the area described in the Schedule.
- (4) Unless the contrary intention appears, the prohibition of the possession of liquor in the area does not extend to—
  - (a) a person who is genuinely passing through the area if—
    - (i) the liquor is in the original container in which it was purchased from licensed premises; and
    - (ii) the container has not been opened; or
  - (b) a person who has possession of the liquor in the course of carrying on a business or in the course of his or her employment by another person in the course of carrying on a business; or
  - (c) a person who is permanently or temporarily residing at premises within the area or on the boundary of the area and who enters the area solely for the purpose of passing through it to enter those premises or who enters the area from those premises for the purpose of leaving the area.



## Schedule 1—Glenelg Area 2

### 1—Extent of prohibition

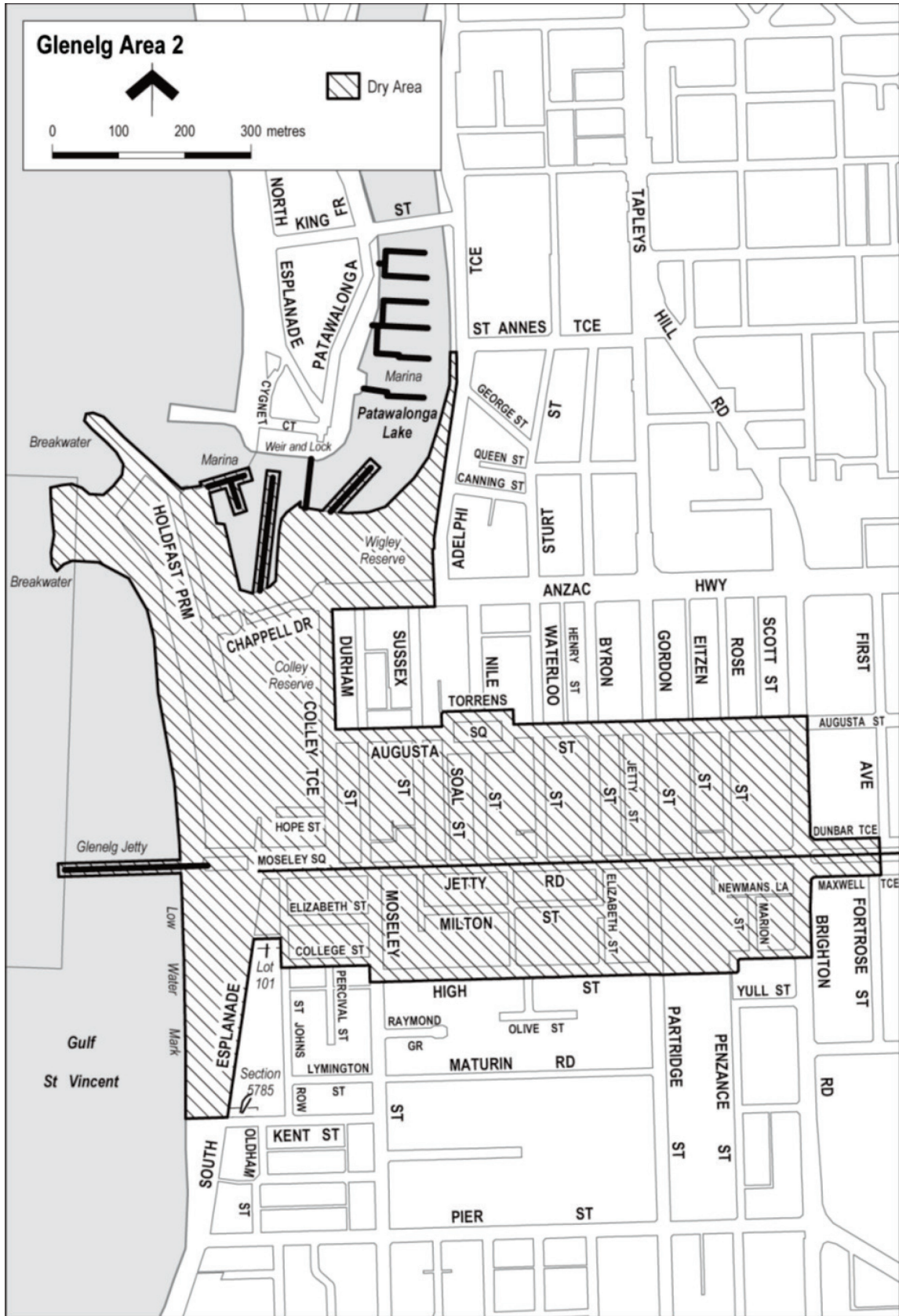
The consumption of liquor is prohibited. The possession of liquor is prohibited, and the prohibition extends to possession in each of the circumstances referred to in clause 4(4).

### 2—Period of prohibition

From 6 pm on 31 December 2017 to 6 am on 1 January 2018.

### 3—Description of area

The area in Glenelg bounded as follows: commencing at the point at which the eastern boundary of Colley Terrace intersects the northern boundary of Augusta Street, then generally easterly along the northern boundary of Augusta Street (including around the western, northern and eastern boundaries of Torrens Square) to its intersection with the eastern boundary of Brighton Road, then southerly along that boundary of Brighton Road to the northern boundary of Dunbar Terrace, then easterly along that boundary of Dunbar Terrace to the point at which it meets the western boundary of First Avenue, then in a straight line by the shortest route (across Dunbar Terrace and Maxwell Terrace) to the point at which the southern boundary of Maxwell Terrace meets the eastern boundary of Fortrose Street, then westerly along that boundary of Maxwell Terrace to the eastern boundary of Brighton Road, then southerly along that boundary of Brighton Road to its intersection with the prolongation in a straight line of the southern boundary of High Street, then generally westerly along that prolongation and boundary of High Street to the point at which the prolongation in a straight line of that southern boundary of High Street intersects the western boundary of Moseley Street, then northerly along that boundary of Moseley Street to the southern boundary of College Street, then westerly along that boundary of College Street and the prolongation in a straight line of that boundary to the western boundary of St John's Row, then northerly along that boundary of St John's Row to the southern boundary of South Esplanade Lane (the northern boundary of Lot 101 FP 6859), then westerly along that boundary of South Esplanade Lane to the eastern boundary of the South Esplanade, then south-westerly along that boundary of the South Esplanade to the northern boundary of Kent Street, then westerly along that boundary of Kent Street and the prolongation in a straight line of that boundary to the low water mark of Gulf St Vincent, then generally northerly along the low water mark (including the low water mark around the outer boundary of any breakwater or groyne) to the entrance to the Patawalonga River, then generally south-easterly, easterly, northerly, easterly and northerly along the southern and eastern bank of the River to the point at which the eastern bank of the River intersects the prolongation in a straight line of the southern boundary of St Anne's Terrace, then easterly along that prolongation to the western boundary of Adelphi Terrace, then southerly along that western boundary of Adelphi Terrace and the prolongation in a straight line of that boundary to the southern boundary of Anzac Highway, then westerly along that boundary of Anzac Highway to the eastern boundary of Colley Terrace, then southerly along that boundary of Colley Terrace to the point of commencement. The area includes the Glenelg Jetty and any other jetty, wharf, mooring, dock or other structure (apart from the Patawalonga Weir) projecting into the Gulf or River from the area described above, as well as any area beneath such a structure.



Made by the Liquor and Gambling Commissioner

On 28 June 2017.

South Australia

## **Motor Vehicles (Conditional Registration—Recognition of Motor Vehicle Clubs) Notice 2017**

under the *Motor Vehicles Act 1959*

### **1—Short title**

This notice may be cited as the *Motor Vehicles (Conditional Registration—Recognition of Motor Vehicle Clubs) Notice 2017*.

### **2—Commencement**

This notice takes effect when it is published in the *Gazette*.

### **3—Interpretation**

In this notice—

*Act* means the *Motor Vehicles Act 1959*;

*Code of Practice* means the ‘Code of Practice for Club Registration - a 90 day conditional registration scheme for historic, left hand drive and street rod vehicles’ published by the Department of Planning, Transport and Infrastructure;

*Conditional Registration Scheme* or *Scheme* means the scheme for conditional registration of historic, prescribed left hand drive and street rod motor vehicles under section 25 of the Act and regulations 15 and 16 of the Motor Vehicles Regulations 2010;

*Department* means the Department of Planning, Transport and Infrastructure

*Federation* means the Federation of Historic Motoring Clubs Inc;

*MR334 form* means an ‘Approval for Registration of Vehicle on the Club Registration Scheme (MR334)’;

*Prescribed log book* means a log book in a form approved by the Registrar;

*Registrar* means the Registrar of Motor Vehicles;

*Regulations* means the Motor Vehicles Regulations 2010.

### **4—Recognition of motor vehicles clubs**

The motor vehicle clubs specified in Schedule 1 are, subject to the conditions set out in clause 5, recognised for the purposes of regulation 16 of the Regulations.

## 5—Conditions of recognition

A motor vehicle club specified in Schedule 1 must comply with the following conditions:

- (a) the club must maintain a constitution approved by the Registrar;
- (b) the club must nominate and have members authorised by the Registrar (authorised persons). The club's authorised person(s) are responsible for approving applicants and motor vehicles for registration under the Scheme. This includes confirming that Scheme applicants are financial members of a club; any other details as required by the Registrar on the MR334 form; and to inspect members' vehicles when requested to do so by the Registrar;
- (c) the club must issue a prescribed log book to club members for each of their vehicles to record vehicle use;
- (d) the club must cancel a member's prescribed log book when a member resigns, must ensure that a statutory declaration is provided when a member's log book is lost or destroyed, must keep details of members' prescribed log book return sheets and forward copies of the same to the Registrar or Federation annually as required;
- (e) the club must create and maintain records detailing all its financial members, its authorised persons, all vehicles for which an MR334 form has been issued, all statutory declarations received and prescribed log books issued and returned to the club;
- (f) the club must keep records for a period of 5 years from the date of the document and these records must include all duplicate MR334 forms, all records of motor vehicle inspections undertaken in accordance with paragraph (b), all statutory declarations provided by members for the purposes of paragraphs (d), all prescribed log books issued by reference to their serial number, the member's name and the vehicle for which it was issued, and to make all such records available for inspection or provide copies of the records at the request of the Registrar for audit purposes;
- (g) the club must ensure, as far as practicable, that all members comply with the Code of Practice;
- (h) the club, as far as practicable, must report to the Registrar or the Federation details of members and motor vehicles not complying with the conditions and criteria set out in the Code of Practice for the Scheme;
- (i) the club must provide to the Registrar, within 2 months after the end of the club's financial year, an annual report detailing members from that financial year with vehicles registered under the Scheme who are no longer financial members of the club;
- (j) the club must notify the Registrar, in writing, within 14 days of resolution to cease operation as a club and must provide the club records specified in paragraph (f) to the Registrar within 14 days of its dissolution.

**Note—**

Under regulation 16(3)(c) of the *Motor Vehicles Regulations 2010*, the Registrar may, by notice in the *Gazette*, withdraw the recognition of a motor vehicle club if satisfied that the club has contravened or failed to comply with a condition applying to its recognition by the Registrar, or if there is other good cause to withdraw the recognition.

**Schedule 1—Recognised motor vehicle clubs****Historic, left-hand drive and street rod motor vehicle clubs**

The Commodore and Classic Holden Enthusiasts Car Club

**Made by the Registrar of Motor Vehicles**

On 26 June 2017

South Australia

## **Motor Vehicles (Conditional Registration—Recognition of Motor Vehicle Clubs) Notice 2017**

under the *Motor Vehicles Act 1959*

### **1—Short title**

This notice may be cited as the *Motor Vehicles (Conditional Registration—Recognition of Motor Vehicle Clubs) Notice 2017*.

### **2—Commencement**

This notice takes effect when it is published in the *Gazette*.

### **3—Interpretation**

In this notice—

*Act* means the *Motor Vehicles Act 1959*;

*Code of Practice* means the ‘Code of Practice for Club Registration - a 90 day conditional registration scheme for historic, left hand drive and street rod vehicles’ published by the Department of Planning, Transport and Infrastructure;

*Conditional Registration Scheme* or *Scheme* means the scheme for conditional registration of historic, prescribed left hand drive and street rod motor vehicles under section 25 of the Act and regulations 15 and 16 of the Motor Vehicles Regulations 2010;

*Department* means the Department of Planning, Transport and Infrastructure

*Federation* means the Federation of Historic Motoring Clubs Inc;

*MR334 form* means an ‘Approval for Registration of Vehicle on the Club Registration Scheme (MR334)’;

*Prescribed log book* means a log book in a form approved by the Registrar;

*Registrar* means the Registrar of Motor Vehicles;

*Regulations* means the Motor Vehicles Regulations 2010.

### **4—Recognition of motor vehicles clubs**

The motor vehicle clubs specified in Schedule 1 are, subject to the conditions set out in clause 5, recognised for the purposes of regulation 16 of the Regulations.

## 5—Conditions of recognition

A motor vehicle club specified in Schedule 1 must comply with the following conditions:

- (a) the club must maintain a constitution approved by the Registrar;
- (b) the club must nominate and have members authorised by the Registrar (authorised persons). The club's authorised person(s) are responsible for approving applicants and motor vehicles for registration under the Scheme. This includes confirming that Scheme applicants are financial members of a club; any other details as required by the Registrar on the MR334 form; and to inspect members' vehicles when requested to do so by the Registrar;
- (c) the club must issue a prescribed log book to club members for each of their vehicles to record vehicle use;
- (d) the club must cancel a member's prescribed log book when a member resigns, must ensure that a statutory declaration is provided when a member's log book is lost or destroyed, must keep details of members' prescribed log book return sheets and forward copies of the same to the Registrar or Federation annually as required;
- (e) the club must create and maintain records detailing all its financial members, its authorised persons, all vehicles for which an MR334 form has been issued, all statutory declarations received and prescribed log books issued and returned to the club;
- (f) the club must keep records for a period of 5 years from the date of the document and these records must include all duplicate MR334 forms, all records of motor vehicle inspections undertaken in accordance with paragraph (b), all statutory declarations provided by members for the purposes of paragraphs (d), all prescribed log books issued by reference to their serial number, the member's name and the vehicle for which it was issued, and to make all such records available for inspection or provide copies of the records at the request of the Registrar for audit purposes;
- (g) the club must ensure, as far as practicable, that all members comply with the Code of Practice;
- (h) the club, as far as practicable, must report to the Registrar or the Federation details of members and motor vehicles not complying with the conditions and criteria set out in the Code of Practice for the Scheme;
- (i) the club must provide to the Registrar, within 2 months after the end of the club's financial year, an annual report detailing members from that financial year with vehicles registered under the Scheme who are no longer financial members of the club;
- (j) the club must notify the Registrar, in writing, within 14 days of resolution to cease operation as a club and must provide the club records specified in paragraph (f) to the Registrar within 14 days of its dissolution.

**Note—**

Under regulation 16(3)(c) of the *Motor Vehicles Regulations 2010*, the Registrar may, by notice in the *Gazette*, withdraw the recognition of a motor vehicle club if satisfied that the club has contravened or failed to comply with a condition applying to its recognition by the Registrar, or if there is other good cause to withdraw the recognition.

**Schedule 1—Recognised motor vehicle clubs****Historic, left-hand drive and street rod motor vehicle clubs**

48 FJ HOLDEN CLUB OF SA  
55-56-57 CLASSIC CHEVROLET CLUB OF SA INC  
ADELAIDE ANTIQUE AUTOMOBILE CLUB INC  
ADELAIDE HILLS MOTOR RESTORERS CLUB INC  
ADELAIDE HOT RODDERS INCORPORATED  
ALFA ROMEO OWNERS CLUB OF AUST INC SA DIV  
ALL MAKES HISTORIC CAR CLUB INC  
AMC RAMBLER CLUB OF AUSTRALIA INC  
ARMS AND MILITARIA FEDERATION OF AUSTRALIA INC  
ARMSTRONG SIDDELEY CAR CLUB  
ATUJARA MOTOR CYCLE CLUB INC  
AUSTIN 7 CLUB SA INC  
AUSTIN HEALEY OWNERS CLUB OF SA INC  
AUSTRALIAN MUSCLE CAR CLUB OF SOUTH AUSTRALIA INC  
AUTO COLLECTORS CLUB INC  
AUTO ENTHUSIASTS OF ADELAIDE  
BAROSSA VALLEY CLASSIC MOTORCYCLE CLUB INC  
BAROSSA VALLEY FORD CLUB INC  
BAROSSA VALLEY GENERAL MOTORS OWNERS CLUB INC  
BAROSSA VALLEY HISTORICALVEHICLE CLUB INC  
BAROSSA VALLEY MACHINERY PRESERVATION SOCIETY INC  
BENTLEY DRIVERS CLUB OF SOUTH AUSTRALIA INC  
BLACK TOP CRUISERS HOT ROD CLUB INCORPORATED  
BMW DRIVERS CLUB OF SA INC  
BOLWELL CAR CLUB OF SOUTH AUSTRALIA INC  
BORDERTOWN VEHICLE RESTORERS CLUB INC  
BSA OWNERS CLUB OF SOUTH AUSTRALIA INC  
CADILLAC-LA SALLE CAR CLUB OF SA INC  
CBX-6 OWNERS CLUB OF AUSTRALIA INC  
CHEVROLET PERFORMANCE ASSOCIATION OF SA INC  
CHRYSLER CAR CLUB OF SA INC  
CHRYSLER RESTORERS CLUB OF AUSTRALIA SA INC  
CITROEN SOCIETE SOUTH AUSTRALIA INC  
CLASSIC AND MUSCLE CAR CLUB OF SA INC  
CLUB AUTOMOBILE FRANCAIS INCORPORATED  
CLUB CITROEN OF SOUTH AUSTRALIA INC  
CLUB FIAT 500 SOUTH AUSTRALIA INC  
COAST RODDERS INCORPORATED  
COMPACT FAIRLANE OWNERS CLUB OF AUSTRALIA INC  
COORONG MECHANICAL RESTORATION CLUB INC  
CORTINA CAPRI CAR CLUB OF SA INCORPORATED  
CORVETTE CLUB OF SOUTH AUSTRALIA  
DUCATI OWNERS CLUB SA  
E H HOLDEN CLUB SA INC



EARLY FORD V8 CLUB OF AMERICA SA CHAPTER 94 INC  
EASTERN DISTRICTS HOT ROD CLUB INC  
EASTERN HILLS ANTIQUE TRACTOR SOCIETY INC  
FALCON CAR CLUB OF SOUTH AUSTRALIA  
FALCON GT CLUB OF SOUTH AUSTRALIA INC  
FB-EK HOLDEN CAR CLUB OF SOUTH AUSTRALIA INC  
FE-FC HOLDEN CAR CLUB OF SA INCORPORATED  
FERRARI CLUB AUSTRALIA INC  
FIAT-LANCIA CAR CLUB OF SA  
FORD 8 & 10 SIDEVALVE CLUB INC  
FORD OWNERS CAR CLUB OF SOUTH AUSTRALIA INC  
FORD T REGISTER OF AUSTRALIA INC  
FX-HZ HOLDEN CAR CLUB OF SA INC  
GAWLER TRACTOR AND ENGINE ASSOCIATION  
GAWLER VETERAN VINTAGE & CLASSIC VEHICLE CLUB INC  
GENERALS FX-FJ CLUB OF SA  
HD/HR HOLDEN CAR CLUB OF SA INCORPORATED  
HILLMAN CAR CLUB OF SA INC  
HISTORIC COMMERCIAL MOTORVEHICLE CLUB INCORPORATED  
HISTORIC COMMERCIAL VEHICLE CLUB OF AUST SA BRANCH  
HISTORIC MOTOR VEHICLES CLUB INC  
HOLDEN TORANA CLUB OF SA INC  
HOLDENS OF AGE MOUNT GAMBIER  
HONDA CAR CLUB OF SA INC  
ILMO-INTERNATIONAL LIKE MINDED OWNERS INCORPORATED  
JAGUAR CLASSIC CAR CLUB INCORPORATED  
JAGUAR DRIVERS CLUB OF SOUTH AUSTRALIA INC  
JENSEN CAR CLUB AUSTRALIA  
JUVENTUS MOTORCYCLE CLUB INCORPORATED  
KANGAROO ISLAND MOTOR CLUB INCORPORATED  
KAWASAKI Z OWNERS CLUB SA INC  
KIMBA VINTAGE CAR CLUB INC  
LAKE CITY ROD AND CUSTOM CLUB INCORPORATED  
LAND ROVER HERITAGE SOCIETY INCORPORATED  
LAND ROVER REGISTER OF SA INC  
LEVIS MOTORCYCLE CLUB INCORPORATED  
LEYLAND P76 OWNERS CLUB SA INCORPORATED  
LINCOLN AUTO CLUB INC  
LOWER MURRAY VINTAGE ENGINE & MACHINERY CLUB INC  
M G CAR CLUB OF SA INCORPORATED  
MAITLAND AUTOMOTIVE PRESERVATION SOCIETY INC  
MANNUM CLASSIC VEHICLE CLUB INCORPORATED  
MERCEDES-BENZ CLUB OF SOUTH AUSTRALIA INC  
MERCEDES-BENZ MOTORSPORT AND RESTORERS CLUB  
MID-MURRAY CAR CLUB  
MILANG VINTAGE MACHINERY CLUB INC  
MILITARY VEHICLE PRESERVATION SOCIETY OF SA INC  
MINI CLUB OF SA INC  
MODEL A FORD CLUB OF SOUTH AUSTRALIA INC  
MODEL T FORD CLUB OF AUSTRALIA INC  
MODIFIED MINI CAR CLUB OF SA INC  
MONARCHS HOT ROD CLUB INCORPORATED  
MONARO CAR CLUB OF SA INCORPORATED  
MORGAN OWNERS CLUB OF AUSTRALIA INCORPORATED  
MORRIS CAR CLUB & MORRIS MINOR CAR CLUB OF SA INC  
MORRIS REGISTER OF SA INC

MOTO ITALIA SA INC  
MOUNT GAMBIER VETERAN & VINTAGE CAR CLUB INC  
MURRAY MALLEE AUTO CLUB INCORPORATED  
MUSTANG OWNERS CLUB OF AUST SOUTH AUSTRALIA INC  
MUSTANGS ON THE MOVE INC  
NARACORTE HISTORIC VEHICLE CLUB INC  
NATIONAL CADILLAC CLUB OF AUSTRALIA INCORPORATED  
NORTON MOTORCYCLE CLUB OF S A INC  
OLDSMOBILE CLUB OF AUSTRALIA INCORPORATED  
PEUGEOT CAR CLUB OF SOUTH AUSTRALIA INC  
PIRIE AND DISTRICTS AUTOMOTIVE RESTORERS CLUB INC  
PONTIAC CAR CLUB OF AUSTRALIA SA CHAPTER INC  
PORSCHE CLUB OF SOUTH AUSTRALIA  
PORT AUGUSTA VEHICLE RESTORERS CLUB INC  
PUSH RODZ ROD & KUSTOM CLUB  
R & S SERIES VALIANT CAR CLUB OF SA INCORPORATED  
RAMRODDERS HOTROD CLUB INCORPORATED  
REBELS HOT ROD CLUB  
RIVERLAND CUSTOMS & CLASSICS INC  
RIVERLAND VINTAGE AND CLASSIC CAR CLUB INC  
RIVERSIDE RODDERS INCORPORATED  
ROAD RATS RODS AND CUSTOMS INC  
ROAD RUNNERS CAR CLUB INC  
ROADSTERS OF PORT ADELAIDE  
ROLLS ROYCE OWNERS CLUB OF AUST SA BRANCH INC  
ROVER CAR CLUB OF SOUTH AUSTRALIA INC  
RS OWNERS CLUB SA  
SCUDERIA ITALIAN CAR CLUB INCORPORATED  
SEDAN HISTORIC ENTHUSIASTS DEN INC  
SINGER CAR CLUB OF SOUTH AUSTRALIA INC  
SOUTH AUSTRALIAN CHEV AND PONTIAC CLUB  
SOUTH AUSTRALIAN MOKE CLUB INC  
SOUTH AUSTRALIAN ROD AND CUSTOM CLUB INC  
SOUTH EAST CLASSIC & UNIQUE CAR CLUB INC  
SOUTH EASTERN AUTOMOBILE CLUB OF SA INC  
SOUTHERN EARLYS FX-FJ CAR CLUB INCORPORATED  
SOUTHERN PORTS VEHICLE & MOTOR RESTORERS CLUB INC  
SOUTHERN ROD RUNNERS INCORPORATED  
SOUTHERN STATE STREET RODDERS  
SPORTING CAR CLUB OF S A INCORPORATED  
SPRITE CLUB OF SOUTH AUSTRALIA INC  
STAG OWNERS CLUB OF AUSTRALIA SA BRANCH INC  
STRATHALBYN AUTO COLLECTORS CLUB INC  
STREET MACHINE ASSOC OF SOUTH AUSTRALIA INC  
STUDEBAKER CAR CLUB OF AUSTRALIA SA INC  
SUNBEAM CAR OWNERS CLUB OF SA INC  
SWAMP RAT RODDERS INC  
TAILEM BEND AUTO CLUB INCORPORATED  
TEA TREE GULLY HISTORIC & CLASSIC VEHICLE CLUB  
THE AMERICAN GM DRIVERS CLUB OF AUSTRALIA  
THE AUSTRALIAN PORSCHE 356 REGISTER INC  
THE BMW OWNERS CLUB OF SOUTH AUSTRALIA INC  
THE CLASSIC OWNERS MOTORCYCLE CLUB INC SOUTH AUST  
THE HUMBER CLUB OF SOUTH AUSTRALIA INC  
THE LAMBRETTA CLUB OF AUSTRALIA INCORPORATED  
THE NORTHERN AUTOMOTIVE RESTORATION CLUB SA INC  
THE OLD MOTOR COMPANY OF SOUTH AUSTRALIA  
THE PETERBOROUGH UNITED MACHINE PRESERVATION SOC  
THE REAPERS HOT ROD & CUSTOM CAR CLUB ADEL AUST  
THE RILEY MOTOR CLUB OF SA INC  
THE VETERAN AND VINTAGE MOTOR CYCLE CLUB OF SA INC

THE VETERAN CAR CLUB OF SOUTH AUSTRALIA INC  
THE VINTAGE SPORTS CAR CLUB OF SOUTH AUSTRALIA INC  
TORANA MOTORSPORT CLUB OF SA INC  
TR REGISTER AUSTRALIA INCORPORATED  
TRI FIVE CLASSICS ASSOCIATION INCORPORATED  
TRIUMPH SPORTS OWNERS ASSOCIATION SA BRANCH INC  
V8 STREETRODS AND CUSTOMS INC  
VALLEY HOT RODDERS INC  
VAUXHALL OWNERS CLUB OF AUSTRALIA SA BRANCH INC  
VELOCETTE MOTOR CYCLE CLUB INCORPORATED  
VET & VINT CHEVROLET AUTO ASSOC OF AUST SA BRANCH  
VETERAN & VINTAGE MOTORCYCLE CLUB OF NYP INC  
VINCENT HRD CLUB OF SOUTH AUSTRALIA INC  
VINTAGE JAPANESE MOTORCYCLE CLUB  
VOLKS ENTHUSIASTS CLUB SA INC  
VOLKSWAGEN CLUB OF SA INC  
VOLVO CAR CLUB OF SOUTH AUSTRALIA INC  
WALKERVILLE ALL CARS CLUB INC  
WANDERERS MOTOR CLUB ON EYRE INCORPORATED  
WANDERERS ROCK N ROLL CAR CLUB INCORPORATED  
WARTIME VEHICLE CONSERVATION GROUP INC  
WESTERN DISTRICTS VINTAGE CAR CLUB  
WHYALLA VINTAGE AND CLASSIC CAR CLUB INCORPORATED  
YORKE PEN VINT VET & CLASSIC MOTOR CYCLE CLUB  
ZEPHYR & ZODIAC OWNERS CLUB OF SA INC

### **Made by the Registrar of Motor Vehicles**

On 20 June 2017

South Australia

## **Oaths (Appointments) Proclamation 2017**

under section 33 of the *Oaths Act 1936*

### **1—Short title**

This proclamation may be cited as the *Oaths (Appointments) Proclamation 2017*.

### **2—Commencement**

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

### **3—Appointment of persons to take declarations and attest instruments**

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

Haydn Richard Abbott  
Callum John Adams  
Ben Alexopoulos  
Bradley James Amos  
Neil Anderson  
Richard Gary Anderson  
Linda Jane Andrew  
Stephen Andrews  
Scott Peter Ansell  
Matthew Robert Arbon  
Grant Malcolm Archer  
Daniel Luke Ayres  
Rachel Anne Bagshaw  
Cara Louise Bailey  
David James Bailey  
Todd Ashley Bakkelo  
Michael Ian Baldwin  
Richard Lloyd Bartholomew  
Tarryn Brooke Battersby  
Christine Anne Baulderstone  
Michael Arthur Bavey  
Roger James Bean  
Brendon John Beh  
Mathew Bernd Bengel

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Kirsten Joan Bentley  
Mark Anthony Bentley  
Jonathon Miles Beresford  
Nicole Sheree Birbeck  
Sarah Vanessa Bird  
Kerrie Anne Birt  
Mark Darryl Bischoff  
Kathryn Margaret Black  
Hayley Nicole Blackwell  
Adam Craig Blandford  
Shane Henry Bloomfield  
Kate Rose Blundell  
Robert Anthony Booth  
Sonja Bordon  
Howard Borisut  
Johannes Frederik Bothma  
Steven George Bottrill  
Tanya-Jane Bowen  
Rachael Eileen Bowles  
Stephen Leslie Bradfield  
David John Brazel  
Ryan James Bretag  
Shannon Bree Bretag  
Mali Briggs  
Kimberley Maree Broad  
Benjamin Richard Brooks  
Steven Michael Broughton  
Cheryl Marie Brown  
Eli James Brown  
Katherine Jane Brown  
Kevin Neil Brown  
Peter Frank Bryson  
Adam Leslie Buckley  
Meredith Tonia Burden  
Christopher Alan Busby  
Sarah Marion Butler

Sandra Buttery  
Kirsty Byrne  
Jennifer Maree Cahalan  
George Wesley Campbell  
Rebecca Ann Campbell  
Tristan Kane Carcuro  
Darren Sean Carroll  
Michael Patrick Casey  
Jacob Charles Cass  
Louisa Josephine Chapman  
Craig Adrian Charles  
Samuel James Chellew  
Joshua Paul Clonan  
Alison Lee Coad  
Neil Andrew Coleman  
Derek Keith Conlay  
Elizabeth May Corbett  
Susan Jane Corbett  
Celeste Francis Costin  
Daniel James Coventry  
David Bruce Cram  
Daren John Cross  
Ian Derek Crossland  
Morgan Adam Crowe  
Veronica Leanne Cutting  
Louise Mary Dabrowski  
Philip Andrew Daniel  
Ryan Daniels  
Nathan Richard Nesmith Davidson  
Nigel Patrick Davies  
Christopher Scott Davis  
Nicholas David Dawson  
Jade Peta Dedecke  
Helen Louise Dennis  
Malcolm David Denton  
Peter John Dewar

Bianca Louise Dimasi  
George Dimopoulos  
Russell Noel Disher  
Kristy Lee Dodd  
Nicholas John Downey  
Neil Driver  
Scott Thomas Duerden  
Tania Michelle Dunlevey  
Aimee-Jo Easterbrook  
Scott Randall Edmeades  
Kerry Anne Edwards  
Kurt Edwards  
Belinda Ann Eldridge  
Travis Wayne Emms  
Phillip James Eriksen  
Christopher John Evans  
Natasha Jane Evans  
Peter John Evans  
Thomas John Charles Faiers  
Eveleen Ciara Fazzalari  
Paul James Fellows  
Craig Ferguson  
Robyn Louise Ferraro  
Steven Fin  
Gregory Paul Flitton  
David John Ford  
Anthony Gerard Forde  
Andrew Kenneth Fortington  
Craig Douglas Foster-Lynam  
Nicholas Alan Foster  
Jarryd John Foweraker  
Melissa Kate Fox  
Sally Francis  
Carla Jayne Franson  
Anna Louise Gallamore  
Andrea Leslie Garde

David Warren Gardiner  
Caroline May Gardner  
Robbert Paul Garnett  
Paul Nelson Garwood  
Joel David Gerhardy  
Deborah Louise Gibson  
John Andrew Gill  
Glen Kingsley Gitsham  
Gary Stephen Goodwin  
Brendan Paul Gottschutzke  
Caroline Yvette Gough  
James Stuart Gowling  
Jessica Helen Graham  
Nigel Peter Grapentin  
Steven William Grose  
Jeffrey Barton Hack  
Christopher John Hackett  
James Callum Hall  
Kellie Louise Hall  
Robert Nigel Halleday  
David Ronald Hannah  
Gregory James Harding  
Dean Harris  
Julie Rebecca Harrison  
Sarah Emily Harrison  
Sharna Harrison  
Travis Wade Harrison  
Lauren Alyce Hauser  
Andrew John Haynes  
Cynthia Maree Healey  
Benjamin Thomas Healy  
Victoria Helen Heath  
David Alan Heffernan  
Kristian Henley  
Paul Adam Hill  
George Robert Hnatowych



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Sophie Elizabeth Hodge  
Susan Annemarie Hodgson  
John David Hood  
Jessica Elise Hooker  
Jessica Mary Hore  
Paul Darryl Horner  
Brett Shane Howard  
David John Howell  
Piers Roger Hunt  
Joseph Michael Hynes  
Adam Rhys Isted  
Paul Brenton Jacka  
Kenneth William Jaensch  
Lucian James Jak  
Frank Jakacic  
Howard Douglas James  
William John Jarman  
Tracey Elizabeth Jenkins  
Kalarie Julie-Lee Jenner  
Andrew Charles Jervis  
Kimberley Louise Johnson  
Ryan Justin Johnson  
Tracy Lee Johnson  
Todd William Johnstone  
Simon Jones  
Steven Norman Jones  
Cameron James Joyce  
Paul Joseph Kameniar  
Dimitrios Kantiotis  
Peter Demetrios Kastanos  
Jayne Margaret Keane  
Simon John Keane  
Janet Frances Kemplay-Hill  
Leigh Kennedy  
Emily Beth Kilford  
Colin Kirkwood

Christos Ioannis Pantelis Kontoleon  
Robert Arvid Kronitis  
Chanelle Marie Lademan  
Lenka Rhiannon Lambert  
Janine Frances Lang  
Dianne Lynette Langton  
Tammie Laurens  
Raymond Lawley-Sinclair  
Diana Philomena Lefeu-Van Nieuwkoop  
Amanda Lewis  
John Edward Lewis  
Thomas Martin Liddy  
Tess April Lillyman  
Lisa Catherine Linney  
Susan Jane Lock  
Kate Alice Longden  
Thomas Ian Edgar Lott  
Michael Terrance Lord  
Susan Monica Lucas  
Nicole Lee Lycett  
Dale Lyons  
Matthew David Lyons  
Nathan Daniel Mabikafola  
Matthew James Macdonald  
Annette Anne Maciejewski  
Joshua Philip Macrow  
Ashley Warren Maddock  
Tony Austin Madigan  
Joseph Francis Mallia  
Robert Anthony Francis Malone  
Samantha Marie Manfield  
Scott Victor Mansell  
Nicole Louise Marshall  
Trevor Lindsay Marshall  
Andrew Todd Martin  
David James Earl Martin

Liam John Martin  
Lynda Therese Martin  
Nick Martin  
Philip John Martin  
Trent Matijevic  
Julianne Danielle Matthews  
Timothy McAlister  
Sallie Elizabeth McArdell  
James Arthur McCluskey  
Daniel McCulloch  
Jacqueline McDonald  
Cameron Alan McGinley  
Timothy John Patrick McGurgan  
Tammy Renee McInness  
Trent Nathan Kym McIntyre  
Amanda Louise McLean  
Kathleen Marie McLeod  
John Brian McMahan  
Dennis James McManus  
Anthony Robert McMaster  
Caitlin Paige McRostie  
Damian Joseph McTaggart  
Gregory Edward Mellberg  
Craig Andrew Menzel  
Leonie Fay Meyer  
Kathleen Maria Milsom  
Aaron John Minerds  
Gregory James Modra  
Daniel James Moir  
Aidan Sander Mol  
Amanda Violet Molinaro  
Gillian Moore  
Joel Paul Morley  
Sarah Louise Munn  
Tracey Anne Murphy  
Brian Jeffrey Neely

Christine Margaret Nelsen

Lewis Adam Nickolai

Trevor Wayne Norris

Raymond Francis O'Riley

Nigel James Oaklands

Lesley Helen Oats

Manuela Ortiz Barbosa

Peter John Overall

Matthew Wayne Palin

Gavin James Parish

Senta Paynter

David Philip Pedder

Matthew Ian Penhall

Rhiannon Georgia Penhall

Neil John Percy

Timothy Andrew Pfeiffer

Daryl Lee Phillips

Narelle Kay Phillips

David John Polain

Heath Michael Polyak

Rachel Erin Poole

Cristina Angela Poppy

Luke Andrew Porplycia

Paulene Amanda Porter

David Cameron Pountney

Wesley Patrick Powell

Thomas Charles Pulford

Barry John Purnell

Trudie Louise Pursche

Tania Helen Radis

Adam Jordan Randle

Jonathan William Ray

Sam John Reed

Austin Paul Reid

Scott Reid

Sheree Kym Rethus

Bayden Alexander Rex  
David James Richardson  
Paige Emily Ridgway  
Thomas Paul Rieniets  
Alexander Guy Roberts  
James Robertson  
Michael John Romeo  
Alexander Ross  
Matthew Frederick Rose  
Scott Jason Rousseau  
Shaun Brenton Rowe  
Ciaron Rush  
Vilija Sabeckis  
David Anthony Salter  
Stephen Peter Sandford  
Julia Lucy Sanford  
Dimitri Sarris  
Benjamin Peter Schalk  
Lucy Schiek  
Stephen Andrew Schirmer  
Catherine Mae Scholz  
Daniel Gordon Schulz  
Matthew David Schulze  
Frank Peter Scrimshaw  
Bryony Claire Shapley  
Thomas James Shearer  
Kathy Evelyn Sherman  
Claudia Jayne Sherwood  
Kylee Ann Simpson  
Ericka Josiphine Smith  
Gregory Dean Smith  
James Milton Smith  
Janet Denise Smith  
Timothy James Smith  
Sharan Lee Southall  
Sam Harrison Sparvell

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Wayne Matthew Spencer  
Darrell Marc Staight  
Judy Stanley  
Natalie Margaret Stevenson  
Chad Edward Stewart  
Fraser Angus Stewart  
Rebecca Jayne Stokes  
Niklas Stollznow  
Raoul Stone  
Marcel Willem Storken  
Brian James Strathearn  
Lucas Rawdyn Stubing  
Ashley Ronald Surman  
Andrew James Suter  
Trevor Edward Swan  
Jennifer Susan Switala  
Clifton Charles Alexander Sykes  
Rebecca Symons  
Richard John Tamits  
Rachel Ruth Tarr  
David Alfred Taylor  
Kent Llewellyn Taylor  
Kevin Dean Taylor  
Mark Richard Taylor  
Christopher William Tetlow  
Michael Craig Thiele  
David William Thoires  
Michael Craig Thomas  
Racheal Victoria Thomas  
Craig John Thompson  
Nicholas Brian Thompson  
David Aaron Tiss  
Stephen Allan Todd  
David Thomas Townsend  
Justin Randall Traeger  
Grant Ashley Turner

Michael John Turner  
Mark Simon Ulpen  
Wolfgang Paul Unglaube  
Melissa Nicole Valassakis  
James Peter Van Den Hoorn  
Paul James Van Der Ploeg  
Todd Damien Van Dyk  
Michael David Van Zyl  
Michael Vanderwoude  
Monique Kate Elizabeth Vickery  
Adam Luke Vonow  
Mark John Wade  
Lauren Hazel Wait  
Sandra Frances Walker  
Darren Lance Watkins  
Denny James Watson  
Jordan James Watson  
Ross Gray Watson  
Grant Francis Watterson  
Madison Kate Weaver  
Susanne Carol Webb  
Casey Louise Webber  
Robert Anthony Webster  
Sonia Tracy Wellings  
Paul Stephen West  
David Mark Westover  
Jason Wheeler  
Simon James Whitehead  
Paul Whitehouse  
Jeffrey Matthew Wight  
Nicholas Andrew Wilks  
Daniel Michael Willetts  
Lee Williams  
Neil Duncan Orr Williamson  
Sharon Marie Willis  
Cheryl Leanne Wills

Jessica Anne Wilson  
Kym John Wilson  
Marie Bernadette Wilson  
Philip Austen Wilson  
Kirsty Jane Wood  
Michael Bruce Wood  
Emma Demelza Woodhouse  
Ellen Mary Wright  
Matthew Spencer Wright  
Sarah Louise Wright  
Jessica Lee Wuttke  
Adrian John Wylie  
Angus Yates  
Jessica Taylor Zarnow  
Wade Scott Zytveld

**Made by the Governor**

with the advice and consent of the Executive Council  
on 4 July 2017

JP17/005CS



South Australia

## **Oaths (Appointments) Proclamation 2017**

under section 33 of the *Oaths Act 1936*

### **1—Short title**

This proclamation may be cited as the *Oaths (Appointments) Proclamation 2017*.

### **2—Commencement**

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

### **3—Appointment of persons to take declarations and attest instruments**

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

Simon David Abbotts

Michelle Kaye

Kerri-Anne May Watts

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 4 July 2017

JP17/010CS

South Australia

## **South Australian Civil and Administrative Tribunal (Appointment of President) Proclamation 2017**

under section 10 of the *South Australian Civil and Administrative Tribunal Act 2013*

### **1—Short title**

This proclamation may be cited as the *South Australian Civil and Administrative Tribunal (Appointment of President) Proclamation 2017*.

### **2—Commencement**

This proclamation will come into operation on 4 July 2017.

### **3—Appointment of President**

Judith Hughes, a Judge of the Supreme Court, is appointed to be the President of the South Australian Civil and Administrative Tribunal from 4 July 2017.

### **Made by the Governor**

after consultation by the Attorney-General with the Chief Justice of the Supreme Court and with the advice and consent of the Executive Council  
on 4 July 2017

AGO0084/17CS

South Australia

# Gene Technology Regulations 2017

under the *Gene Technology Act 2001*

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## Part 1—Preliminary

### 1—Short title

- (1) These regulations may be cited as the *Gene Technology Regulations 2017*.
- (2) These regulations may also be referred to as the *Gene Technology Regulations*.

### 2—Commencement

These regulations will come into operation on 1 August 2017.

### 3—Definitions

In these regulations—

*Act* means the *Gene Technology Act 2001*;

*advantage*, in relation to an organism that is genetically modified, means a superior ability in its modified form, relative to the unmodified parent organism, to survive, reproduce or otherwise contribute to the gene pool;

*animal* includes every kind of organism in the animal kingdom, including non-vertebrates but not including human beings;

*AS/NZS 2243.3:2010* means the Australian/New Zealand Standard *Safety in laboratories Part 3: Microbiological safety and containment*, as in force on 1 September 2011;

*characterised*, in relation to nucleic acid, means nucleic acid that has been sequenced and in respect of which there is an understanding of potential gene products or potential functions;

*Commonwealth regulations* means the *Gene Technology Regulations 2001* of the Commonwealth;

*expert adviser* means—

- (a) in Part 4—an expert adviser appointed under section 102(1) of the Commonwealth Act; and
- (b) in Part 5—an expert adviser appointed under section 112(1) of the Commonwealth Act;

*genetically modified laboratory guinea pig* means a laboratory strain of guinea pig of the species *Cavia porcellus* that has been modified by gene technology;

*genetically modified laboratory mouse* means a laboratory strain of mouse of the species *Mus musculus* that has been modified by gene technology;

**genetically modified laboratory rabbit** means a laboratory strain of rabbit of the species *Oryctolagus cuniculus* that has been modified by gene technology;

**genetically modified laboratory rat** means a laboratory strain of rat of either the species *Rattus rattus* or *Rattus norvegicus* that has been modified by gene technology;

**infectious agent** means an agent that is capable of entering, surviving in, multiplying, and potentially causing disease in, a susceptible host;

**inspector** means a person appointed by the Regulator under section 150 of the Act as an inspector;

**known** means known within the scientific community;

**non-conjugative plasmid**, for Schedule 2, has the meaning given in Part 3 of that Schedule;

**non-vector system**, for Schedule 2, has the meaning given in Part 3 of that Schedule;

**nucleic acid** means either, or both, deoxyribonucleic acid (**DNA**), or ribonucleic acid (**RNA**), of any length;

**oncogenic modification** means a genetic modification capable of contributing to tumour formation, including modifications that cause at least 1 of the following:

- (a) defects in DNA proofreading and repair;
- (b) defects in chromosome maintenance;
- (c) defects in cell cycle checkpoint mechanisms;
- (d) uncontrolled cell proliferation;
- (e) resistance to apoptosis;
- (f) cellular immortalisation;

**packaging cell line** means an animal or human cell line that contains a gene or genes that when expressed *in trans* are necessary and sufficient to complement packaging defects of a replication defective viral vector in order to produce packaged replication defective virions;

**pathogenic**, in relation to an organism, means having the capacity to cause disease or abnormality;

**pathogenic determinant** means a characteristic that has the potential to increase the capacity of a host or vector to cause disease or abnormality;

**physical containment level**, followed by a numeral, is a specified containment level under guidelines made by the Regulator, under section 90 of the Act, for the certification of facilities;

**plasmid** means a DNA molecule capable of autonomous replication and stable extra-chromosomal maintenance in a host cell;

**shot-gun cloning** means the production of a large random collection of cloned fragments of nucleic acid from which genes of interest can later be selected;

**toxin** means a substance that is toxic to any vertebrate;

**toxin-producing organism** means an organism producing toxin with an LD<sub>50</sub> of less than 100 µg/kg;

**transduce**, in relation to a viral vector or viral particle, means enter an intact cell by interaction of the viral particle with the cell membrane.

**Note—**

Several other words and expressions used in these regulations have the meaning given by section 10, or another provision, of the Act. For example—

- accredited organisation
- deal with
- environment
- facility
- Gene Technology Technical Advisory Committee
- GMO
- GM product
- Institutional Biosafety Committee
- intentional release of the GMO into the environment (see section 11)
- notifiable low risk dealing
- Regulator.

**3A—Numbering**

- (1) In order to maintain consistent numbering between these regulations and the Commonwealth Regulations—
  - (a) if the Commonwealth Regulations contain a regulation that is not required in these regulations, the provision number and heading to the regulation appearing in the Commonwealth Regulations are included in these regulations despite the omission of the body of the regulation; and
  - (b) if these regulations contain a regulation that is not included in the Commonwealth Regulations, the regulation is numbered so as to maintain consistency in numbering between regulations common to both regulations.
- (2) A provision number and heading referred to in subregulation (1)(a) form part of these regulations.

**Notes—**

- 1 A note appears under each heading of a kind referred to in subregulation (1)(a) describing the omitted regulation of the Commonwealth Regulations.
- 2 A note appears under each regulation of a kind referred to in subregulation (1)(b) highlighting the non-appearance of an equivalent regulation in the Commonwealth Regulations.
- 3 This regulation does not appear in the Commonwealth Regulations.

**3B—Notes**

Notes do not form part of these regulations.

**Note—**

This regulation does not appear in the Commonwealth Regulations.

## Part 2—Interpretation and general operation

### 4—Techniques not constituting gene technology

For the purposes of paragraph (c) of the definition of *gene technology* in section 10 of the Act, gene technology does not include a technique mentioned in Schedule 1A.

### 5—Organisms that are not genetically modified organisms

For the purposes of paragraph (e) in the definition of *genetically modified organism* in section 10 of the Act, an organism listed in Schedule 1 is not a genetically modified organism.

## Part 3—Dealings with GMOs

### Division 1—Licensing system

#### 6—Dealings exempt from licensing

- (1) For the purposes of section 32(3) of the Act, a dealing, in relation to a GMO, is an exempt dealing if—
  - (a) it is a dealing of a kind referred to in Part 1 of Schedule 2; and
  - (b) it does not involve a genetic modification other than a modification described in Part 1 of Schedule 2; and
  - (d) it does not involve an intentional release of the GMO into the environment.
- (2) For the avoidance of doubt, exemption under subregulation (1) does not apply to a dealing that does not comply with subregulation (1), whether or not that dealing is related to a dealing that does so comply.

#### Notes—

- 1 A dealing affected by this regulation could be any of the forms of dealing mentioned in the definition of *deal with* in section 10(1) of the Act.
- 2 Exemption from provisions of the Act does not preclude the application of other Commonwealth and State laws.
- 3 *Intentional release of the GMO into the environment* is defined in section 11 of the Act.

#### 7—Application for licence—prescribed fee

##### Note—

At the commencement of this regulation, no application fee is prescribed under section 40(6) of the Act.

#### 8—Time limit for deciding an application

- (1) For the purposes of section 43(3) of the Act, the period within which the Regulator must issue, or refuse to issue, a licence is—
  - (a) in relation to an application to which Division 3 of Part 5 of the Act applies, 90 days after the day the application is received by the Regulator; or
  - (b) in relation to an application to which Division 4 of Part 5 of the Act applies—



- (i) for a limited and controlled release application for which the Regulator is satisfied that the dealings proposed to be authorised by the licence do not pose significant risks to the health and safety of people or to the environment—150 days after the day the application is received by the Regulator; and
  - (ii) for a limited and controlled release application for which the Regulator is satisfied that at least 1 of the dealings proposed to be authorised by the licence may pose significant risks to the health and safety of people or to the environment—170 days after the day the application is received by the Regulator; and
  - (iii) in any other case—255 days after the day the application is received by the Regulator.
- (2) For the purpose of determining the end of a period mentioned in subregulation (1), the following days are not counted:
- (a) a Saturday, a Sunday or a public holiday in the Australian Capital Territory;
  - (b) a day on which the Regulator cannot proceed with the decision-making process, or a related function, because the Regulator is awaiting information that the applicant has been requested, in writing, to give;
  - (c) if, in relation to the application, the Regulator publishes notice of a public hearing under section 53 of the Act, a day in the period that—
    - (i) begins on the day of publication; and
    - (ii) ends on the day when the public hearing ends;
  - (d) a day on which the Regulator cannot proceed with the decision-making process, or a related function, because—
    - (i) the applicant has requested, under section 184 of the Act, that information given in relation to the application be declared confidential commercial information for the purposes of the Act; and
    - (ii) the Regulator is—
      - (A) considering the application; or
      - (B) waiting until any review rights under section 181 or 183 of the Act, in relation to the application, are exhausted;
  - (e) if, in relation to the application, the Regulator requests the Ethics and Community Committee to provide advice on an ethical issue, a day in the period that—
    - (i) begins on the day the request is made; and
    - (ii) subject to subregulation (3), ends on the day when the advice is given or, if the advice is not given within the period, if any, specified under subregulation (3), on the last day of that period.
- (3) The Regulator, when seeking advice under section 50(3) or 52(3) of the Act, or from the Ethics and Community Committee, may specify a reasonable period within which the advice must be received, and, if the advice is not received within that period, must proceed without regard to that advice.

- (4) In subregulation (1)—

*limited and controlled release application* means an application for a licence to which section 50A of the Act applies.

### **9—Prescribed authorities**

For the purposes of sections 50(3)(c) and 52(3)(c) of the Act, the following Commonwealth authorities and agencies are prescribed:

- (a) Food Standards Australia New Zealand;
- (b) Australian Quarantine and Inspection Service;
- (d) the Director, National Industrial Chemical Notification and Assessment Scheme under the *Industrial Chemicals (Notification and Assessment) Act 1989* of the Commonwealth;
- (e) Australian Pesticides and Veterinary Medicines Authority;
- (f) Therapeutic Goods Administration, Department of Health and Aged Care of the Commonwealth.

### **9A—Risks posed by dealings proposed to be authorised by licence**

For the purposes of section 51(1)(a) of the Act, the Regulator must have regard to the following matters:

- (a) the properties of the organism to which dealings proposed to be authorised by a licence relate before it became, or will become, a GMO;
- (b) the effect, or the expected effect, of the genetic modification that has occurred, or will occur, on the properties of the organism;
- (c) provisions for limiting the dissemination or persistence of the GMO or its genetic material in the environment;
- (d) the potential for spread or persistence of the GMO or its genetic material in the environment;
- (e) the extent or scale of the proposed dealings;
- (f) any likely impacts of the proposed dealings on the health and safety of people.

### **10—Risk assessment—matters to be taken into account**

- (1) For the purposes of sections 51(1)(g) and 51(2)(g) of the Act, other matters to be taken into account in relation to dealings proposed to be authorised by a licence include—
- (a) subject to section 45 of the Act, any previous assessment by a regulatory authority, in Australia or overseas, in relation to allowing or approving dealings with the GMO; and
  - (b) the potential of the GMO concerned to—
    - (i) be harmful to other organisms; and
    - (ii) adversely affect any ecosystems; and
    - (iii) transfer genetic material to another organism; and
    - (iv) spread, or persist, in the environment; and
    - (v) have, in comparison to related organisms, an advantage in the environment; and

- (vi) be toxic, allergenic or pathogenic to other organisms.
- (2) In taking into account a risk mentioned in section 51(1) of the Act, or a potential capacity mentioned in subregulation (1), the Regulator must consider both the short term and the long term.

## 11—Prescribed conditions of licence

### Note—

At the commencement of these regulations, no conditions are prescribed under section 61(b) of the Act.

## 11A—Time limit for deciding variation application

- (1) For section 71(7) of the Act, the Regulator must vary the licence, or refuse to vary the licence, within 90 days after the day an application for a variation of the licence is received by the Regulator.
- (2) For the period mentioned in subregulation (1), the following days are not counted:
  - (a) a Saturday or a public holiday in South Australia;
  - (b) a day on which the Regulator cannot proceed with the decision-making process, or a related function, because the Regulator is waiting for information that the applicant has been asked, in writing, to give, will not be counted.

### Note—

This subregulation differs from regulation 11A(2) of the Commonwealth regulations.

## Division 2—Notifiable low risk dealings

### 12—Notifiable low risk dealings

- (1) For the purposes of section 74(1) of the Act, a dealing with a GMO is a notifiable low risk dealing if—
  - (a) it is a dealing of a kind mentioned in Part 1 or 2 of Schedule 3 (other than a dealing also mentioned in Part 3 of Schedule 3); and
  - (b) it does not involve an intentional release of the GMO into the environment.
- (2) For the avoidance of doubt, subregulation (1) does not apply to a dealing that does not comply with subregulation (1), whether or not that dealing is related to a dealing that does so comply.

### Notes—

- 1 A dealing affected by this regulation could be any of the forms of dealing mentioned in the definition of *deal with* in section 10(1) of the Act.
- 2 *Intentional release of the GMO into the environment* is defined in section 11 of the Act.

### 13—Requirements for undertaking notifiable low risk dealings

- (1) A person may undertake a notifiable low risk dealing only if—
  - (a) the person or an accredited organisation has prepared and submitted a written proposal for an Institutional Biosafety Committee to assess whether the dealing is a notifiable low risk dealing; and
  - (b) the Institutional Biosafety Committee has assessed the dealing to be a notifiable low risk dealing mentioned in Part 1 or 2 of Schedule 3; and

- (c) the dealing undertaken is the dealing described in the Institutional Biosafety Committee's record of assessment of the proposal; and
- (d) the dealing is only undertaken before the day mentioned in regulation 13A for the dealing; and
- (e) the person is mentioned in the Institutional Biosafety Committee's record of assessment as having the appropriate training and experience to undertake the dealing; and
- (f) the dealing is undertaken in facilities mentioned in the Institutional Biosafety Committee's record of assessment as being appropriate for the dealing; and
- (g) the person keeps or can give, on request, a copy of the Institutional Biosafety Committee's record of assessment to an inspector; and
- (h) the person does not compromise the containment of a GMO involved in the dealing; and
- (i) the person undertakes the dealing in accordance with subregulations (2) and (3).

**Note—**

A person complies with paragraph (e) if the person is in a class of persons that an Institutional Biosafety Committee has included in the record of assessment as having the appropriate training and experience to undertake the dealing. Similarly, a person complies with paragraph (f) if the facility in which the person undertakes the dealing is in a class of facilities that an Institutional Biosafety Committee has included in the record of assessment as being appropriate for the dealing.

- (2) A notifiable low risk dealing must be undertaken—
  - (a) for a kind of dealing mentioned in Part 1 of Schedule 3—in a facility certified by the Regulator to at least physical containment level 1 and that is appropriate for the dealing; or
  - (b) for a kind of dealing mentioned in Part 2 of Schedule 3—
    - (i) that is not a dealing mentioned in subparagraph (ii)—in a facility certified by the Regulator to at least physical containment level 2 and that is appropriate for the dealing; or
    - (ii) that involves a micro-organism that satisfies the criteria in AS/NZS 2243.3:2010 for classification as Risk Group 3—in a facility certified by the Regulator to at least physical containment level 3 and that is appropriate for the dealing; or
  - (c) in a facility that the Regulator has agreed in writing is a facility in which the dealing may be undertaken.
- (3) However, if a notifiable low risk dealing involves the transportation, storage or disposal of a GMO, the transportation, storage or disposal—
  - (a) may only be undertaken before the day mentioned in regulation 13A as being the day on or before which the dealing must stop being undertaken; and
  - (b) may happen outside a facility mentioned in subregulation (2), but in that case must be conducted in accordance with—
    - (i) the *Guidelines for the Transport, Storage and Disposal of GMOs*, as in force on 1 September 2011, that have been issued by the Regulator for this purpose under section 27(d) of the Act; or

- (ii) transportation, storage or disposal requirements that the Regulator has agreed in writing are appropriate for the containment of the GMO.
- (4) For subregulation (2)(c), the Regulator must consider the capacity of a facility to contain GMOs before deciding whether to agree, in writing, to a facility.

### **13A—Time limits for stopping notifiable low risk dealings**

For regulation 13(1)(d), the day on or before which the dealing described in the record of assessment of the dealing must stop being undertaken is—

- (a) the day 5 years after the date of assessment, if the dealing is assessed by an Institutional Biosafety Committee on or after 1 September 2011; and
- (b) 31 August 2016, if the dealing is assessed by an Institutional Biosafety Committee in the period 31 March 2008 to 31 August 2011 (inclusive); and
- (c) 31 March 2015, if the dealing is assessed by an Institutional Biosafety Committee before 31 March 2008.

#### **Note—**

A person will have to apply for, and obtain, a new assessment of the dealing as a notifiable low risk dealing from an Institutional Biosafety Committee to continue to undertake the dealing after the applicable day mentioned in this regulation.

### **13B—Requirements for Institutional Biosafety Committees about records of assessments of notifiable low risk dealing proposals**

An Institutional Biosafety Committee that has assessed a proposal as to whether a dealing is a notifiable low risk dealing must—

- (a) make a record of its assessment, in a form approved by the Regulator, that includes the following:
  - (i) the identifying name of the dealing to be undertaken that was given to the dealing by the person or accredited organisation proposing to undertake the dealing;
  - (ii) a description of the dealing to be undertaken;
  - (iii) its assessment whether the dealing is a notifiable low risk dealing mentioned in Part 1 or 2 of Schedule 3;
  - (iv) if the Committee has assessed the dealing as being a notifiable low risk dealing mentioned in Part 1 or 2 of Schedule 3, the kind of notifiable low risk dealing that the dealing is, in terms of those Parts;
  - (v) the date of the Committee's assessment of the dealing;
  - (vi) the persons or classes of persons considered by the Committee to have the appropriate training and experience to undertake the dealing;
  - (vii) the facilities or classes of facilities the Committee considers to be of the appropriate physical containment level and type for the dealing;
  - (viii) the name of the Committee that assessed the proposal;
  - (ix) the name of the person or accredited organisation that submitted the proposal;
  - (x) the name of the person or accredited organisation proposing to undertake the dealing; and

- (b) give a copy of the record of assessment to the person or accredited organisation that submitted the proposal to the Committee.

### **13C—Information to be kept or given to the Regulator by persons or accredited organisations**

- (1) A person or an accredited organisation that has been given a copy of a record of assessment by an Institutional Biosafety Committee must, if the dealing has been assessed by the Committee as a notifiable low risk dealing, give the Regulator a record of the proposed dealing, in the form approved by the Regulator, that includes—
  - (a) the particulars, prescribed under regulation 39(1) in relation to the dealing, to be included in the Record of GMO and GM Product Dealings; and
  - (b) the name of the Committee that assessed the dealing; and
  - (c) the name of the person or accredited organisation that submitted the proposal for assessment of the dealing to the Committee.
- (2) The record of the proposed dealing mentioned in subregulation (1) must be given to the Regulator in the financial year in which the Institutional Biosafety Committee made the assessment—
  - (a) by an accredited organisation—in the annual report for the financial year to be given by the organisation to the Regulator; or
  - (b) by any other person—in a report for the financial year to be given by the person to the Regulator, in the form approved by the Regulator.
- (3) A person or accredited organisation given a copy of a record of assessment by an Institutional Biosafety Committee must keep a copy of the Committee's record of assessment for 8 years after the date of the assessment.
- (4) The Regulator may at any time, by written notice, require from the following persons or organisations further information about how a notifiable low risk dealing is being undertaken, including information about a GMO being dealt with:
  - (a) the person or accredited organisation that submitted the proposal for assessment of the dealing;
  - (b) any other person involved with undertaking the dealing.
- (5) A person or organisation given a notice under subregulation (4) must, by the end of the period mentioned in the notice, give the Regulator the information required by the notice.

## **Division 3—Certification and accreditation**

### **14—Regulator to decide certification application within 90 days**

**Note—**

The Commonwealth Regulations provide the period within which the Regulator must consider and decide an application for certification of a facility.

### **15—Application for certification—failure to provide section 85 information**

If an applicant for certification fails to provide information required under section 85(1) of the Act within the period specified in a notice given under section 85(2) of the Act, and gives no reasonable explanation for the failure, the Regulator may refuse to certify the facility that is the subject of the application.

**Note—**

A refusal to certify a facility is a reviewable decision (see Division 2 of Part 12 of the Act).

**16—Regulator to decide accreditation application within 90 days****Note—**

The Commonwealth Regulations provide the period within which the Regulator must consider and decide an application for accreditation of an organisation.

**17—Application for accreditation—failure to provide section 93 information**

If an applicant for accreditation fails to provide information required under section 93(1) of the Act within the period specified in a notice given under section 93(2) of the Act, and gives no reasonable explanation for the failure, the Regulator may refuse to accredit the organisation that is the subject of the application.

**Note—**

A refusal to accredit an organisation is a reviewable decision (see Division 2 of Part 12 of the Act).

**Part 4—Gene Technology Technical Advisory Committee****Division 1—Conditions of appointment****18—GTTAC members and advisers—term of appointment****Note—**

Regulation 18 of the Commonwealth Regulations provides for the term of appointment of members of the Gene Technology Technical Advisory Committee and expert advisers to the GTTAC.

**19—GTTAC members and advisers—resignation****Note—**

Regulation 19 of the Commonwealth Regulations provides for the resignation of members of the Gene Technology Technical Advisory Committee and expert advisers to the GTTAC.

**20—GTTAC members—disclosure of interests****Note—**

Regulation 20 of the Commonwealth Regulations sets out when and how members of the Gene Technology Technical Advisory Committee must disclose any interests of a kind likely to be considered at a meeting of the GTTAC.

**21—GTTAC members and advisers—termination of appointment****Note—**

Regulation 21 of the Commonwealth Regulations sets out the circumstances of terminating the appointment of members of the Gene Technology Technical Advisory Committee and expert advisers to the GTTAC.

**22—GTTAC members—leave of absence****Note—**

Regulation 22 of the Commonwealth Regulations provides when the Chairperson and members of the Gene Technology Technical Advisory Committee may be granted leave.

## **23—Expert advisers—disclosure of interests**

### **Note—**

Regulation 23 of the Commonwealth Regulations sets out when and how expert advisers to the Gene Technology Technical Advisory Committee must disclose any interests of a kind likely to be considered at a meeting of the GTTAC.

## **Division 2—Committee procedures**

### **24—Committee procedures generally**

#### **Note—**

Regulation 24 of the Commonwealth Regulations provides that the Gene Technology Technical Advisory Committee must perform its functions as informally as the Commonwealth Regulations allow and how the GTTAC may obtain information.

### **25—Committee meetings**

#### **Note—**

Regulation 25 of the Commonwealth Regulations provides when the Gene Technology Technical Advisory Committee may have meetings and provides that in certain circumstances meetings may be by videoconference or teleconference.

### **26—Presiding member**

#### **Note—**

Regulation 26 of the Commonwealth Regulations provides that the Chairperson of the Gene Technology Technical Advisory Committee presides at its meetings and who presides in the Chairperson's absence.

### **27—Quorum**

#### **Note—**

Regulation 27 of the Commonwealth Regulations provides that half the members of the Gene Technology Technical Advisory Committee comprises the GTTAC's quorum.

### **28—Voting**

#### **Note—**

Regulation 28 of the Commonwealth Regulations provides that decisions of the Gene Technology Technical Advisory Committee must be made by a majority of members present and voting and that the Chairperson has a deliberative and casting vote.

### **29—Records and Reports**

#### **Note—**

Regulation 29 of the Commonwealth Regulations provides that records must be kept of the Gene Technology Technical Advisory Committee's proceedings and when reports must be prepared.

## **Division 3—Subcommittees**

### **30—Operation of subcommittees**

#### **Note—**

Regulation 30 of the Commonwealth Regulations states that regulations 24, 25, 26 and 28 of those regulations apply to a subcommittee established under section 105(1) of the Commonwealth Act.



## **Part 5—Ethics and Community Committee**

### **31—Ethics and Community Committee—conditions of appointment**

**Note—**

Regulation 31 of the Commonwealth Regulations provides that Division 1 of Part 4 of the Commonwealth Regulations applies to the conditions of appointment of members of the Ethics and Community Committee.

### **32—Ethics and Community Committee—Committee procedures**

**Note—**

Regulation 32 of the Commonwealth Regulations provides that Division 2 of Part 4 of the Commonwealth Regulations applies to the procedures of members of the Ethics and Community Committee.

### **33—Ethics and Community Committee—operation of subcommittees**

**Note—**

Regulation 33 of the Commonwealth Regulations provides that regulations 24, 25, 26 and 28 of the Commonwealth Regulations apply to a subcommittee established under subsection 111(1) of the Commonwealth Act.

## **Part 7—Miscellaneous**

### **37—Reviewable State decisions**

**Note—**

The scheme for reviewable State decisions under the Commonwealth Act does not apply under the South Australian legislation.

### **38—Review of decisions**

**Note—**

Regulation 38 of the Commonwealth Regulations provides that a person whose interests are affected by a decision in relation to the termination of the appointment of a member to a committee under those regulations may apply to the Administrative Appeals Tribunal for review of the decision.

### **39—Record of GMO and GM Product Dealings**

- (1) For the purposes of section 138(2) of the Act, the following particulars are prescribed in relation to a notifiable low risk dealing that is notified to the Regulator:
  - (a) the name of the organisation proposing to undertake the notified dealing;
  - (b) in terms of Part 1 or 2 of Schedule 3, the kind of notifiable low risk dealing proposed;
  - (c) the identifying name given to the proposed undertaking by the organisation;
  - (d) the date of assessment by an Institutional Biosafety Committee that the dealing is a notifiable low risk dealing.
- (2) For the purposes of section 138(3) of the Act, the following particulars are prescribed in relation to a GM product mentioned in a designated notification:
  - (a) the name of the organisation producing the GM product;
  - (b) a description of the GM product, with reference to—

- (i) the **applicable Act**, being the *Agricultural and Veterinary Chemicals (South Australia) Act 1994*; and
- (ii) its common name as a product, or type or class of product (for example, bread or insulin);
- (c) information about the GM product, including—
  - (i) the common name and the scientific name of the parent organism involved; and
  - (ii) details of the introduced trait in the GMO from which the GM product is derived; and
  - (iii) the identity of the introduced gene responsible for conferring the introduced trait;
- (d) the date on which a decision under the applicable Act, that enables supply of the GM product in Australia, takes effect;
- (e) details of any conditions attaching to that permission.

**Note—**

This regulation differs from regulation 39 of the Commonwealth Regulations.

**40—Inspector identity card**

For the purposes of section 151(2)(a) of the Act, an inspector's identity card must—

- (a) display a recent photograph of the inspector's face; and
- (b) state the date of issue; and
- (c) state the period of its validity.

**Schedule 1A—Techniques that are not gene technology**

(regulation 4)

<b>Item</b>	<b>Description of technique</b>
1	Somatic cell nuclear transfer, if the transfer does not involve genetically modified material.
2	Electromagnetic radiation-induced mutagenesis.
3	Particle radiation-induced mutagenesis.
4	Chemical-induced mutagenesis.
5	Fusion of animal cells, or human cells, if the fused cells are unable to form a viable whole animal or human.
6	Protoplast fusion, including fusion of plant protoplasts.
7	Embryo rescue.
8	<i>In vitro</i> fertilisation.
9	Zygote implantation.
10	A natural process, if the process does not involve genetically modified material.

**Examples—**

Examples of natural processes include conjugation, transduction, transformation and transposon mutagenesis.

## Schedule 1—Organisms that are not genetically modified organisms

(regulation 5)

Item	Description of organism
1	A mutant organism in which the mutational event did not involve the introduction of any foreign nucleic acid (that is, non-homologous DNA, usually from another species).
2	A whole animal, or a human being, modified by the introduction of naked recombinant nucleic acid (such as a DNA vaccine) into its somatic cells, if the introduced nucleic acid is incapable of giving rise to infectious agents.
3	Naked plasmid DNA that is incapable of giving rise to infectious agents when introduced into a host cell.
6	An organism that results from an exchange of DNA if— <ol style="list-style-type: none"> <li>the donor species is also the host species; and</li> <li>the vector DNA does not contain any heterologous DNA.</li> </ol>
7	An organism that results from an exchange of DNA between the donor species and the host species if— <ol style="list-style-type: none"> <li>such exchange can occur by naturally occurring processes; and</li> <li>the donor species and the host species are micro-organisms that—               <ol style="list-style-type: none"> <li>satisfy the criteria in AS/NZS 2243.3:2010, for classification as Risk Group 1; and</li> <li>are known to exchange nucleic acid by a natural physiological process; and</li> </ol> </li> <li>the vector used in the exchange does not contain heterologous DNA from any organism other than an organism that is involved in the exchange.</li> </ol>

## Schedule 2—Dealings exempt from licensing

(regulation 6)

**Note—**

Regulation 6(1) sets out other requirements for exempt dealings.

### Part 1—Exempt dealings

Item	Description of dealing
2	A dealing with a genetically modified <i>Caenorhabditis elegans</i> , unless— <ol style="list-style-type: none"> <li>an advantage is conferred on the animal by the genetic modification; or</li> <li>as a result of the genetic modification, the animal is capable of secreting or producing an infectious agent.</li> </ol>
3	A dealing with an animal into which genetically modified somatic cells have been introduced, if— <ol style="list-style-type: none"> <li>the somatic cells are not capable of giving rise to infectious agents as a result of the genetic modification; and</li> <li>the animal is not infected with a virus that is capable of recombining with the genetically modified nucleic acid in the somatic cells.</li> </ol>
3A	A dealing with an animal whose somatic cells have been genetically modified <i>in vivo</i> by a replication defective viral vector, if— <ol style="list-style-type: none"> <li>the <i>in vivo</i> modification occurred as part of a previous dealing; and</li> </ol>

Item	Description of dealing
	<ul style="list-style-type: none"> <li>(b) the replication defective viral vector is no longer in the animal; and</li> <li>(c) no germ line cells have been genetically modified; and</li> <li>(d) the somatic cells cannot give rise to infectious agents as a result of the genetic modification; and</li> <li>(e) the animal is not infected with a virus that can recombine with the genetically modified nucleic acid in the somatic cells of the animal.</li> </ul>
4	<p data-bbox="256 533 1350 622">(1) Subject to subitem (2), a dealing involving a host/vector system mentioned in Part 2 of this Schedule and producing no more than 25 litres of GMO culture in each vessel containing the resultant culture.</p> <p data-bbox="256 640 628 674">(2) The donor nucleic acid—</p> <ul style="list-style-type: none"> <li>(a) must meet either of the following requirements: <ul style="list-style-type: none"> <li>(i) it must not be derived from organisms implicated in, or with a history of causing, disease in otherwise healthy— <ul style="list-style-type: none"> <li>(A) human beings; or</li> <li>(B) animals; or</li> <li>(C) plants; or</li> <li>(D) fungi;</li> </ul> </li> <li>(ii) it must be characterised and the information derived from its characterisation show that it is unlikely to increase the capacity of the host or vector to cause harm; and</li> </ul> <p data-bbox="507 1106 639 1140"><b>Example—</b></p> <p data-bbox="616 1151 1350 1240">Donor nucleic acid would not comply with subparagraph (ii) if its characterisation shows that, in relation to the capacity of the host or vector to cause harm, it—</p> <ul style="list-style-type: none"> <li>(a) provides an advantage; or</li> <li>(b) adds a potential host species or mode of transmission; or</li> <li>(c) increases its virulence, pathogenicity or transmissibility.</li> </ul> </li> <li>(b) must not code for a toxin with an LD<sub>50</sub> of less than 100 µg/kg; and</li> <li>(c) must not code for a toxin with an LD<sub>50</sub> of 100 µg/kg or more, if the intention is to express the toxin at high levels; and</li> <li>(d) must not be uncharacterised nucleic acid from a toxin-producing organism; and</li> <li>(e) must not include a viral sequence unless the donor nucleic acid— <ul style="list-style-type: none"> <li>(i) is missing at least 1 gene essential for viral multiplication that— <ul style="list-style-type: none"> <li>(A) is not available in the cell into which the nucleic acid is introduced; and</li> <li>(B) will not become available during the dealing; and</li> </ul> </li> <li>(ii) cannot restore duplication competence to the vector.</li> </ul> </li> </ul>
5	<p data-bbox="347 1800 1350 1890">A dealing involving shot-gun cloning, or the preparation of a cDNA library, in a host/vector system mentioned in item 1 of Part 2 of this Schedule, if the donor nucleic acid is not derived from either—</p> <ul style="list-style-type: none"> <li>(a) a pathogen; or</li> <li>(b) a toxin-producing organism.</li> </ul>

## Part 2—Host/vector systems for exempt dealings

Item	Class	Host	Vector
1	Bacteria	<i>Escherichia coli</i> K12, <i>E. coli</i> B, <i>E. coli</i> C or <i>E. coli</i> Nissle 1917—any derivative that does not contain—	1. Non-conjugative plasmids
		(a) generalised transducing phages; or	2. Bacteriophage
		(b) genes able to complement the conjugation defect in a non-conjugative plasmid	(a) lambda (b) lambdoid (c) Fd or F1 (eg M13)
			3. None (non-vector systems)
		<i>Bacillus</i> —specified species—asporogenic strains with a reversion frequency of less than $10^{-7}$ —	1. Non-conjugative plasmids
		(a) <i>B. amyloliquefaciens</i>	2. Plasmids and phages whose host range does not include <i>B. cereus</i> , <i>B. anthracis</i> or any other pathogenic strain of <i>Bacillus</i>
		(b) <i>B. licheniformis</i>	3. None (non-vector systems)
		(c) <i>B. pumilus</i>	
		(d) <i>B. subtilis</i>	
		(e) <i>B. thuringiensis</i>	
		<i>Pseudomonas putida</i> —strain KT 2440	1. Non-conjugative plasmids including certified plasmids: pKT 262, pKT 263, pKT 264
			2. None (non-vector systems)
		<i>Streptomyces</i> —specified species—	1. Non-conjugative plasmids
		(a) <i>S. aureofaciens</i>	2. Certified plasmids: SCP2, SLP1, SLP2, PIJ101 and derivatives
		(b) <i>S. coelicolor</i>	3. Actinophage phi C31 and derivatives
		(c) <i>S. cyaneus</i>	4. None (non-vector systems)
		(d) <i>S. griseus</i>	
		(e) <i>S. lividans</i>	
		(f) <i>S. parvulus</i>	
		(g) <i>S. rimosus</i>	
		(h) <i>S. venezuelae</i>	
		<i>Agrobacterium radiobacter</i>	1. Non-tumorigenic disarmed Ti plasmid vectors, or Ri plasmid vectors
		<i>Agrobacterium rhizogenes</i> —disarmed strains	
		<i>Agrobacterium tumefaciens</i> —disarmed strains	2. None (non-vector systems)
		<i>Lactobacillus</i>	1. Non-conjugative plasmids
		<i>Lactococcus lactis</i>	

Item	Class	Host	Vector
		<i>Oenococcus oeni</i> syn. <i>Leuconostoc oeni</i> <i>Pediococcus</i> <i>Photobacterium angustum</i> <i>Pseudoalteromonas tunicata</i> <i>Rhizobium</i> (including the genus <i>Allorhizobium</i> ) <i>Sphingopyxis alaskensis</i> syn. <i>Sphingomonas alaskensis</i> <i>Streptococcus thermophilus</i> <i>Synechococcus</i> —specified strains: (a) PCC 7002 (b) PCC 7942 (c) WH 8102 <i>Synechocystis</i> species—strain PCC 6803 <i>Vibrio cholerae</i> CVD103-HgR	2. None (non-vector systems)
2	Fungi	<i>Kluyveromyces lactis</i> <i>Neurospora crassa</i> —laboratory strains <i>Pichia pastoris</i> <i>Saccharomyces cerevisiae</i> <i>Schizosaccharomyces pombe</i> <i>Trichoderma reesei</i> <i>Yarrowia lipolytica</i>	1. All vectors 2. None (non-vector systems)
3	Slime moulds	<i>Dictyostelium</i> species	1. <i>Dictyostelium</i> shuttle vectors, including those based on the endogenous plasmids Ddp1 and Ddp2 2. None (non-vector systems)
4	Tissue culture	Any of the following if they cannot spontaneously generate a whole animal: (a) animal or human cell cultures (including packaging cell lines) (b) isolated cells, isolated tissues or isolated organs, whether animal or human (c) early non-human mammalian embryos cultured <i>in vitro</i>	1. Non-conjugative plasmids 2. Non-viral vectors, or replication defective viral vectors unable to transduce human cells 3. Baculovirus ( <i>Autographa californica</i> nuclear polyhedrosis virus), polyhedrin minus 4. None (non-vector systems)

Item	Class	Host	Vector
		Either of the following if they are not intended, and are not likely without human intervention, to vegetatively propagate, flower or regenerate into a whole plant:	1. Non-tumorigenic disarmed Ti plasmid vectors, or Ri plasmid vectors, in <i>Agrobacterium tumefaciens</i> , <i>Agrobacterium radiobacter</i> or <i>Agrobacterium rhizogenes</i>
		(a) plant cell cultures	
		(b) isolated plant tissues or organs	
			2. Non-pathogenic viral vectors
			3. None (non-vector systems)

## Part 3—Definitions

In this Schedule—

**code for**, in relation to a toxin, means to specify the amino acid sequence of the toxin;

**non-conjugative plasmid** means a plasmid that is not self-transmissible, and includes, but is not limited to, non-conjugative forms of the following plasmids:

- (a) bacterial artificial chromosomes (BACs);
- (b) cosmids;
- (c) P1 artificial chromosomes (PACs);
- (d) yeast artificial chromosomes (YACs);

**non-vector system** means a system in which donor nucleic acid is or was introduced into a host cell—

- (a) in the absence of a nucleic acid-based vector; or
- (b) using a nucleic acid-based vector in the course of a previous dealing and the vector is—
  - (i) no longer present; or
  - (ii) present but cannot be remobilised from a host cell.

### Example 1—

A system mentioned in paragraph (a) might involve the use of electroporation or particle bombardment.

### Example 2—

A system mentioned in paragraph (b) might involve cells that were transduced with a replication defective retroviral vector in which no vector particles remain.

## Schedule 3—Notifiable low risk dealings in relation to a GMO

(Regulations 12 and 13)

### Part 1—Notifiable low risk dealings suitable for at least physical containment level 1

Note—

Because of regulation 12(1), a dealing mentioned in this Part is not a notifiable low risk dealing if it is also a dealing of a kind mentioned in Part 3 of this Schedule.

### 1.1—Kinds of dealings suitable for at least physical containment level 1

The following kinds of notifiable low risk dealings must be undertaken, unless regulation 13(2)(c) or 13(3)(b) applies, in facilities certified to at least physical containment level 1 and that are appropriate for the dealings:

- (a) a dealing involving a genetically modified laboratory guinea pig, a genetically modified laboratory mouse, a genetically modified laboratory rabbit or a genetically modified laboratory rat, unless—
  - (i) an advantage is conferred on the animal by the genetic modification; or
  - (ii) the animal is capable of secreting or producing an infectious agent as a result of the genetic modification;
- (c) a dealing involving a replication defective vector derived from *Human adenovirus* or *Adeno associated virus* in a host mentioned in item 4 of Part 2 of Schedule 2, if the donor nucleic acid—
  - (i) cannot restore replication competence to the vector; and
  - (ii) does not—
    - (A) confer an oncogenic modification in humans; or
    - (B) encode a protein with immunomodulatory activity in humans.

## Part 2—Notifiable low risk dealings suitable for at least physical containment level 2 or 3

### Note—

Because of regulation 12(1), a dealing mentioned in this Part is not a notifiable low risk dealing if it is also a dealing of a kind mentioned in Part 3 of this Schedule.

### 2.1—Kinds of dealings suitable for at least physical containment level 2

The following kinds of notifiable low risk dealings must be undertaken, unless regulation 13(2)(c) or 13(3)(b) applies, in facilities certified to at least physical containment level 2 and that are appropriate for the dealings:

- (a) a dealing involving whole animals (including non-vertebrates) that—
  - (i) involves genetic modification of the genome of the oocyte or zygote or early embryo by any means to produce a novel whole organism; and
  - (ii) does not involve any of the following:
    - (A) a genetically modified laboratory guinea pig;
    - (B) a genetically modified laboratory mouse;
    - (C) a genetically modified laboratory rabbit;
    - (D) a genetically modified laboratory rat;
    - (E) a genetically modified *Caenorhabditis elegans*;
- (aa) a dealing involving a genetically modified laboratory guinea pig, a genetically modified laboratory mouse, a genetically modified laboratory rabbit, a genetically modified laboratory rat or a genetically modified *Caenorhabditis elegans*, if—
  - (i) the genetic modification confers an advantage on the animal; and
  - (ii) the animal is not capable of secreting or producing an infectious agent as a result of the genetic modification;



- (b) a dealing involving a genetically modified plant;
- (c) a dealing involving a host/vector system not mentioned in clause 1.1(c) of Part 1 of this Schedule or Part 2 of Schedule 2, if neither host nor vector has been implicated in, or has a history of causing, disease in otherwise healthy—
  - (i) human beings; or
  - (ii) animals; or
  - (iii) plants; or
  - (iv) fungi;
- (d) a dealing involving a host and vector not mentioned as a host/vector system in Part 2 of Schedule 2, if—
  - (i) the host or vector has been implicated in, or has a history of causing, disease in otherwise healthy—
    - (A) human beings; or
    - (B) animals; or
    - (C) plants; or
    - (D) fungi; and
  - (ii) the donor nucleic acid is characterised; and
  - (iii) the characterisation of the donor nucleic acid shows that it is unlikely to increase the capacity of the host or vector to cause harm;

**Example—**

Donor nucleic acid would not comply with subparagraph (iii) if, in relation to the capacity of the host or vector to cause harm, it—

  - (a) provides an advantage; or
  - (b) adds a potential host species or mode of transmission; or
  - (c) increases its virulence, pathogenicity or transmissibility.
- (e) a dealing involving a host/vector system mentioned in Part 2 of Schedule 2, if the donor nucleic acid—
  - (i) encodes a pathogenic determinant; or
  - (ii) is uncharacterised nucleic acid from an organism that has been implicated in, or has a history of causing, disease in otherwise healthy—
    - (A) human beings; or
    - (B) animals; or
    - (C) plants; or
    - (D) fungi;
- (f) a dealing involving a host/vector system mentioned in Part 2 of Schedule 2 and producing more than 25 litres of GMO culture in each vessel containing the resultant culture, if—
  - (i) the dealing is undertaken in a facility that is certified by the Regulator as a large scale facility; and

- (ii) the donor nucleic acid satisfies the conditions set out in item 4(2) of Part 1 of Schedule 2;
- (g) a dealing involving complementation of knocked-out genes, if the complementation is unlikely to increase the capacity of the GMO to cause harm compared to the capacity of the parent organism before the genes were knocked out;

**Example—**

A dealing would not comply with paragraph (g) if it involved complementation that, in relation to the parent organism—

- (a) provides an advantage; or
  - (b) adds a potential host species or mode of transmission; or
  - (c) increases its virulence, pathogenicity or transmissibility.
- (h) a dealing involving shot-gun cloning, or the preparation of a cDNA library, in a host/vector system mentioned in item 1 of Part 2 of Schedule 2, if the donor nucleic acid is derived from either—
    - (i) a pathogen; or
    - (ii) a toxin-producing organism;
  - (i) a dealing involving the introduction of a replication defective viral vector unable to transduce human cells into a host not mentioned in Part 2 of Schedule 2, if the donor nucleic acid cannot restore replication competence to the vector;
  - (j) a dealing involving the introduction of a replication defective non-retroviral vector able to transduce human cells, other than a dealing mentioned in clause 1.1(c) of Part 1 of this Schedule, into a host mentioned in Part 2 of Schedule 2, if the donor nucleic acid cannot restore replication competence to the vector;
  - (k) a dealing involving the introduction of a replication defective non-retroviral vector able to transduce human cells into a host not mentioned in Part 2 of Schedule 2, if—
    - (i) the donor nucleic acid cannot restore replication competence to the vector; and
    - (ii) the donor nucleic acid does not—
      - (A) confer an oncogenic modification in humans; or
      - (B) encode a protein with immunomodulatory activity in humans;
  - (l) a dealing involving the introduction of a replication defective retroviral vector able to transduce human cells into a host mentioned in Part 2 of Schedule 2, if—
    - (i) all viral genes have been removed from the retroviral vector so that it cannot replicate or assemble into a virion without these functions being supplied *in trans*; and
    - (ii) viral genes needed for virion production in the packaging cell line are expressed from independent, unlinked loci with minimal sequence overlap with the vector to limit or prevent recombination; and
    - (iii) either—
      - (A) the retroviral vector includes a deletion in the Long Terminal Repeat sequence of DNA that prevents transcription of genomic RNA following integration into the host cell DNA; or

- (B) the packaging cell line and packaging plasmids express only viral genes *gagpol*, *rev* and an envelope protein gene, or a subset of these;
- (m) a dealing involving the introduction of a replication defective retroviral vector able to transduce human cells into a host not mentioned in Part 2 of Schedule 2, if—
  - (i) the donor nucleic acid does not—
    - (A) confer an oncogenic modification in humans; or
    - (B) encode a protein with immunomodulatory activity in humans; and
  - (ii) all viral genes have been removed from the retroviral vector so that it cannot replicate or assemble into a virion without these functions being supplied *in trans*; and
  - (iii) viral genes needed for virion production in the packaging cell line are expressed from independent, unlinked loci with minimal sequence overlap with the vector to limit or prevent recombination; and
  - (iv) either—
    - (A) the retroviral vector includes a deletion in the Long Terminal Repeat sequence of DNA that prevents transcription of genomic RNA following integration into the host cell DNA; or
    - (B) the packaging cell line and packaging plasmids express only viral genes *gagpol*, *rev* and an envelope protein gene, or a subset of these.

## 2.2—Kinds of dealings suitable for at least physical containment level 3

Any kind of dealing mentioned in this Part involving a micro-organism that satisfies the criteria in AS/NZS 2243.3:2010 for classification as Risk Group 3 must be undertaken, unless regulation 13(2)(c) or 13(3)(b) applies, in facilities that are—

- (a) certified to at least physical containment level 3; and
- (b) appropriate for the dealing.

## Part 3—Dealings that are not notifiable low risk dealings

### Note 1—

The following list qualifies the list in Part 1 and Part 2, and is not an exhaustive list of dealings that are not notifiable low risk dealings.

### Note 2—

A dealing that is not a notifiable low risk dealing, or an exempt dealing, can be undertaken only by a person who is licensed, under the Act, for the dealing (see section 32 of the Act).

## 3.1—Kinds of dealings

A dealing of any of the following kinds, or involving a dealing of the following kinds, is not a notifiable low risk dealing:

- (a) a dealing (other than a dealing mentioned in clause 2.1(h) of Part 2 of this Schedule) involving cloning of nucleic acid encoding a toxin having an LD<sub>50</sub> of less than 100 µg/kg;
- (b) a dealing involving high level expression of toxin genes, even if the LD<sub>50</sub> is 100 µg/kg or more;

- (c) a dealing (other than a dealing mentioned in clause 2.1(h) of Part 2 of this Schedule) involving cloning of uncharacterised nucleic acid from a toxin-producing organism;
  - (d) a dealing involving the introduction of a replication defective viral vector into a host not mentioned in Part 2 of Schedule 2 (other than a dealing mentioned in clause 2.1(i) of Part 2 of this Schedule), if the donor nucleic acid—
    - (i) confers an oncogenic modification in humans; or
    - (ii) encodes a protein with immunomodulatory activity in humans;
  - (e) a dealing involving a replication competent virus or viral vector, other than a vector mentioned in Part 2 of Schedule 2, if the donor nucleic acid—
    - (i) confers an oncogenic modification in humans; or
    - (ii) encodes a protein with immunomodulatory activity in humans;
  - (f) a dealing involving, as host or vector, a micro-organism, if—
    - (i) the micro-organism has been implicated in, or has a history of causing, disease in otherwise healthy—
      - (A) humans; or
      - (B) animals; or
      - (C) plants; or
      - (D) fungi; and
    - (ii) none of the following subsubparagraphs apply:
      - (A) the host/vector system is a system mentioned in Part 2 of Schedule 2;
      - (B) the donor nucleic acid is characterised and its characterisation shows that it is unlikely to increase the capacity of the host or vector to cause harm;
      - (C) the dealing is a dealing mentioned in clause 2.1(g) of Part 2 of this Schedule;
- Example—**
- Donor nucleic acid would not comply with subsubparagraph (B) if, in relation to the capacity of the host or vector to cause harm, it—
- (a) provides an advantage; or
  - (b) adds a potential host species or mode of transmission; or
  - (c) increases its virulence, pathogenicity or transmissibility.
- (g) a dealing involving the introduction, into a micro-organism, of nucleic acid encoding a pathogenic determinant, unless—
    - (i) the dealing is a dealing mentioned in clause 2.1(g) of Part 2 of this Schedule; or
    - (ii) the micro-organism is a host mentioned in Part 2 of Schedule 2;
  - (h) a dealing involving the introduction into a micro-organism (other than a host mentioned in Part 2 of Schedule 2) of genes whose expressed products are likely to increase the capacity of the micro-organisms to induce an autoimmune response;

- (i) a dealing involving use of a viral or viroid genome, or fragments of a viral or viroid genome, to produce a novel replication competent virus with an increased capacity to cause harm compared to the capacity of the parent or donor organism;

**Example—**

A dealing would comply with paragraph (i) if it produces a novel replication competent virus that has a higher capacity to cause harm to any potential host species than the parent organism because the new virus has—

- (a) an advantage; or
  - (b) a new potential host species or mode of transmissibility; or
  - (c) increased virulence, pathogenicity or transmissibility.
- (j) a dealing, other than a dealing mentioned in clause 2.1(l) or (m) of Part 2 of this Schedule, with a replication defective retroviral vector (including a lentiviral vector) able to transduce human cells;
  - (k) a dealing involving a genetically modified animal, plant or fungus that is capable of secreting or producing infectious agents as a result of the genetic modification;
  - (l) a dealing producing, in each vessel containing the resultant GMO culture, more than 25 litres of that culture, other than a dealing mentioned in clause 2.1(f) of Part 2 of this Schedule;
  - (m) a dealing that is inconsistent with a policy principle issued by the Ministerial Council;
  - (n) a dealing involving the intentional introduction of a GMO into a human being, unless the GMO—
    - (i) is a human somatic cell; and
    - (ii) cannot secrete or produce infectious agents as a result of the genetic modification; and
    - (iii) if it was generated using viral vectors—
      - (A) has been tested for the presence of viruses likely to recombine with the genetically modified nucleic acid in the somatic cells; and
      - (B) the testing did not detect a virus mentioned in subsubparagraph (A); and
      - (C) the viral vector used to generate the GMO as part of a previous dealing is no longer present in the somatic cells;
  - (o) a dealing involving a genetically modified pathogenic organism, if the practical treatment of any disease or abnormality caused by the organism would be impaired by the genetic modification;
  - (p) a dealing involving a micro-organism that satisfies the criteria in AS/NZS 2243.3:2010 for classification as Risk Group 4.

## **Schedule 4—Revocation of *Gene Technology Regulations 2002***

The *Gene Technology Regulations 2002* 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 4 July 2017

No 196 of 2017

HEAC-2017-00024

South Australia

## **Education and Early Childhood Services (Registration and Standards) Variation Regulations 2017**

under the *Education and Early Childhood Services (Registration and Standards) Act 2011*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Education and Early Childhood Services (Registration and Standards) Variation Regulations 2017*.

#### **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 *Education and Early Childhood Services (Registration and Standards) Regulations 2011***

### **4—Insertion of regulation 36A**

After regulation 36 insert:

#### **36A—Requirements for registration on schools register**

- (1) For the purposes of section 43(1)(c) of the Act, it is a requirement that the school must comply, or be able to comply, with the standards for registration and review of registration of schools in South Australia.
- (2) In this regulation—  
*standards for registration and review of registration of schools in South Australia* means the standards for registration and review of registration of schools in South Australia published by the Board after consultation with the members of the Board appointed under section 22(2)(b), (c) and (d) of the Act, as in force from time to time.

### **5—Insertion of regulation 38A**

After regulation 38 insert:

#### **38A—Requirements for endorsement of registration with approval to enrol full fee paying overseas students**

For the purposes of section 49(1) of the Act, the following requirements must be satisfied:

- (a) if the endorsement relates to overseas students within the meaning of the *Education Services for Overseas Students Act 2000* of the Commonwealth—the registered school—
  - (i) must comply, or be able to comply, with —
    - (A) any standard or code of practice prepared or adopted for the purposes of this paragraph by the Board, as in force from time to time; or
    - (B) if no such standard or code of practice has been prepared or adopted—the standards for registered providers contained in the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students under that Act, as in force from time to time; and
  - (ii) must be registered on the Commonwealth Register of Institutions and Courses for Overseas Students under that Act;



- (b) if the endorsement relates to students other than overseas students within the meaning of the *Education Services for Overseas Students Act 2000* of the Commonwealth—the registered school must comply, or be able to comply, with any standard or code of practice prepared or adopted for the purposes of this paragraph by the Board, as in force from time to time;
- (c) in any case—the registered school must comply, or be able to comply, with any other requirement determined by the Board for the purposes of this paragraph.

### **38B—Requirements for reviews of registration**

- (1) For the purposes of section 54(1) of the Act, a review of the registration of a registered school must satisfy the following requirements:
  - (a) the review must be undertaken in accordance with the standards for registration and review of registration of schools in South Australia;
  - (b) a review must be undertaken at least once in each 5 year period in accordance with the following provisions:
    - (i) if the registered school was first registered after the commencement of this regulation, the first review must be undertaken not later than 5 years after the date of registration;
    - (ii) if the registration of the registered school has not previously been reviewed, or has not been reviewed in the 5 years immediately preceding the commencement of this regulation, the first review following the commencement of this regulation must be undertaken not later than 5 years after that commencement;
    - (iii) subsequent reviews must be undertaken not later than 5 years after the preceding review.
- (2) In this regulation—

***standards for registration and review of registration of schools in South Australia*** means the standards for registration and review of registration of schools in South Australia published by the Board after consultation with the members of the Board appointed under section 22(2)(b), (c) and (d) of the Act, as in force from time to time.

#### **Note—**

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

#### **Made by the Governor**

on the recommendation of the Education and Early Childhood Services Registration and Standards Board of South Australia and with the advice and consent of the Executive Council  
on 4 July 2017

No 197 of 2017

MECD17/030

## CITY OF HOLDFAST BAY

*Adoption of Valuations and Declaration of Rates*

NOTICE is hereby given that at its meeting on 27 June 2017, and in relation to the 2017–2018 financial year, the Council, in exercise of the powers contained in Chapter 10 of the Local Government Act 1999:

1. Adopted the most recent valuations of the State Valuation Office of the capital value of land in its area (such valuations of the State Valuation Office being available to the Council as at the date it adopted its budget), and totalling \$12 432 609 780.
2. Declared a differential general rate of 0.25362 cents in the dollar of the capital value of land, on rateable land within its area which is used for Residential and Other Land uses.
3. Declared a differential general rate of 0.3979 cents in the dollar for the capital value of land on rateable land within its area which is used for Commercial—Shop, Commercial—Office, Commercial—Other, Industrial—Light, Industrial—Other and Vacant Land uses.
4. Imposed a minimum amount payable by way of the general rate of \$950 on land in that part of the Council's area not being inside the Patawalonga basin bounded by the high water mark.
5. Fixed a maximum increase of 6% (subject to conditions) in the general rate charged on rateable land used for residential purposes and is the principal place of residence of a ratepayer.
6. In order to support and improve business viability, profitability and trade, commerce and industry in that part of the Council's area comprising the following rateable land:
  - (a) with a frontage to Jetty Road, Glenelg or Moseley Square;
  - (b) within the side streets that intersect with Jetty Road, Glenelg between High Street, Glenelg and Augusta Street, Glenelg;
  - (c) the entire site referred to as the Holdfast Shores 2B Entertainment Centre; and
  - (d) with a land use of Category 2 (Commercial—Shop), Category 3 (Commercial—Office) and Category 4 (Commercial—Other),

declared a differential separate rate of 0.13338 cents in the dollar of the capital value of land on all rateable land within the above geographical boundary and land use categories set out in Regulation 14 (1) of the Local Government (General) Regulations 1999.

7. (a) In exercise of the powers contained in Section 154 of the Local Government Act 1999 and in order to carry out the activity to the maintenance and upkeep of the boat lock in the Patawalonga basin, a separate rate of 0.8974 cents in the dollar of the capital value of land, be declared on all rateable land within the Patawalonga basin bounded by the high water mark.
- (b) In exercise of the powers contained in Section 158 of the Local Government Act 1999, the amount that would otherwise be payable by way of rates in respect of this separate rate is altered by fixing the amount of rates payable for assessments that are wholly or partly within the part of the area on which this separate rate is imposed and the capital values of which exceed \$83 686 at \$751.
8. In exercise of the powers contained in Section 95 of the Natural Resources Management Act 2004 and in order to reimburse the Council for the amount contributed to the Adelaide and Mount Lofty Ranges Natural Resources Management Board being \$1 152 437.69, imposed a levy comprising 0.0096538 cents in the dollar of the capital value of land, on rateable land in the Council's area in the catchment area of the Board, the Capital Value of such land comprising \$12 150 258 500, the basis for the levy having been selected as the capital value of rateable land, by the Minister, after consultation with Constituent Councils in the Management Board Area, and submitted to and approved by the Governor.

J. LYNCH, Chief Executive Officer

## CITY OF TEA TREE GULLY

*Adoption of Valuations and Declaration of Rates 2017-2018*

NOTICE is hereby given that on 27 June 2017 the City of Tea Tree Gully, adopted and declared as follows for the year ending 30 June 2018:

1. Capital valuations for rating purposes as supplied by the Valuer-General totalling \$17 908 393 460 (\$17 233 855 000 Rateable).
2. A minimum amount of \$1 150 payable by way of general rates on rateable properties within the area of the City of Tea Tree Gully.
3. Differential general rates based upon the use of the land as follows:
  - 3.1 'Commercial—Shop', 'Commercial—Office', 'Commercial—Other', 'Industrial—Light' and 'Industrial—Other': 0.595839 cents in the dollar;
  - 3.2 'Vacant Land': 0.794452 cents in the dollar;
  - 3.3 'Residential', 'Primary Production' and 'Other': 0.397226 cents in the dollar;
4. An annual service charge for all properties serviced by Council's Community Wastewater Management System of:
  - 4.1 \$400 for all properties where the occupied property is charged a SA Water sewer service charge or the land is vacant; and
  - 4.2 \$575 for all other properties.
5. A separate rate of 0.009793 cents in the dollar on the capital value of all rateable land within the area of City of Tea Tree Gully to reimburse the amount contributed to the Adelaide and Mount Lofty Ranges Natural Resource Management Board.
6. A separate rate of \$400 in order to reimburse the cost of the conversion from Community Wastewater Management System (CWMS) to SA Water sewer on specified assessments.

J. MOYLE, Chief Executive Officer

## CITY OF WHYALLA

*Review of Elector Representation*

NOTICE is hereby given that the City of Whyalla is undertaking a review to determine whether a change of arrangements are required in respect to elector representation so as to ensure that the electors of the area being adequately and fairly represented.

Pursuant to the provisions of Section 12 (7) of the Local Government Act 1999, notice is hereby given that Council has prepared a Representation Options Paper which examines the advantages and disadvantages of the various options available in regards to the composition and structure of Council, and the division of the Council area into wards.

A copy of the Representation Options Paper is available on the Council's website [www.whyalla.sa.gov.au](http://www.whyalla.sa.gov.au), or a copy can be inspected and/or purchased at the Council office, Darling Terrace, Whyalla.

Written submissions are invited from interested persons from Tuesday, 4 July 2017 and should be directed to the Chief Executive Officer, P.O. Box 126, Whyalla, S.A. 5600, or emailed to [customer.service@whyalla.sa.gov.au](mailto:customer.service@whyalla.sa.gov.au) by close of business on Friday, 18 August 2017.

Information regarding the elector representation review can be obtained by contacting Jane Hayward, Executive Officer, on telephone 8640 3400.

C. COWLEY, Chief Executive Officer

## CITY OF WHYALLA

*Adoption of Valuations and Declaration of Rates 2017–2018*

NOTICE is given that the City of Whyalla at meetings of Council on 26 June 2017, resolved for the financial year ending 30 June 2018 as follows:

*Adoption of Valuations*

Adopted the most recent valuations of the Valuer-General available to the Council of the site value of land within the Council's area, totalling \$696 782 960 for rating purposes for the 2017–2018 financial year.

*Declaration of Rates*

1. Declared differential general rates according to the locality and use of rateable land based upon the site value as follows:

(a) Locality and use as differentiating factors:

- (i) All rateable land situated in the Commercial, District Centre, Local Centre, Town Centre, Open Space, Recreation and Caravan and Tourist Park Zones, a differential general rate of 3.7402 cents in the dollar on the assessed site value of the land, excluding any land categorised as Residential and for which the general differential rate is declared in paragraph (b) hereunder;
- (ii) All rateable land situated in the Industry, Light Industry and Deferred Industry Zones, a differential general rate of 3.7402 cents in the dollar on the assessed site value of the land, excluding any land categorised as Residential and for which the general differential rate is declared in paragraph (b) hereunder;
- (iii) All rateable land situated in the Residential, Residential Character and Community Zones, a differential general rate of 1.4464 cents in the dollar on the assessed site value of the land, excluding any land categorised as Commercial—Shop, Commercial—Office, Commercial—Other, Industry—Light, Industry—Other and Primary Production and for which the general differential rate is declared in paragraph (b) hereunder;
- (iv) All rateable land situated in the Rural Living Zone, a differential general rate of 0.4683 cents in the dollar on the assessed site value of the land, excluding any land categorised as Commercial—Shop, Commercial—Office, Commercial—Other, Industry—Light and Industry—Other and for which the general differential rate is declared in paragraph (b) hereunder;
- (v) All rateable land situated in the Special Industry (Hydrocarbons) Zone, a differential general rate of 23.0626 cents in the dollar on the assessed site value of the land, excluding any land categorised as Residential and Commercial—Other and for which the general differential rate is declared in paragraph (b) hereunder;
- (vi) All rateable land situated in the Coastal Settlement and Settlement Zones, a differential general rate of 0.2434 cents in the dollar on the assessed site value of the land, excluding any land categorised as Commercial—Shop, Commercial—Office, Commercial—Other, Industry—Light and Industry—Other and for which the general differential rate is declared in paragraph (b) hereunder;
- (vii) All rateable land situated in the Regional Centre Zone, a differential general rate of 4.4174 cents in the dollar on the assessed site value of the land, excluding any land categorised as Residential and for which the general differential rate is declared in paragraph (b) hereunder;
- (viii) All rateable land situated in the Remote Area Zone, a differential general rate of 0.0166 cents in the dollar on the assessed site value of the land, excluding any land categorised as Residential, Commercial—Shop, Commercial—

Office, Commercial—Other, Industry—Light and Industry—Other and for which the general differential rate is declared in paragraph (b) hereunder;

(b) Land use as a differentiating factor in respect of all land not otherwise falling within paragraph (a) above, as follows:

- (i) Residential: a differential general rate of 1.4464 cents in the dollar on the assessed site value of such land;
- (ii) Commercial—Shop: a differential general rate of 3.7402 cents in the dollar on the assessed site value of such land;
- (iii) Commercial—Office: a differential general rate of 3.7402 cents in the dollar on the assessed site value of such land;
- (iv) Commercial—Other: a differential general rate of 3.7402 cents in the dollar on the assessed site value of such land;
- (v) Industry—Light: a differential general rate of 3.7402 cents in the dollar on the assessed site value of such land;
- (vi) Industry—Other: a differential general rate of 3.7402 cents in the dollar on the assessed site value of such land;
- (vii) Primary Production: a differential general rate of 0.0166 cents in the dollar on the assessed site value of such land;
- (viii) Vacant Land: a differential general rate of 3.7402 cents in the dollar on the assessed site value of such land;
- (ix) Other (any other land use not referred to in a previous category): a differential general rate of 3.7402 cents in the dollar on the assessed site value of such land.

and a fixed charge component of \$438.70.

*2. Declaration of a Service Charge*

Imposed a Service Charge of \$323.25 on rateable land within its area for the provision of the service of collection, treatment and disposal of hard waste where such a service is provided.

*3. Declaration of a Separate Rate—NRM Levy*

Declared a separate rate based on a fixed charge, and differentiated according to land use, on all rateable land within its area and within the area of Natural Resources Eyre Peninsula for the purpose of the Natural Resources Management Levy.

Residential	\$73.75
Commercial	\$110.63
Industrial	\$110.63
Primary Producer	\$147.51
Other/Vacant	\$73.75

C. COWLEY, Chief Executive Officer

## ADELAIDE HILLS COUNCIL

*Adoption of Valuation and Declaration of Rates 2017–2018*

NOTICE is given that at the meeting held on 27 June 2017, the Council for the financial year ending 30 June 2018, resolved as follows:

*Determination of Valuation*

To adopt for rating purposes the most recent valuations of the State Valuation Office of the capital value of land within the Council's area, amounting to \$9 728 849 400.

*Declaration of General Rates*

1. To declare general rates based upon the capital value:

- (a) On rateable land with a category of Residential, Primary Production, Vacant Land and Other, a rate of 0.2390 cents in the dollar; and
- (b) On rateable land with a category of Commercial—Shop, Commercial—Office, Commercial—Other, Industry—Light and Industry—Other, a rate of 0.2748 cents in the dollar.

2. To declare a fixed charge of \$613.50 in respect of all rateable land.

*Declaration of a Separate Rate—  
Natural Resources Management Levy*

To declare the following separate rates based upon the capital value.

- (a) 0.00985 cents in the dollar on all rateable land in the Council's area and in the area of the Adelaide and Mt Lofty Natural Resource Management Board; and
- (b) 0.02580 cents in the dollar on all rateable land in the Council's area and in the area of the SA Murray—Darling Basin Natural Resource Management Board.

*Service Charges*

To impose annual service charges of \$748 for occupied land and \$525 for vacant land based on the nature of the service and the level of usage of the service where the Council provides or makes available the following prescribed services:

- (a) the Woodside Community Wastewater Management Systems;
- (b) the Woodside Extension Community Wastewater Management Systems;
- (c) the Birdwood and Mount Torrens township Community Wastewater Management Systems;
- (d) the Kersbrook township Community Wastewater Management Systems;
- (e) the Charleston township Community Wastewater Management Systems;
- (f) the Verdun township Community Wastewater Management Systems; and
- (g) the Mt Lofty Ward Community Wastewater Management Systems;

*Declaration of a Separate Rate—Stirling Business*

- (a) To declare a separate rate within the precinct known as the District Centre (Stirling) Zone excluding land with the land use category of Residential and otherwise government owned land, of 0.0925 cents in the dollar based on the capital value of the land;
- (b) To fix a minimum amount payable by way of this separate rate of \$240; and
- (c) To fix the amount that would otherwise be payable by way of this separate rate at a maximum amount of \$2 145.

*Declaration of a Separate Rate—Verrall Road (North)*

To declare a separate rate upon land in that part of the Council area comprising assessments 17466, 17467, 17468, 17482, 19402 and 19403 of a fixed charge of \$858 per assessment for a period of 10 financial years, commencing from 1 July 2015 to carry out the sealing of the Northern end of Verrall Road, Upper Hermitage.

A. AITKEN, Chief Executive Officer

**BERRI BARMERA COUNCIL**

*Adoption of Valuation and Declaration of Rates 2017–2018*

NOTICE is hereby given that at a meeting of the Council held on Tuesday, 27 June 2017 for the year ending 30 June 2018, it was resolved:

*Adoption of Valuations*

To adopt the capital values provided by the Valuer-General totalling \$1 321 336 500 of which \$1 245 428 395 is in respect to rateable land.

*Declaration of Rates*

To declare differential general rates in respect of all rateable land within its area varying according to its land use as follows:

- (a) Residential—0.6185 cents in the dollar;
- (b) Commercial (Shop/Office/Other)—0.6408 cents in the dollar;
- (c) Industry (Light, Other)—0.7356 cents in the dollar;
- (d) Primary Production—0.5565 cents in the dollar;
- (e) Vacant Land—0.5115 cents in the dollar;
- (f) Other—0.7332 cents in the dollar.

*Declaration of Minimum Amount*

To fix a minimum amount payable by way of general rates of \$636.

*Declaration of Service Charges—  
CWMS (Effluent Disposal Scheme)*

To impose an annual service charge for all properties serviced by the Berri Barmera Community Wastewater Management System (effluent disposal) as follows:

- \$697 per unit on each occupied allotment;
- \$348.50 per unit on each vacant allotment.

*Declaration of Service Charges—  
Waste Management Collection/Disposal*

To impose an annual service charge for all properties within the Berri Barmera District area as follows:

- \$209 three bin collection;
- \$177 two bin collection.

*Declaration of Separate Rate—  
Natural Resources Management Levy*

To declare a separate rate of 0.0258 cents in the dollar, to recover the amount payable to the SA Murray Darling Basin Natural Resources Management Board, and to fix a minimum amount payable by way of this separate rate of \$20.

D. BEATON, Chief Executive Officer

**DISTRICT COUNCIL OF CEDUNA**

*Adoption of 2017–2018 Annual Business Plan*

PURSUANT to and in accordance with Section 123 of the Local Government Act 1999 and Regulation 6 of the Local Government (Financial Management) Regulations 2011, and having considered all submissions in accordance with Section 123 (6) of the Local Government Act 1999, the Council adopt the 2017–2018 Annual Business Plan as presented.

*Adoption of 2017–2018 Annual Budget*

Pursuant to and in accordance with Section 123 of the Local Government Act 1999 and Regulation 7 of the Local Government (Financial Management) Regulations 2011, the Council adopt a budget comprising the following Financial Budget Statements for 2017–2018 as presented having considered the budget in conjunction with, and determined it to be consistent with, the Council's Annual Business Plan.

*Adoption of Valuations*

In accordance with Section 167 (2) (a) of the Local Government Act 1999, the Council adopt, for the financial year ending 30 June 2018, the most recent valuations of the Valuer-General available to the Council of Site Values that are to apply to land in the area of the Council for rating purposes, with the total of the valuations being \$ 222 710 960.

*Differential General Rates*

That, having taken into account the general principles of rating contained in Section 150 of the Local Government Act 1999 and the requirements of Section 153 (2) of the Local Government Act 1999, pursuant to Sections 153 (1) (b) and 156 (1) (b) of the Local Government Act, 1999, the Council declare the following differential general rates on the assessed Site Values of all rateable land for the financial year ending 30 June 2018 varying on the basis of the locality of the land.

## (a) Ceduna

In respect of land within the township of Ceduna:

- (i) For land within the Industry Zone and within, Decres Bay Policy Area 11 as described in that part of the Development Plan consolidated 18 October 2012 (refer map CED/30) under the Development Act 1993 applicable to Council;

28.35967 cents in the dollar,

- (ii) for all other land within the township of Ceduna;

1.46579 cents in the dollar.

## (b) Thevenard

In respect of land within the township of Thevenard;  
1.35700 cents in the dollar.

## (c) Smoky Bay

In respect of land within the township of Smoky Bay;  
1.20063 cents in the dollar

## (d) Denial Bay

In respect of land within the township of Denial Bay;  
1.06611 cents in the dollar.

## (e) Ceduna Waters

In respect of land within the locality of Ceduna Waters;  
1.31921 cents in the dollar.

## (f) Rural

In respect of all other land not hereinbefore referred to in the Council area;

1.31921 cents in the dollar.

*Fixed Charge*

Pursuant to Sections 151 (1) (c) and 152 (1) (c) of the Local Government Act 1999, for the financial year ending 30 June 2018, the Council declares a fixed charge of \$700 in respect of each separate piece of rateable land in the area of the Council.

*Maximum Increase*

Pursuant to Section 153 (3) of the Local Government Act 1999 the Council determine that it will not fix a maximum increase in the general rate to be charged on rateable land within its area that constitutes the principal place of residence of a principal ratepayer.

*Community Wastewater Management Systems*

Pursuant to and in accordance with Section 155 of the Local Government Act 1999, the Council impose the following annual service charge based on the nature of the service and varying according to the CWMS Property Units Code in accordance with Regulation 12 (4) (b) of the Local Government (General) Regulations 2013 on all land in the Townships of Ceduna, Thevenard and Smoky Bay excluding land within Smoky Bay Aquaculture Park, to which it provides or makes available the Community Wastewater Management Systems being prescribed services for the collection, treatment and disposal of waste for the financial year ending 30 June 2018:

- (i) Occupied Unit \$461.00  
(ii) Vacant Unit \$346.00

*Smoky Bay Aquaculture Park*

Pursuant to and in accordance with Section 155 of the Local Government Act 1999, the Council impose the following annual service charge based on the nature of the service and varying according to the CWMS Property Units Code in accordance with Regulation 12 (4) (b) of the Local Government (General) Regulations 2013 on all land within Smoky Bay Aquaculture Park to which it provides or makes available the Community Wastewater Management Systems being prescribed services for the collection, treatment and disposal of waste for the financial year ending 30 June 2018:

- (i) Per Unit \$243.00.

*Annual Waste Management Charge*

Pursuant to and in accordance with Section 155 of the Local Government Act 1999 the Council impose the following annual service charge based on the level of usage of the service, on all land to which the Council provides or makes available the

prescribed service of the collection, treatment or disposal (including by re-cycling) of waste for the financial year ending 30 June 2018:

- (i) Occupied Unit \$134.90

*Ceduna Water West Service Charge*

Pursuant to and in accordance with Section 155 of the Local Government Act the Council impose the following annual service charge based on the level of usage of the service and land use in accordance with Regulation 12 (4) (a) of the Local Government (General) Regulations 2013, on all land to which the Council provides or makes available the prescribed service of the supply of potable water on the Ceduna Water West Scheme for the financial year ending 30 June 2018:

- (a) All unconnected properties where the service is made available, a Water Service Charge of \$248 per assessment.  
(b) All connected properties with a Local Government Land Use Code of Residential, Vacant Land or Commercial-Other:  
(i) Supply of one (1) water meter to one assessment, a Water Service Charge of \$413.38 per assessment, or  
(ii) Supply of two (2) water meters to one assessment, a Water Service Charge of \$826.76 per assessment.  
(c) All connected properties not hereinbefore referred to in the Service Area, and  
(i) Supply of one (1) water meter to one assessment, a Water Service Charge of \$706.58 per assessment, or  
(ii) Supply of two (2) water meters to one assessment, a Water Service Charge of \$1 413.16 per assessment.

*Eyre Peninsula Natural Resource Management Board Levy*

Pursuant to Section 95 of the Natural Resource Management Act 2004 and Section 154 of the Local Government Act 1999, in order to reimburse the Council for amounts contributed to the Eyre Peninsula Natural Resources Management Board, the Council declares the following differential separate rates varying on the basis of land use in accordance with Regulation 4B of the Natural Resources Management (Financial Provisions) Regulations 2005, on all rateable land in the area of the Council for the financial year ending 30 June 2018:

- (a) All rateable properties with a Local Government Land Use Code of Primary Production, a Separate Rate of \$147.51 per assessment  
(b) All rateable properties with a Local Government Land Use of:  
(i) Commercial—Shop  
(ii) Commercial—Office  
(iii) Commercial—Other  
(iv) Industry—Light  
(v) Industry—Other  
A Separate Rate of \$110.63 per assessment  
(c) All rateable properties with a Local Government Land Use of:  
(i) Residential  
(ii) Vacant Land  
(iii) Other  
A Separate Rate of \$ 73.75 per assessment.

*Payment of Rates*

Pursuant to Section 181 of the Local Government Act 1999, all rates declared or payable in respect of or during the financial year ending 30 June 2018 will fall due in four equal or approximately equal instalments, and that these instalments will fall due on:

- 1st Instalment 1 September 2017;  
2nd Instalment 1 December 2017;  
3rd Instalment 2 March 2018; and  
4th Instalment 1 June 2018.

## AERODROME FEES ACT 1998

NOTICE is hereby given that, pursuant to the Aerodrome Fees Act 1998, the District Council of Ceduna hereby advises that Arrival and Departure Fees at the Ceduna Airport are fixed as follows and are effective from 1 July 2017:

*Landing Fees*

General Aviation Landing Fee—\$16 per tonne for all aircraft (including helicopters) except Regular Passenger Transport.

*Passenger Fees*

Regular Passenger Transport operations:

Arrival Fees—\$16 per person.

Departure Fees—\$16 per person.

*Charter Fees*

Arrival Fees—\$16 per person.

Departure Fees—\$16 per person.

Note—all above fees are GST inclusive.

G. MOFFATT, Chief Executive Officer

## DISTRICT COUNCIL OF THE COPPER COAST

*Council Name Change*

NOTICE is hereby given pursuant to Section 13 of the Local Government Act 1999, that the District Council of the Copper Coast at its Ordinary Meeting of Council held on Wednesday, 7 June 2017, resolved to formally change its name from 'District Council of the Copper Coast' to 'Copper Coast Council'

Dated 4 July 2017.

P. HARDER, Chief Executive Officer

## DISTRICT COUNCIL OF THE COPPER COAST

*Exclusion from Community Land Classification*

NOTICE is hereby given that the District Council of the Copper Coast at its meeting held on 7 December 2016, resolved pursuant to Section 193 (4) (a) of the Local Government Act 1999, that upon acquisition the following parcels of land will be excluded from the Community Land Classification:

- Allotment 245, Rupara Road, North Beach, Hundred of Wallaroo, Certificate of Title Volume 6077, Folio 762.
- Allotment 247, Rupara Road, North Beach, Hundred of Wallaroo, Certificate of Titles, Volume 6077, Folio 764.

P. HARDER, Chief Executive Officer

## KANGAROO ISLAND COUNCIL

*Adoption of Valuations and Declaration of Rates 2017-18*

NOTICE is hereby given that at its meeting held on 13 June 2017 and in relation to the 2017-2018 financial year, the Council in exercise of the powers contained in Chapter 10 of the Local Government Act 1999:

1. Adopted for rating purposes the Valuer-General's valuations of capital values applicable to land within the Council area totalling \$1 595 067 840.

2. Declared differential general rates based upon the use of the land as follows:

- 2.1 Residential: 0.3391 cents in the dollar;
- 2.2 Commercial—Shop: 0.3594 cents in the dollar;
- 2.3 Commercial—Office: 0.3594 cents in the dollar;
- 2.4 Commercial—Other: 0.3594 cents in the dollar;
- 2.5 Industry—Light: 0.3594 cents in the dollar;
- 2.6 Industry—Other: 0.3594 cents in the dollar;
- 2.7 Primary Production: 0.3052 cents in the dollar;
- 2.8 Vacant Land: 0.5120 cents in the dollar;
- 2.9 Other: 0.3594 cents in the dollar; and
- 2.10 Marinas: 0.3594 cent in the dollar.

3. Imposed a fixed charge of \$290 in respect of each separate piece of rateable land in the Council area.

4. Declared a separate rate of a fixed amount of \$78.50 per assessment on all rateable land in the Council area to recover the amount of \$385 000 payable to the Kangaroo Island Natural Resources Management Board.

5. Imposed annual service charges as follows:

5.1 in respect of land serviced by the Council's waste management (collection and recycling service), \$221 for treatment and disposal and \$115 for collection;

5.2 in respect of land serviced by the Community Wastewater Management System \$616 for vacant land and \$616 for occupied land within the following townships and settlements schemes: Kingscote and Brownlow, Parndana, Parndana East, American River and Penneshaw.

A. BOARDMAN, Chief Executive Officer

## KANGAROO ISLAND COUNCIL

## BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-Law No. 1 of 2017—Permits and Penalties*

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

## PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Permits and Penalties By-law 2017 and is By-law No. 1 of the Kangaroo Island Council.

2. *Authorising Law*

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

3. *Purpose*

The objectives 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 operation<sup>1</sup>:

4.1.1 By-law No. 1—Permits and Penalties 2010.<sup>2</sup>

4.2 This by-law will expire on 1 January 2025.<sup>3</sup>

Note:

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

<sup>2</sup> 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.

<sup>3</sup> 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 applies throughout the Council's area.

6. *Definitions*

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

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *Council* means Kangaroo Island Council;
- 6.3 *person* includes a natural person, a body corporate, an incorporated association or an unincorporated association.

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 as the Council may authorise, granted in writing (including by way of the Council adopting a policy for that purpose) 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 as the Council may authorise) 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 subject to conditions must comply with every such condition. Failure to do so is an offence (to the extent that 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 commits a breach 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 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 Kangaroo Island Council held on 13 June 2017 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

A. BOARDMAN, Chief Executive Officer

#### KANGAROO ISLAND COUNCIL

#### BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

#### *By-law No. 2 of 2017—Moveable Signs By-law*

A by-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety, whilst also

recognising the advertising needs of businesses to maximise their economic viability.

#### Note:

This by-law applies to moveable signs as defined. It does not capture fixed advertisements and/or other displays. The display of such signage is subject to the Development Act 1993.

#### PART 1—PRELIMINARY

### 1. Title

This by-law may be cited as the Moveable Signs By-law 2017 and is by-law No. 2 of the Kangaroo Island Council.

### 2. Authorising Law

This by-law is made under Sections 226, 238, 239 and 246 of the Act.

### 3. Purpose

The objectives of this by-law are 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 provide businesses with a fair and equitable opportunity to advertise their goods and services by way of moveable signs;
- 3.4 to prevent nuisances occurring on roads and the unreasonable interference with the use of a road; and
- 3.5 for the good rule and government of the Council's 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 operation:
- 4.1.1 By-law No.2—Moveable Signs 2010.<sup>2</sup>
- 4.2 This by-law will expire on 1 January 2025.<sup>3</sup>

#### Note:

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

<sup>2</sup> 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.

<sup>3</sup> 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 subclause 5.3, this by-law applies throughout the Council area subject to:
- 5.2.1 the exemptions set out in Clause 11; and
  - 5.2.2 the Development Act 1993.
- 5.3 Subclause 7.9 of this by-law applies to such parts of the Council's area that comprise a township as defined under subclause 6.12.

### 6. Definitions

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

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *amenity* means any quality, condition or factor that contributes to making an area harmonious, pleasant or enjoyable;
- 6.3 *authorised* person means a person appointed as an authorised person pursuant to Section 260 of the Act;
- 6.4 *banner* means a slip of cloth, plastic or other material hung up or carried on a pole, fence or other structure;
- 6.5 *business premises* means premises from which a business, trade or calling is being conducted;

- 6.6 *edge of the carriageway* means either the edge of the kerb or gutter, the edge of the sealed surface of the road, or the graded edge embankment of an unsealed road;
- 6.7 *Council* means Kangaroo Island Council;
- 6.8 *footpath area* means:
- 6.8.1 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;
- 6.8.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.9 *moveable sign* has the same meaning as in the Act;
- 6.10 *road* has the same meaning as in the Act; and
- 6.11 *township* has the same meaning as in the Act or as may otherwise be resolved by the Council exclusively for the purposes of this by-law.

Note:

At the time this by-law was made, the following townships exist in the Council's area:

- Kingscote
- American River
- Penneshaw
- Parndana

- 6.12 *traffic control device* has the same meaning as in the Road Traffic Act 1961.
- 6.13 *vegetation line* means the threshold where clear open or semi open road gives way to substantial vegetation such that it would not be feasible to place a moveable sign within or behind that vegetation;
- 6.14 *vehicle* has the same meaning as in the Road Traffic Act 1961.

Note:

Section 14 of the 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 must:

- 7.1 be of kind known as an 'A' frame or sandwich board sign, an 'inverted T' sign, a flat sign or, with the permission of the Council (including as set out under any policy adopted by the Council from time to time), a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition so as not to, in the opinion of an authorised person, present a hazard to any member of the public;
- 7.3 be of strong construction and sufficiently stable when in position so as to keep its position in any weather conditions;
- 7.4 not contain sharp or jagged edges or corners;
- 7.5 not be unsightly or offensive in appearance or content;
- 7.6 not contain flashing or rotating parts;
- 7.7 not be connected to a vehicle that is located on a road;
- 7.8 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.9 within a township or on any roads outside of a township to which a speed limit of 60 km/hr or less applies, not exceed 900 mm in perpendicular height or have a base with any side exceeding 600 mm in length;
- 7.10 outside a township or on any roads to which a speed limit of 61 km/hr or more applies, not exceed 1800 mm in perpendicular height or have a base with any side exceeding 900 mm in length;
- 7.11 in the case of an 'A' frame or sandwich board sign:
- 7.11.1 be hinged or joined at the top; and
- 7.11.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 7.12 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.

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 other than set-back upon a vegetation line if the location of the vegetation line on the road means it is not feasible to place a moveable sign in accordance with a requirement of this subclause 8;
- 8.3 placed closer than:
- 8.3.1 1.5 metres from the edge of the carriageway where there is a kerb; or
- 8.3.2 in any other case, 3.5 metres from the edge of the carriageway;
- 8.4 placed on a sealed part of any footpath area:
- 8.4.1 if there is an unsealed part on which the sign can be placed in accordance with this by-law; or
- 8.4.2 unless the sealed part is wide enough to contain the sign and leave a clear thoroughfare for pedestrians of a width of at least 1.2 metres;
- 8.5 placed less than 2 metres from any driveway, access way, clear way or no-standing zone;
- 8.6 placed on or adjacent to a primary arterial or secondary arterial road under the authority of the Commissioner of Highways or the Department of Transport without the prior consent of Commissioner of Highways or the Department of Transport;
- 8.7 placed on or adjacent to the Playford Highway, Birchmore Highway, South Coast Road or West End Highway (or any part(s) thereof) that are under the control of the Council;
- 8.8 tied, fixed or attached to or leaned against any other structure, object, tree, bush or thing (including another moveable sign);
- 8.9 placed on a landscaped area;
- 8.10 placed on a designated parking area or within 1 metre of an entrance to or exit from any business or other premises;
- 8.11 placed within 6 metres of an intersection of roads;
- 8.12 placed on a median strip, traffic island, roundabout or any other traffic control device;
- 8.13 placed so as to result in more than 3 moveable signs being displayed within 100 metres of an intersection of roads.
- 8.14 placed in such a position or in such circumstances that, in the opinion of an authorised person:
- 8.14.1 the safety of a user of the footpath area or road is at risk; or
- 8.14.2 the moveable sign unreasonably interferes with the lawful movement of persons or vehicles using the road in the vicinity of where the moveable sign is placed.
- 8.15 in the case of a flat sign and notwithstanding anything in this Clause 8 to the contrary, placed other than in line with and against the property boundary of the road and not less than one metre from the corner of the road.

9. *Banners*

A person must not erect or display a banner on a building or structure on a road without the Council's permission.

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.



10. *Restrictions*

- 10.1 The owner or operator of a business must not cause or allow more than two moveable signs for each business premises to be displayed at any time.
- 10.2 A person must not cause or allow a moveable sign to be placed on a footpath area unless:
- 10.2.1 in the case of a moveable sign displayed within a township, it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and/or services available from that business; and
- 10.2.2 it is only displayed during the hours that the business premises to which it relates is open to the public.
- 10.3 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council (or its delegate) may prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.

11. *Exemptions*

- 11.1 Subclause 10.2.1 does not apply where subclause 8.13 is applicable.
- 11.2 Subclause 10.2 of this by-law does not apply to a moveable sign which:
- 11.2.1 advertises a garage sale taking place from residential premises or a farming property; or
- 11.2.2 is a directional sign to or advertises an event run by an incorporated association, a community or government organisation or charitable body.
- 11.3 Subclauses 10.1 and 10.2 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.
- 11.4 The requirements of this by-law, with the exception of subclauses 7.1, 7.3 and 8.14, do not apply to a moveable sign that is displayed for the purposes of warning road users of the presence of livestock on a road.
- 11.5 A requirement of this by-law will not apply where the Council has granted permission for a moveable sign (or class of moveable signs) to be displayed contrary to that requirement.
- 11.6 This by-law does not apply to signage locations designated by the Council specifically for the display of banners or signs for events (including local cultural or social events) that are used with the Council's permission.

## 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 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

12. *Removal of Moveable Signs*

- 12.1 A person must immediately comply with an 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.
- 12.2 The owner of, or any other person seeking possession of a moveable sign removed by an authorised person pursuant to Section 227 (2) of the Act, may be required to pay the reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign (if any) before the moveable sign is returned to him/her.
- 12.3 The owner of, or any other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 12.3.1 if, in the opinion of an authorised person, and notwithstanding 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
- 12.3.2 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 Kangaroo Island Council held on 13 June 2017 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

A. BOARDMAN, Chief Executive Officer

## KANGAROO ISLAND COUNCIL

## BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 3 of 2017—Local Government Land*

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

## PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Local Government Land By-law 2017 and is by-law No. 3 of the Kangaroo Island Council.

2. *Authorising Law*

This by-law is made under Sections 238 and 246 of the Act and Section 18A of the Harbors 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 operation<sup>1</sup>:

4.1.1 By-law No. 3—Local Government Land 2010.<sup>2</sup>

- 4.2 This by-law will expire on 1 January 2025.<sup>3</sup>

Note:

- <sup>1</sup> Generally a by-law comes into operation 4 months after the day on which it is gazetted: Section 249 (5) of the Act.
- <sup>2</sup> 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.
- <sup>3</sup> 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 2017.
- 5.2 Subject to subclauses 5.3 and 5.4, this by-law applies throughout the Council area.
- 5.3 Subclauses 9.2, 9.7.1, 9.19.1, 9.19.3-9.19.5, 9.21.2, 9.31, 10.4 and 10.9 of this by-law only apply in such parts of the Council area as the Council may by resolution direct in accordance with Section 246 (3) (e) of the Act.
- 5.4 Subclauses 9.3, 9.7.2, 9.7.3, 9.10, and 9.27 of this by-law apply throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with Section 246 (3) (e) of the Act.

### 6. Definitions

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* means a person appointed as an authorised person pursuant to Section 260 of the Act;
- 6.4 *boat* includes a raft, pontoon, 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 Kangaroo Island Council;
- 6.7 *effective control* means a person exercising effective control of an animal either:
- 6.7.1 by means of a physical restraint; or
- 6.7.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.8 *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;
- 6.9 *emergency worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014;
- 6.10 *funeral ceremony* means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.11 *liquor* has the same meaning as in the Liquor Licensing Act 1997;
- 6.12 *Local Government land* means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.13 *low water mark* means the lowest meteorological tide;
- 6.14 *offensive* includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.15 *open container* means a container which, after the contents of the container have been sealed at the time of manufacture:
- 6.15.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
- 6.15.2 being a can, it has been opened or punctured;
- 6.15.3 being a cask, it has had its tap placed in a position to allow it to be used;
- 6.15.4 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
- 6.15.5 is a flask, glass, mug or other container able to contain liquid.
- 6.16 *personal watercraft* means a device that—
- 6.16.1 is propelled by a motor;
- 6.16.2 has a fully enclosed hull;
- 6.16.3 is designed not to retain water if capsized;
- 6.16.4 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;
- 6.17 *sand dune or coastal slope or cliff* means the sand dunes, coastal slopes, cliffs or other geomorphologic coastal forms under the care, control and management of the Council;
- 6.18 *tobacco product* has the same meaning as in the Tobacco Products Regulation Act 1997;
- 6.19 *vehicle* has the same meaning as in the Road Traffic Act 1961;
- 6.20 *waters* includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council but does not include coastal waters; and
- 6.21 *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 subclause 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

Display, paint or erect or cause to be displayed, painted or erected, on Local Government Land or on a structure, building or fixture on Local Government Land any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose, except a sign that is displayed in accordance with the Council's Moveable Signs by-law.

### 9.2 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 subclause applies.

### 9.3 Amplification

Use an amplifier or other mechanical or electrical device for the purpose of amplifying, broadcasting or magnifying sound, to an audience except on Local Government land to which the Council has resolved this clause applies (if any).

### 9.4 Animals

Subject to the Council's Foreshore and Boat Facilities By-law No. 8, lead, herd, drive or exercise any horse, cattle, sheep or other like 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.

### 9.5 Annoyance

Do anything likely to offend or unreasonably interfere with any other person:

9.5.1 using that land; or

9.5.2 occupying nearby premises;

by making a noise or creating a disturbance.

### 9.6 Attachments

Subject to subclause 9.1, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture, or any other object that is the property of the Council.

### 9.7 Boats

Subject to the provisions of the Harbors and Navigation Act 1993, the Marine Safety (Domestic Commercial Vessel) National Law and the Council's Foreshore and Boat Facilities By-law No. 8:

9.7.1 launch or retrieve a boat to or from any Local Government land to which the Council has determined this subclause applies;

9.7.2 propel, float or otherwise use a boat on or in any waters except:

(a) in an area to which the Council has resolved this subclause applies; and

(b) in accordance with any conditions that the Council may have determined by resolution apply to that use; or

9.7.3 moor a boat on any waters or to a pontoon attached to Local Government land, except in an area to which the Council has resolved this subclause applies.

### 9.8 Buildings

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

### 9.9 Burials, Memorials and Cemeteries

9.9.1 Bury, inter or spread the ashes of any human or animal remains.

9.9.2 Erect any memorial.

9.9.3 On Local Government land comprising a cemetery, drive or propel any vehicle except on path or roads constructed and set aside for that purpose.

### 9.10 Camping and Tents

Erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation, or camp or stay overnight except:

9.10.1 in an area that the Council has, by resolution, designated for camping; and

9.10.2 in accordance with such time limits and other conditions determined by resolution of the Council (if any).

### 9.11 Canvassing

Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other.

### 9.12 Distribution

Subject to subclause 14.2 and the Local Nuisance and Litter Control Act 2016, place on a vehicle (without the consent of the owner of the vehicle), or give out or distribute any book, leaflet or other printed matter to any bystander, passer-by or other person.

### 9.13 Donations

Ask for or receive or indicate that he or she desires a donation of money or any other thing.

### 9.14 Entertainment and Busking

9.14.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.

9.14.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.

### 9.15 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.

### 9.16 Fires

Subject to the Fire and Emergency Services Act 2005, light any fire except:

9.16.1 in a place provided by the Council for that purpose; or

9.16.2 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 four metres.

### 9.17 Fireworks

Ignite or discharge any fireworks.

### 9.18 Flora and Fauna

Subject to the Native Vegetation Act 1991 and the National Parks and Wildlife Act 1972:

9.18.1 damage, pick, disturb, interfere with or remove any plant or flower thereon (excluding weeds);

9.18.2 cause or allow an animal to stand or walk on any flower bed or garden plot;

9.18.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;

9.18.4 take, interfere with, tease, harm, hunt or disturb any animal, bird or marine creature or the eggs or young of any animal, bird or marine creature;

9.18.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;

9.18.6 undertake research of any flora or fauna;

9.18.7 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;

9.18.8 use, possess or have control of any device for the purpose of killing or capturing any animal bird or marine creature; or

9.18.9 burn any timber or dead wood.

### 9.19 *Games and Sport*

- 9.19.1 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 clause applies (if any).
- 9.19.2 Play or practice any game which involves kicking, hitting or throwing a ball or other object on Local Government land which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.
- 9.19.3 Play or practice the game of golf on Local Government land to which the Council has resolved this subclause applies.
- 9.19.4 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.
- 9.19.5 Play or practice any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council and indicated on any sign on or in the vicinity of the land.

### 9.20 *Interference with Land*

Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:

- 9.20.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 9.20.2 erecting, placing or installing a structure or any object in, on, across, under or over the land;
- 9.20.3 changing or interfering with the construction, arrangement or materials of the land;
- 9.20.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.20.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.

### 9.21 *Model Aircraft, Boats and Cars*

Subject to the Civil Aviation Safety Regulations 1998:

- 9.21.1 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
- 9.21.2 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.

### 9.22 *Overhanging Articles*

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.

### 9.23 *Playing Area*

Use or occupy a playing area:

- 9.23.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);
- 9.23.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or

- 9.23.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.

### 9.24 *Preaching*

Preach, harangue or solicit for religious purposes.

### 9.25 *Rubbish and Rubbish Dumps*

- 9.25.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land.
- 9.25.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a Council rubbish bin on any Local Government Land, or a rubbish bin placed on Local Government land for collection by the Council (or its agent).

### 9.26 *Sandboarding*

Use a sandboard or other item to slide down a sand dune, coastal slope or cliff.

### 9.27 *Swimming*

Subject to the provisions of the Harbors and Navigation Act 1993, enter, swim in, bathe or engage in any aquatic activity in any waters except:

- 9.27.1 in an area which the Council has determined may be used for such purpose; and
- 9.27.2 in accordance with any conditions that the Council may have determined by resolution apply to such use.

### 9.28 *Trading*

- 9.28.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing.
- 9.28.2 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.

### 9.29 *Vehicles*

- 9.29.1 Subject to the Council's Foreshore and Boat Facilities By-law No. 8, drive or propel a vehicle except on any Local Government land constructed and set aside by the Council for that purpose.
- 9.29.2 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.
- 9.29.3 Repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.

### 9.30 *Weddings, Functions and Special events*

- 9.30.1 Hold, conduct or participate in a marriage ceremony, funeral or special event.
- 9.30.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event.
- 9.30.3 Hold or conduct any filming where the filming is for a commercial purpose.

### 9.31 *Wheeled Recreational Devices*

Subject to the Road Traffic Act 1961, ride a wheeled recreational device on Local Government land to which the Council has determined this subclause applies.

## 10. *Prohibited Activities*

A person must not do any of the following on Local Government land.

### 10.1 *Climbing*

Climb on or over any fixture, fitting, plant, object or building other than a playground or similar area that the Council has set aside for the purpose.

10.2 *Defacing Property*

Subject to any permission of the Council given under Clause 9, deface, paint, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign or property of the Council.

10.3 *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.

10.4 *Fishing*

Fish in any waters to which the Council has determined this subclause applies.

10.5 *Glass*

Wilfully break any glass, china or other brittle material.

10.6 *Interference with Permitted Use*

Interrupt, or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.

10.7 *Playing Games*

Play or practice a game:

- 10.7.1 which is likely to cause damage to the land or anything on it; or
- 10.7.2 in any area where a sign indicates that the game is prohibited.

10.8 *Sand Dunes, Coastal Slopes and Cliffs*

Subject to the Coastal Protection Act 1972, the Native Vegetation Act 1991 and subclause 9.33:

- 10.8.1 destabilise sand on a sand dune by any means so as to cause it to unnecessarily mass waste down slope;
- 10.8.2 destroy, remove or interfere with live or dead vegetation upon a sand dune, coastal slope or cliff;
- 10.8.3 introduce non-indigenous flora or fauna to, or dump any materials on a sand dune; or
- 10.8.4 carry out any activity that may damage or threaten the integrity of sand dunes, coastal slopes or cliffs.

10.9 *Smoking*

Subject to the Tobacco Products Regulation Act 1997, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has determined this subclause applies.

10.10 *Solicitation*

Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.

10.11 *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.

10.12 *Toilets*

In any public convenience on Local Government land:

- 10.12.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 10.12.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
- 10.12.3 use it for a purpose for which it was not designed or constructed;
- 10.12.4 enter a toilet that is set aside for use of the opposite gender except:

- (a) where a child under the age of eight years is accompanied by a parent or an adult guardian of that gender; or
- (b) to provide assistance to a person with a disability; or
- (c) in the case of a genuine emergency.

10.13 *Waste*

- 10.13.1 Deposit or leave thereon anything obnoxious or offensive.
- 10.13.2 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:
  - 11.1.1 that person's use of the land;
  - 11.1.2 that person's conduct and behaviour on the land;
  - 11.1.3 that person's safety on the land; or
  - 11.1.4 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:

- (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 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 of 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 subclauses 9.11 and 9.12 of this by-law do not apply to electoral matter authorised by a candidate and which is:

- 14.2.1 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
- 14.2.2 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
- 14.2.3 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 Kangaroo Island Council held on 13 June 2017 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

A. BOARDMAN, Chief Executive Officer

### KANGAROO ISLAND COUNCIL

#### BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

##### *By-law No. 4 of 2017—Roads*

A by-law to manage and regulate certain activities on roads in the Council's area.

#### PART 1—PRELIMINARY

##### 1. Title

This by-law may be cited as the Roads By-law 2017 and is By-law No. 4 of the Kangaroo Island Council.

##### 2. Authorising law

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

##### 3. Purpose

The objectives of this by-law are to manage, control and regulate certain uses of roads in the Council's 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 operation<sup>1</sup>:
  - 4.1.1 By-law No. 4—Roads 2010.<sup>2</sup>
- 4.2 This by-law will expire on 1 January 2025.<sup>3</sup>

Note:

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

<sup>2</sup> 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.

<sup>3</sup> 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 2017.

5.2 Subject to subclause 5.3, this by-law applies throughout the Council's area.

5.3 Subclauses 7.3.2 and 7.4.2 of this by-law apply throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with Section 246 (3) (e) of the Act.

#### 6. Definitions

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 *authorised person* means a person appointed as an authorised person pursuant to Section 260 of the Act;
- 6.4 *camp* includes setting up a camp, or causing:
  - 6.4.1 a tent or other structure of calico, canvas, plastic or other similar material; or
  - 6.4.2 subject to the Road Traffic Act 1961, a caravan or motor home;
 

to remain on a road for the purposes of staying overnight, whether or not any person is in attendance or sleeps on the road;
- 6.5 *Council* means Kangaroo Island Council;
- 6.6 *DPTI Guidelines* means the guidelines entitled 'Guidelines for using Traffic Warning Devices Stock on Road' that are published and made available by the Department of Planning Transport and Infrastructure (as may be amended from time to time);
- 6.7 *effective control* means a person exercising effective control of an animal either:
  - 6.7.1 by means of a physical restraint; or
  - 6.7.2 by command, the animal being in close proximity to the person, and the person being able to see the animal at all times;
- 6.8 *emergency worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014;
- 6.9 *moveable sign* has the same meaning as in the Act;
- 6.10 *road* has the same meaning as in the Act; and
- 6.11 *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 carry out any of the following activities on a road without the permission of the Council:

###### 7.1 Advertising

Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services, except for a moveable sign that is displayed 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 amplifying sound or magnifying sound including for the broadcasting of announcements or advertisements.

###### 7.3 Animals

- 7.3.1 Cause or allow an animal to be left unattended on any road.
- 7.3.2 Cause or allow an animal to stray onto, move over, or graze on a road except:

7.3.2.1 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 the animal or animals are under effective control; or

7.3.2.2 in the case of moving livestock across a road, other than in compliance with the DPTI Guidelines.

7.3.3 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 remain overnight except on any road designated by the Council for this purpose (if any) and in accordance with any conditions determined by the Council and displayed on any signage on or near the road.

#### 7.5 *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.

#### 7.6 *Preaching*

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

#### 7.7 *Public Exhibitions and Displays*

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

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

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

7.7.4 Cause or conduct any public exhibitions or displays.

#### 7.8 *Soliciting*

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

#### 7.9 *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;
- dismantle and remove a tent from a road.

#### 10. *Removal of animals and objects*

10.1 The Council (or its delegate) may, pursuant to Section 234 of the Act, remove an animal 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.

10.2 The Council may recover from the owner or apparent owner of an object, removed under subclause 10.1, the costs it incurs in removing that object.

#### PART 4—MISCELLANEOUS

#### 11. *Exemptions*

The restrictions in this by-law do not apply to a police officer, emergency worker, Council officer or employee acting in the course of 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.

#### 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 Kangaroo Island Council held on 13 June 2017 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

A. BOARDMAN, Chief Executive Officer

#### KANGAROO ISLAND COUNCIL

#### BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

#### *By-law No. 5 of 2017—Dogs*

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

#### PART 1—PRELIMINARY

#### 1. *Title*

This by-law may be cited as the Dog By-law 2017 and is By-law No. 5 of the Kangaroo Island Council.

#### 2. *Authorising law*

This by-law is made under Section 90 of the Dog and Cat Management Act 1995, Sections 238 and 246 of the Act and Section 18A of the Harbors and Navigation Act 1993.

#### 3. *Purpose*

The objectives 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; and
- 3.2 to promote responsible dog ownership; and
- 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's 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 operation<sup>1</sup>:

4.1.1 By-law No. 5—Dogs 2010.<sup>2</sup>

4.2 With the exception of Clause 8 of this by-law, which clause expires as set out in subclause 8.1, this by-law expires on 1 January 2025.<sup>3</sup>

Note:

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

<sup>2</sup> 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.

<sup>3</sup> 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 2017.

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

5.3 Clauses 10 and 11 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. Definitions

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

6.1 *Act* means the Local Government Act 1999;

6.2 *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;

6.3 *assistance dog* means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;

6.4 *Council* means Kangaroo Island Council;

6.5 *Dog* has the same meaning as in the Dog and Cat Management Act 1995;

6.6 *effective control* means a person exercising effective control of a dog either:

6.6.1 by means of a physical restraint (as defined under the Dog and Cat Management Act 1995); or

6.6.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;

6.7 *keep* includes the provision of food or shelter;

6.8 *park* has the same meaning as in the Dog and Cat Management Act 1995;

6.9 *premises* includes land, whether used or occupied for domestic or non-domestic purposes;

6.10 *Registrar* means the person appointed by the Council as Registrar under the Dog and Cat Management Act 1995.

6.11 *small dwelling* means a self-contained residence that is:

6.11.1 a residential flat building; or

6.11.2 contained in a separate strata unit or community title; or

6.11.3 on an allotment less than 450 square metres in area; and

6.11.4 without a secure yard of at least 100 square metres in area;

6.12 *working dog* means a dog principally used for the purposes of droving, mustering, tending or protecting livestock in the genuine conduct of commercial primary production and farming activities, or as may be

specifically permitted for other genuine animal management work at the discretion of the Registrar;

6.13 for the purposes of Clause 10 of this by-law, a dog is under *effective control by means of a leash* if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:

6.13.1 the leash, chain or cord is either tethered securely to a fixed object; or

6.13.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

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—LIMITS ON DOG NUMBERS

##### 7. Limits on dog numbers in private premises

7.1 Subject to subclauses 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 more than one dog in a small dwelling; or

7.1.2 on any premises other than a small dwelling:

(a) two dogs (other than working dogs);

(b) more than 6 working dogs.

7.2 Subclause 7.1 does not apply:

7.2.1 to premises that comprise an approved kennel establishment operating in accordance with all required approvals and consents; or

7.2.2 to any business involving the keeping of 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; or

7.2.3 in circumstances where the Council has granted permission to a person to keep dogs over and above the limits prescribed by subclause 7.1

7.3 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.

7.4 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—IDENTIFICATION OF DOGS

##### 8. Dogs to be Microchipped

8.1 This Clause 8 expires and ceases operation immediately on the date that Part 4A as contained in Section 26 of the Dog and Cat Management (Miscellaneous) Amendment Act 2016, commences operation.

8.2 Subject to subclause 8.3, a person must not without Council's permission, keep on any premise a dog over the age of three months or that has lost its juvenile teeth unless that dog is identified by means of having 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 dog.

8.3 Subclause 8.2 does not apply to premises comprising an approved kennel establishment.

8.4 The owner of a dog that is identified as required under subclause 8.2 must provide the microchip details to the Registrar.

Note:

As and from the date that this Clause 8 ceases operation, dogs must be microchipped in accordance with Part 4A of the Dog and Cat Management Act 1995.



## PART 4—DOG CONTROLS

9. *Dog exercise areas*

Subject to Clauses 10 and 11 of this by-law, a person may enter a park in the Council's area for the purpose of exercising a dog under his or her effective control.

Note:

If a person is exercising a dog in a park 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 of, or person responsible for, the dog may be liable.

10. *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 on any Local Government land or public place to which the Council has resolved this clause applies unless the dog is under effective control by means of a leash.

11. *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 on any Local Government land or public place to which the Council has determined this clause applies.

12. *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).

13. *Notification of dogs brought onto Kangaroo Island*

Any person who brings a dog or dogs onto Kangaroo Island that is/are not registered with the Council must immediately (within 24 hours) notify the Council of this fact and provide microchip or registration details for the dog or dogs to the Council.

Note:

The owner of or person responsible for a dog that has been brought onto the Island that is not registered with the Council must comply with his/her obligations under the Act and this by-law.

## PART 4—ENFORCEMENT

14. *Orders*

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

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

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

14.3 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.

14.4 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 Kangaroo Island Council held on the 13 June 2017 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

A. BOARDMAN, Chief Executive Officer

## KANGAROO ISLAND COUNCIL

## BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 6 of 2017—Cats By-law*

A by-law to limit the number of cats kept on premises and for the management and control of cats in the Council's area, including in line with the Council's position statement<sup>1</sup> to eliminate feral cats from Kangaroo Island for conservation purposes and to protect Kangaroo Island's biodiversity and ecosystems.

Note:

<sup>1</sup> The Council's position statement was endorsed by Council resolution on 9 October 2013 (minute reference 18.3) and is available on the Council's website.

## PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Cats By-law 2017 and is By-law No. 6 of the Kangaroo Island Council.

2. *Authorising Law*

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

3. *Purpose*

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

- 3.1 to promote responsible domestic cat ownership;
- 3.2 to work towards achieving the Council's vision of eradicating all feral cats from Kangaroo Island noting their adverse impacts upon wildlife;
- 3.3 to reduce the incidence of public and environmental nuisance caused by cats;
- 3.4 to protect the comfort and safety of members of the public; 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 operation<sup>1</sup>:

4.1.1 By-law No. 6—Cats 2010.<sup>2</sup>

4.2. With the exception of Clause 11 of this by-law, which Clause expires as set out in subclause 11.1, this by-law expires on 1 January 2025.<sup>3</sup>

Note:

1. Generally a by-law comes into operation four 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 2017.

5.2. This by-law applies throughout the Council's area subject to:

5.2.1 any declaration of the Minister responsible for the Natural Resources Management Act 2004 that is made under Chapter 8 of that Act;

5.2.2 any resolution of Council to the contrary.<sup>1</sup>

Note:

<sup>1</sup> This includes any resolution in line with the Council's position statement on cats that has effect as a lawful and binding declaration of the Council to exclude cats from Kangaroo Island.

6. *Definitions*

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

6.1 *Act* means the Local Government Act 1999;

- 6.2 *Approved cattery* means a building, structure or area approved by the relevant authority, pursuant to the Development Act 1993, for the keeping of multiple cats on a temporary or permanent basis;
- 6.3 *breeding cat* means a cat that is reproductively intact (un-spayed) and is being kept with the capacity to breed;
- 6.4 *cat* means an animal of the species *felis catus*;
- 6.5 *Council* means Kangaroo Island Council;
- 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 displaying aggressive nature or creating unpleasant noise or odour;
- 6.7.2 acting in a manner that is injurious to a person's real or personal property;
- 6.7.3 being obnoxious, offensive or hazardous to health;
- 6.7.4 wandering and/or defecating onto land without the consent of the owner or occupier of the land; or
- 6.8 *public place* has the same meaning as in the Act and, for the avoidance of doubt, includes a road.
- 6.9 *premises* includes land whether used or occupied for domestic or non-domestic purposes and any part thereof.
- 6.10 *Registrar* means the person appointed by the Council as Registrar under the Dog and Cat Management Act 2005;
- 6.11 *road* has the same meaning as in the Act.
- 6.12 *un-spayed cat* means a cat that has not been desexed and is reproductively intact.

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—CAT CONTROLS

7. *Limits on Cat Numbers*

- 7.1 Subject to subclause 7.2, a person must not, without the Council's permission, keep or cause, suffer or permit to be kept, more than two cats on any premises.
- 7.2 Subclause 7.1 does not apply:
- 7.2.1 to premises comprising an approved cattery or any other premises that the Council has exempted from the operation of subclause 7.1; or
- 7.2.2 in circumstances where the Council has granted permission to a person to keep more than two cats on premises.
- 7.3 The Council may require premises that are the subject of an application for permission to keep additional cats to be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.
- 7.4 No cat is to be kept outdoors on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a cat may be effectively confined.

8. *Cats not to be a Nuisance*

- 8.1 The owner or person responsible for the control of a cat must ensure that the cat does not cause a nuisance.
- 8.2 An owner or occupier of premises is guilty of an offence if a cat kept or allowed to remain on the premises causes a nuisance.

9. *Effective Confinement of Cats*

- 9.1 The owner or person responsible for the control of or entitled to the possession of a cat must ensure that the cat is effectively confined to the premises occupied by that person at all times.
- 9.2 No person shall, in any public place, cause, suffer or permit any cat under that person's control, charge or authority to be or remain in that public place unless the cat is enclosed in a lockable cat carry box.

10. *Removal of Faeces*

A person who owns or is responsible for the control of a cat is guilty of an offence if the cat defecates in a public place and the person responsible for the control of the cat does not immediately remove and dispose of the faeces in a lawful manner.

PART 3—IDENTIFICATION AND REGISTRATION OF CATS

11. *Cats to be Microchipped and Desexed*

- 11.1 This Clause 11 expires and ceases operation immediately on the date that Part 4A as contained in Section 26 of the Dog and Cat Management (Miscellaneous) Amendment Act 2016, commences operation in full.
- 11.2 Subject to subclause 11.3, a person must not without Council's permission, keep a cat that is more than 12 weeks of age on any premises unless the cat is:
- 11.2.1 identified by means of having a microchip implanted in its body that contains 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; and
- 11.2.2 desexed (proof that a cat is desexed must be provided to the Council upon the cat being registered as required by this by-law).
- 11.3 Subclause 11.2 does not apply:
- 11.3.1 to premises comprising an approved cattery; or
- 11.3.2 in the case of the requirement for the cat to be desexed, a cat that is registered as a breeding cat as at the date this by-law commences operation provided that the annual registration for that cat is maintained as required by this by-law; or
- 11.3.3 in circumstances where the Council has granted a person an exemption from compliance with subclause 11.2 in respect of a cat registered to that person.
- 11.4 In the event that a cat that is registered as a breeding cat in accordance with subclause 11.3.2 dies is relocated or is otherwise disposed of by the registered owner, a replacement breeding cat will not be permitted.
- 11.5 The owner of a cat that is identified as required under subclause 11.2.1 must provide the microchip details to the Registrar.

Note:

As and from the date that this Clause 10 ceases operation, cats must be microchipped and desexed in accordance with Part 4A of the Dog and Cat Management Act 1995.

12. *Cats Brought onto the Island*

- 12.1 A person must not, in any circumstances, bring or cause, suffer or permit to be brought onto Kangaroo Island an un-spayed cat that is not registered with the Council as a breeding cat at the date this by-law commences operation.
- 12.2 A person must not bring a desexed cat that is not registered with the Council onto Kangaroo Island unless that person has, either before the cat is brought onto Kangaroo Island or within 12 hours of the cat being brought onto Kangaroo Island:
- 12.2.1 notified the Council that the cat has been brought onto Kangaroo Island or (as the case may be) of the person's intention to bring the cat onto Kangaroo Island and of the premises at which the cat will be kept for so long as it remains on Kangaroo Island; and
- 12.2.2 provided to the Council proof that the cat is desexed and the relevant microchip details for the cat.
- 12.3 Any person responsible for a microchipped and desexed cat that is brought onto Kangaroo Island must, if the cat remains on Kangaroo Island for 14 days or more, register the cat in accordance with Clause 13 of this by-law.

## Note:

The owner of or person responsible for a cat that has been brought onto Kangaroo Island that is not registered with the Council must comply with his/her obligations under the Act and this by-law.

13. *Registration of Cats*

- 13.1 Subject to subclause 13.4, a person must not keep a cat on any premises in the Council's area for more than 14 days unless the cat is registered in accordance with this by-law.
- 13.2 An application for registration of a cat must:
- 13.2.1 be made to the Council in the manner and form prescribed by Council (if any);
- 13.2.2 be accompanied by the fee (if any) prescribed by the Council;
- 13.2.3 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name;
- 13.2.4 identify with reference to an address the premises at which the cat is kept; and
- 13.2.5 contain or be accompanied by any other information required by the Council.
- 13.3 Registration under this by-law:
- 13.3.1 remains in force until 30 June next following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months; and
- 13.3.2 is subject to any conditions of registration that the Council (or its delegate) may see fit to impose from time to time by notice in writing to the registered owner of a cat.
- 13.4 Subclause 13.1 does not apply to premises comprising a business involving an approved cattery operating in accordance with all required approvals and consents.
- 13.5 If there is any change in ownership of a cat kept in the Council's area then the person taking ownership of the cat must notify the Council of the change in ownership within 14 days of that change occurring.
- 13.6 If the premises at which a registered cat is kept changes or, a registered cat dies or is relocated outside of Kangaroo Island, the registered owner of the cat must notify the Council of the new premises where the cat is to be kept or the fact that the cat has died or been relocated (as the case may be).

## PART 4—ENFORCEMENT

14. *Orders*

- 14.1 If a person engages in conduct that is a contravention of this by-law, an authorised person may order that person:
- 14.1.1 if the conduct is still continuing—to stop the conduct; and
- 14.1.2 whether or not the conduct is still continuing—to take specified action to remedy the contravention.
- 14.2 A person must comply with an order under this clause.
- 14.3 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.
- 14.4 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 Kangaroo Island Council held 13 June 2017, by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

A. BOARDMAN, Chief Executive Officer

## KANGAROO ISLAND COUNCIL

## BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-Law No. 7 of 2017—Keeping of Livestock, Fowl and Bees 2017*

A by-law to control the conditions for keeping livestock, fowl and bees within urban areas in the interests of the community and to limit the number of livestock and fowl kept in urban areas.

Note: Persons keeping livestock must comply with their obligations under the Livestock Act 1997, including (where applicable) the requirement to obtain a Property Identification Code.

## PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Keeping of Livestock, Fowl and Bees By-law of 2017 and is By-law No. 7 of Kangaroo Island Council.

2. *Authorising law*

This by-law is made under Section 246 of the Local Government Act 1999.

3. *Purpose*

The objectives of this by-law are to regulate and control the keeping of livestock, fowl and bees in urban areas:

- 3.1 to prevent and mitigate nuisances to the community and harm to public health;
- 3.2 to preserve the amenity of Kangaroo Island and to conserve its unique biodiversity and ecosystems;
- 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. *Expiry*

This by-law will expire on 1 January 2025<sup>1</sup>.

## Note:

<sup>1</sup> 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 2017.
- 5.2 This by-law applies throughout the Council's area subject to the operation of:
  - 5.2.1 the Natural Resources Management Act 2004;
  - 5.2.2 the Development Act 1993; and
  - 5.2.3 the Livestock Act 1997.

6. *Definitions*

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

- 6.1 *Act* means the Local Government Act 1999.
- 6.2 *Authorised person* means a person appointed as an authorised person pursuant to Section 260 of the Act.
- 6.3 *bee keeping* means bees kept in the course of undertaking apiary activities, but does not include the use of a hive to collect swarming bees from any premises provided that the hive is not on the relevant premises for more than 4 weeks;
- 6.4 *certificate of dispensation* means a certificate issued at the absolute discretion of Council under this by-law for the keeping of livestock, fowl or bees (as the case may be) in an urban area, which may be subject to any conditions the Council sees fit to impose;
- 6.5 *fowl* includes guinea fowl and prescribed fowl.

- 6.6 *guineafowl* means birds of the family *Numidae* in the order *Galliformes*;
- 6.7 *keep* includes possessing and/or providing food or shelter, but does not include the possession of any livestock or prescribed fowl on land where a carnival, circus, petting zoo or similar function or event is taking place;
- 6.8 *livestock* means mammalian species kept or usually kept in a domestic or captive state including:
- 6.8.1 *Camelidae* (alpacas, camel, dromedary, llama);
- 6.8.2 *Bovidae* (buffalo, cattle);
- 6.8.3 *Caprinae* (goats, sheep, dall),
- 6.8.4 *Suidae* (pigs);
- 6.8.5 *Cervinae* (deer)—
- but excludes dogs, cats and animals of the order *Equus* (horse, donkey);
- 6.9 *premises* includes land whether used or occupied for domestic or non-domestic purposes and any part thereof;
- 6.10 '*prescribed fowl*' means any bird of the families in the order *Galliformes* including:
- 6.10.1 *Anatidae* (geese);
- 6.10.2 *Phasianidae* (chickens, partridges, pheasants, turkeys, peafowl, grouse);
- 6.10.3 *Odontophoridae* (quails);
- 6.10.4 *Cracidae* (chachalacas, guans, curassows); and
- 6.10.5 *Megapodidae* (brush turkeys, malleefowl);
- but excludes guineafowl.
- 6.11 *secure enclosure* means an enclosure that is designed and constructed to adequately confine the animals therein so that they cannot escape by way of jumping, digging, burrowing or climbing, including escaping through openings, breaking down walls or fences and, in the case of prescribed fowl, must be fully enclosed with a roof; and
- 6.12 *urban area* means, subject to any resolution of the Council to the contrary, any land within the Council district that is outside of the Rural Living, Primary Production or Deferred Urban zones as delineated within the Kangaroo Island Development Plan (as amended).

#### PART 2—BEE KEEPING

##### 7. Bee Keeping in urban areas

- 7.1 Subject to Part 6 of the Livestock Act 1997, a person must not undertake bee keeping on premises in an urban area unless that person has been issued with a certificate of dispensation for bee keeping and is keeping the bees in accordance with any conditions attached to that certificate.
- 7.2 For the avoidance of doubt, a certificate of dispensation is not required for transporting hives to premises in an urban area.

#### PART 3—KEEPING FOWL

##### 8. Keeping Fowl in Urban Areas

- 8.1 A person must not, without a certificate of dispensation, keep or cause, suffer or permit to be kept, guineafowl on premises within an urban area.
- 8.2 A person must not keep or cause, suffer or permit to be kept, any prescribed fowl on premises within an urban area other than:
- 8.2.1 in the circumstances prescribed by subclause 8.3; or
- 8.2.2 where the person has been issued with a certificate of dispensation for keeping prescribed fowl on the premises and is keeping the prescribed fowl in accordance with any conditions attaching to that certificate.
- 8.3 A person may, without a certificate of dispensation, keep prescribed fowl on premises in an urban area that are:
- 8.3.1 female (i.e. a hen); or

8.3.2 a male hatchling bred or hatched at the premises: provided that:

8.3.3 in the case of a male hatchling, it is not kept on the premises for a period greater than four months or after the point the hatchling reaches sexual maturity and begins to crow (whichever occurs first); and

8.3.4 the number of prescribed fowl kept on the premises is in accordance with Clause 9 of this by-law.

8.4 Any person who keeps fowl on premises in an urban area must ensure the fowl are confined to the premises and are not permitted to roam freely from the premises.

8.5 For the purpose of complying with the obligations under subclause 8.4, all fowl kept on premises in an urban area must be contained in a secure enclosure that complies with the requirements under subclause 8.6 at all times except for when the fowl are being permitted to free-range on the premises in the presence of the owner.

8.6 A secure enclosure for fowl must:

8.6.1 comprise:

(a) secure walls or fencing to prevent the fowl from escaping; and

(b) secure wall to floor connection, or walls embedded into the ground that will withstand burrowing and digging and prevent the entry of vermin; and

(c) secure roof or covering to prevent the escape of fowl and ingress of predators; and

(d) shelter and roosting areas for the fowl; and

8.6.2 not be located closer than twelve (12) metres from any dwelling, other than the dwelling on the premises on which the fowl is being kept.

##### 9. Maximum Number of Fowl to be Kept on Premises

9.1 Subject to subclause 9.2, a person must not, without the Councils permission, keep or cause, suffer or permit to be kept, more than six (6) fowl on premises in an urban area (whether or not of a mixture of fowl species).

9.2 Hatchlings of any fowl species bred or hatched at premises within an urban area may be kept on the premises in addition to the prescribed maximum number of fowl specified in subclause 9.1 for a maximum period of up to four (4) months before the population of the flock must be reduced to six (6) fowl in total, subject to any permission from Council to the contrary.

#### PART 4—KEEPING LIVESTOCK

##### 10. Keeping Livestock in Urban Areas

10.1 A person must not keep or cause, suffer or permit to be kept, livestock on premises within an urban area, other than;

10.1.1 on premises with a total area in excess of 700m<sup>2</sup>, the keeping of not more than one (1) animal of the *Caprinae* family (sheep, goat); or

10.1.2 on premises with a total area in excess of 2 000m<sup>2</sup>, the keeping of:

(a) not more than two (2) animals of the *Caprinae* family (sheep, goat), or

(b) not more than one (1) animal of the *Suidae* family (pig); and

(c) no more than 2 of the animals described in 10.1.2 (a) and (b) in total; or

10.1.3 where the person has been issued with a certificate of dispensation for keeping livestock on the premises and is keeping the livestock in accordance with any conditions attaching to that certificate.

10.2 Any person who keeps livestock on premises in an urban area must ensure the livestock are confined to the premises and are not permitted to roam freely from the premises.

- 10.3 For the purpose of complying with the obligations under subclause 10.2, all livestock kept on premises in an urban area must be contained in a secure enclosure that complies with the requirements under subclause 10.4.
- 10.4 A secure enclosure for livestock must:
- 10.4.1 comprise:
- (a) fencing of an appropriate height that is adequate to prevent the livestock from escaping;
  - (b) a shelter area for the livestock; and
  - (c) secure wall to floor connection, or walls embedded into the ground that will withstand burrowing and digging and prevent the entry of vermin; and
- 10.4.2 not be located closer than twelve (12) metres from any dwelling, other than the dwelling on the premises on which the livestock is being kept.

PART 5—ADDITIONAL REQUIREMENT FOR KEEPING LIVESTOCK AND FOWL

11. *Additional Management Requirements for Livestock and Fowl*

A person who is keeping or causing, suffering or permitting to be kept, livestock or fowl on premises in an urban area must ensure that at all times:

- 11.1 the enclosure in which the livestock or fowl is kept is cleaned at least weekly and as otherwise necessary to prevent the omission of offensive odours;
- 11.2 manure and other wastes generated by the livestock or fowl is collected at least weekly and otherwise as regularly as necessary to prevent the omission of offensive odours from the premises and/or the breeding of flies thereon and that until such time as the manure or waste is otherwise disposed of from the premises, that it is kept in a receptacle or composter that is impervious to flies;
- 11.3 feed is stored in vermin proof metal or plastic containers with close fitting lids; and
- 11.4 any deceased livestock or fowl are removed from the premises and disposed of in a lawful manner as soon as practicable after death.

PART 6—MISCELLANEOUS

12. *Certificate of Dispensation*

- 12.1 Any person seeking a certificate of dispensation must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
- 12.2 An application under subclause 12.1 must include:
  - 12.2.1 details of the premises upon which the bees, livestock or fowl are to be kept; and
  - 12.2.2 in the case of livestock and/or fowl, a description of each animal proposed to be kept, including:
    - (a) the type of animal;
    - (b) the sex of the animal; and
    - (c) a description of the animal including any distinctive markings or features; and
  - 12.2.3 the number of fowl and/or livestock proposed to be kept on the premises; and
  - 12.2.4 the person(s) responsible for the livestock and/or fowl.
- 12.3 The Council may vary or revoke any conditions imposed on a certificate of dispensation or impose new conditions by notice in writing to the person to whom the certificate was issued.
- 12.4 Failure to keep livestock, bees or fowl in accordance with the conditions that attach to a certificate of dispensation is an offence under this by-law.

13. *Orders*

- 13.1 If a person engages in conduct that is a contravention of this by-law, an authorised person may order that person:
  - 13.1.1 if the conduct is still continuing—to stop the conduct; and
  - 13.1.2 whether or not the conduct is still continuing—to take specified action to remedy the contravention.
- 13.2 A person must comply with an order under this clause.
- 13.3 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.
- 13.4 However, an authorised person may not use force against a person under this Section.

14. *Exemptions*

A requirement of this by-law will not apply to the keeping of livestock or fowl where the Council has granted permission to a person (or class of persons) to keep that livestock or fowl contrary to that requirement.

This by-law was duly made and passed at a meeting of the Kangaroo Island Council held on the 13 June 2017, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

A. BOARDMAN, Chief Executive Officer

KANGAROO ISLAND COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-Law No. 8 of 2017—Foreshore and Boat Facilities By-law 2017*

A by-law for the management of foreshore areas and to regulate the use of boat facilities within the Council's area, including on any foreshore or on Local Government land.

PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Foreshore and Boat Facilities By-law 2017 and is By-law No. 8 of the Kangaroo Island Council.

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 the foreshore:

- 3.1 to prevent and mitigate nuisances on the foreshore;
- 3.2 to prevent damage to and promote conservation of the foreshore;
- 3.3 to protect the convenience, comfort and safety of members of the public;
- 3.4 to prevent damage to boat facilities, facilitate their upkeep and ensure that they are used in an appropriate and equitable manner; and
- 3.5 for the good rule and government of the 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 operation<sup>1</sup>:
  - 4.1.1 By-law No. 8—Boat Facilities 2010.
  - 4.1.2 By-law No. 9—Foreshore 2010.<sup>2</sup>
- 4.2 This by-law will expire on 1 January 2025.<sup>3</sup>

Note:

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

<sup>2</sup> 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.

<sup>3</sup> 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 2017.
- 5.2 Subject to subclauses 5.3 and 5.4, this by-law applies to foreshore areas throughout and boat facilities within the Council's area.
- 5.3 Subclauses 7.11.4 and 10.5 of this by-law only applies 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 Subclauses 7.3.1, 7.5.2, 7.6.2, 7.11.1, 8.4 and 10.3 of this by-law 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. Definitions

In this by-law:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *adjacent land* has the same meaning as in the Harbors and Navigation Act 1993;
- 6.3 *animal or animals* includes birds and insects but does not include a dog;
- 6.4 *annual ticket* means a ticket purchased from the Council authorising the launch and/or retrieval of one boat at a boat ramp (subject to any conditions the Council sees fit to impose), and that is valid until the next 30 November and includes a commercial ticket;
- 6.5 *authorised person* means a person appointed as an authorised person pursuant to Section 260 of the Act.
- 6.1 *boat* includes a raft, pontoon or personal watercraft;
- 6.2 *boat facilities* means a facility constructed, maintained and operated by the Council for the launching, landing or mooring of a boat;
- 6.3 *boat landing* means a facility constructed, maintained and operated by the Council for charter operators to land passengers;
- 6.4 *boat mooring* means a facility constructed, maintained and operated by the Council for the mooring of a boat;
- 6.5 *boat ramp* means a facility constructed, maintained and operated by the Council for the launching and retrieval of a boat to and from adjacent waters;
- 6.6 *camp* includes setting up a camp, or causing a tent, caravan or motor home to remain on the foreshore for the purposes of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 6.7 *charter operator* means a person approved by the Council to use a boat landing;
- 6.8 *commercial ticket* means a ticket purchased from the Council authorising the launch of a fishing boat by a person with a commercial fishing licence at a boat ramp (subject to any conditions the Council sees fit to impose), and that is valid until the next 30 November;
- 6.9 *Council* means the Kangaroo Island Council;
- 6.10 *emergency worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014;
- 6.11 *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) and, for the avoidance of doubt, includes adjacent land within the Harbor of Kingscote and the Harbor of Penneshaw;
- 6.12 *Harbor of Kingscote* is the area defined as 'Kingscote' in Schedule 3 of the Harbors and Navigation Regulations 2009;
- 6.13 *Harbor of Penneshaw* is the area defined as 'Penneshaw' in Schedule 3 of the Harbors and Navigation Regulations 2009;
- 6.14 *life time ticket* means a ticket purchased from the Council authorising the launch of one boat at a boat ramp for a period of up to 25 years from the date of purchase of the ticket that may only be used by the person named on the ticket and is subject to any conditions imposed by the Council and set out on the ticket;
- 6.15 *Local Government land* has the same meaning as in the Act;
- 6.16 *low water mark* means the lowest meteorological tide;
- 6.17 *mooring ticket* means a ticket purchased from a vending machine located at a boat mooring, valid for 24 hours from the time of purchase;
- 6.18 *personal watercraft* means a device that –
  - 6.18.1 is propelled by a motor exceeding eight (8) Horsepower;
  - 6.18.2 has a fully enclosed hull;
  - 6.18.3 is designed not to retain water if capsized;
  - 6.18.4 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;
- 6.19 *sand dune* or *coastal slope* or *cliff* means the sand dunes, coastal slopes, cliffs or other geomorphologic coastal forms under the care, control and management of the Council;
- 6.20 *short term ticket* means a ticket purchased from a vending machine located at a boat ramp, valid for the launch and retrieval of any one boat at the boat ramp within 24 hours from the time of purchase;
- 6.21 *ticket* means either a current life time, annual or short term ticket;
- 6.22 *vehicle* has the same meaning as in the Road Traffic Act 1961; and

#### 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—REGULATION OF ACTIVITIES ON THE FORESHORE

#### 7. Activities Requiring Permission

No person shall without permission on the foreshore:

##### 7.1 Access

Enter or remain on any part of the foreshore that has been closed to the public (including by way of the erection of barriers) for reasons of public safety and/or conservation of the foreshore.

##### 7.2 Advertising

Display, paint or erect or cause to be displayed, painted or erected, any advertisement or sign (including on any building or structure on the foreshore);

##### 7.3 Animals

7.3.1 Other than in relation to the foreshore comprising Brownlow Beach and Vivonne Bay, allow, ride or take any animal onto or allow it to remain on the foreshore or in any adjacent waters:

(a) except between the hours of midnight and 9 a.m. daily; and

(b) only then, on the parts of the foreshore to which the Council has resolved this clause applies.

7.3.2 Allow any animal to enter or leave the foreshore other than by the access ramps

- constructed or provided by the Council for that purpose.
- 7.3.3 Fail to immediately remove and dispose of the faeces of an animal for which the person is responsible if that animal defecates on the foreshore.
- 7.4 *Bathing*  
Swim or bathe during the times when swimming or bathing in that place has been prohibited by resolution of the Council (for the reasons of public safety) as indicated by a sign or signs displayed on the land.
- 7.5 *Boats and Boat Ramps*
- 7.5.1 Hire out a boat on or from the foreshore.
- 7.5.2 Launch or retrieve a boat from or onto the foreshore other than from a boat ramp except on any parts of the foreshore to which the Council has resolved this clause applies.
- 7.6 *Camping and Tents*
- 7.6.1 Subject to this subclause 7.6, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation.
- 7.6.2 Camp or sleep overnight except in an area that the Council has, by resolution, designated for camping (if any) and in accordance with such time limits and other conditions determined by resolution of the Council.
- 7.7 *Entertainment*  
Conduct or hold any event, concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 7.8 *Fires*  
Subject to the Fire and Emergency Services Act 2005, light any fire except in a portable barbeque as long as the barbeque is used in an area that is clear of flammable material for a distance of four metres.
- 7.9 *Sand Dunes, Coastal Slope, Cliffs etc.*
- 7.9.1 Subject to subclause 8.4, carry out any activity that may damage or threaten the integrity of sand dunes, coastal slopes or cliff.
- 7.9.2 Introduce non-indigenous flora or fauna or dump any material in a sand dune.
- 7.9.3 Destroy, remove or cause interference to any nest, flora or fauna, whether living or dead, on or within a sand dune, coastal slope or coastal cliff or otherwise on the foreshore.
- 7.9.4 Remove or clear any sand, seaweed, soil, rocks, minerals, other flora or seashells.
- 7.9.5 Make or excavate any dug-out, cave, cliff or other opening, or camp in or otherwise occupy any dug out, cave or cliff overhang opening.
- 7.10 *Trading*  
Sell, buy, offer or display for sale or hire any goods or services (including from a vehicle standing on the foreshore).
- 7.11 *Vehicles*
- 7.11.1 Drive or propel a vehicle except on any portion of the foreshore to which the Council has resolved this clause applies (as indicated by the erection of flags, signs or other means).
- 7.11.2 Drive or propel a vehicle on the foreshore except on an area or road that is constructed or set aside for that purpose.
- 7.11.3 Drive or propel a vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or provided by the Council for that purpose.
- 7.11.4 Use any ramp or thoroughfare to which the Council has resolved this clause applies to drive or propel a vehicle onto or from the foreshore without having paid the applicable fee (if any) in the manner determined by the Council.
- 7.11.5 Drive or propel a vehicle over or on any sand dunes.
- 7.12 *Weddings, Functions and Events*
- 7.12.1 Hold, conduct or participate in a marriage ceremony, funeral or other organised event or competition.
- 7.12.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or other event.
8. *Prohibited Activities*  
No person shall on the foreshore:
- 8.1 *Annoyances*  
Conduct himself or herself:
- 8.1.1 in such a manner that may annoy or endanger others; or
- 8.1.2 unreasonably interfere with the lawful activities of others that are taking place on the foreshore, including by making a noise or any other disturbance that has not been authorised by the Council.
- 8.2 *Fishing*  
Cast a fishing line or keep a fishing line in waters adjacent the foreshore while there are other persons in the waters in the vicinity of the fishing line.
- 8.3 *Jetties*
- 8.3.1 Jump or dive from a jetty or other structure onto the foreshore or into any adjacent waters.
- 8.3.2 Throw or propel any object from any structure or jetty onto the foreshore or into any adjacent waters.
- 8.4 *Sandboarding*  
Use a sandboard or other similar item except in an area to which the Council has resolved this clause applies.
- 8.5 *Toilets*  
In any public convenience (including showers, toilets and hand washing facilities):
- 8.5.1 urinate other than in a urinal or pan or defecate other than in a pan set a part for that purpose;
- 8.5.2 deposit anything in a pan, urinal or drain that is likely to cause a blockage or damage to the facility or any drain, pipe or property associated with the facility;
- 8.5.3 use the facilities for a purpose for which it was not designed or constructed;
- 8.5.4 enter any facilities that are set aside for the use of the opposite gender except:
- (a) where a child under the age of eight years is accompanied by an adult parent or guardian of that gender; or
- (b) to provide assistance to a disabled person; or
- (c) in the case of a genuine emergency.
- 8.6 *Use of Equipment, Buildings and Property*
- 8.6.1 Use or occupy any equipment, structure, building or property thereon that belongs to the Council other than for the purpose and in the manner for which it was designed, constructed and intended to be used.
- 8.6.2 Damage, destroy or remove any building or structure, notice board or sign.

## PART 3—BOAT FACILITIES

## 9. Boat Ramps

- 9.1 A person must not use a boat ramp on Local Government land or the foreshore to launch or retrieve a boat without first having:
- 9.1.1 purchased a ticket; and
  - 9.1.2 clearly displayed the ticket on the dashboard of any vehicle (or in the case of a trailer, affixed thereto) used to launch or retrieve the boat (or to tow the boat) that is parked in the vicinity of the boat ramp, where the ticket must be left from the time that the boat is launched until the boat is retrieved.
- 9.2 A person must not use a boat ramp other than in accordance with any conditions stipulated on the ticket purchased in compliance with subclause 9.1.1.
- 9.3 Upon request of an authorised person, any person about to use, using or having used a boat ramp, must produce the ticket purchased in respect of such use that is required by subclause 9.1.
- 9.4 Council may exempt any organisation or person from the requirement to purchase a ticket.
- 9.5 A person must not allow any vehicle or boat to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat

## 10. Boat Moorings

- 10.1 A person must not moor a boat at any place within Christmas Cove other than:
- 10.1.1 at the boat moorings designated and clearly marked by Council; and
  - 10.1.2 in accordance with the terms and conditions stipulated by the Council including as may be set out on any signage erected in the vicinity of the boat moorings.
- 10.2 For the purposes of subclause 10.1, Christmas Cove means the area outlined in the plan attached to this by-law and marked 'Annexure A'.
- 10.3 A person must not moor a boat to any foreshore or Local Government land except in any area to which the Council has resolved this subclause applies.
- 10.4 A person must not moor a boat to any foreshore or Local Government land in a manner that obstructs any boat or access to any boat or object (either floating or sunk) or any boat facility.
- 10.5 A person must not use a boat mooring on any foreshore or Local Government land to which the Council has resolved this clause applies unless the person:
- 10.5.1 first obtains a permit from the Council or purchases a mooring ticket; and
  - 10.5.2 complies with any conditions regarding that use as specified either on the permit or mooring ticket or on any signs in the vicinity of the boat mooring.

## 11. Boat Landings

- 11.1 A person must not land at or otherwise use a boat landing without paying the applicable fee to Council in the manner directed by the Council.
- 11.2 A charter operator must:
- 11.2.1 report to the Council monthly regarding the charter operator's use of a boat landing at the times and in the manner directed by the Council; and
  - 11.2.2 provide to the Council any other information regarding or relevant to the charter operator's use of a boat landing as is requested by the Council within 24 hours of such request (or within such other period as may be directed by the Council).

## PART 4—ENFORCEMENT

## 12. Directions

- 12.1 A person on the foreshore must comply with a reasonable direction from an authorised person relating to:
- 12.1.1 that person's use of the foreshore or Local Government land or any boat facilities thereon;
  - 12.1.2 that person's conduct and behaviour on the foreshore; or
  - 12.1.3 the safety and enjoyment of other persons on the foreshore.
- 12.2 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 the foreshore.

## 13. 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.

## PART 5—MISCELLANEOUS

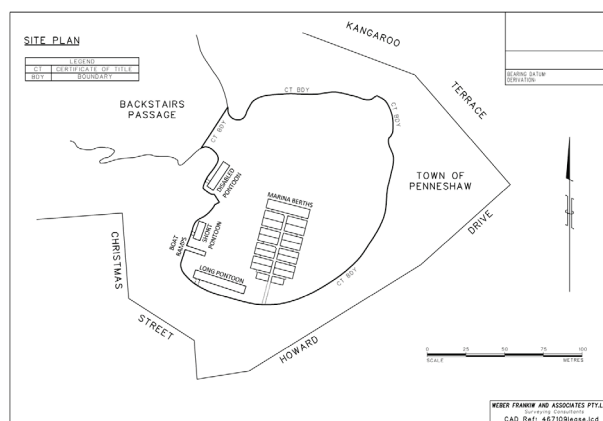
## 14. Exemptions

- 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 of and within the scope of that person's normal duties, or to a contractor or volunteer while performing work for the Council and while acting under the supervision of a Council officer.
- 14.2 For the avoidance of doubt, the restrictions in this by-law relating to the use or operation of a boat do not apply to paddleboards, canoes, kayaks and personal watercraft with a motor of eight (8) horsepower or less.

## 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 Pursuant to Section 264 (3) (h) (iii) of the Act, 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.

## ANNEXURE A—CHRISTMAS COVE



This foregoing by-law was duly made and passed at a meeting of the Kangaroo Island Council held on 13 June 2017, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

A. BOARDMAN, Chief Executive Officer



## KINGSTON DISTRICT COUNCIL

*Adoption of Valuations and Declaration of Rates 2017-2018*

NOTICE is given that at the meeting held on 23 June 2017, the Council for the financial year ending 30 June 2018, resolved as follows:

*Adoption of Valuations*

Adopted the capital values made by the Valuer-General totalling \$1 140 886 960, and that 1 July 2017, shall be the day as and from when such valuations shall become the valuations of the Council.

*Declaration of Rates*

Declared the following differential general rates for all rateable land within the Council area:

- A differential general rate of 0.3670 cents in the dollar on rateable land of Category (a) (Residential) Land Use;
- A differential general rate of 0.3670 cents in the dollar on rateable land of Category (b) (Commercial—Shop), Category (c) (Commercial—Office) and Category (d) (Commercial—Other) Land Use;
- A differential general rate of 0.3670 cents in the dollar on rateable land of Category (e) (Industrial—Light) and Category (f) (Industrial—Other) Land Use;
- A differential general rate of 0.2936 cents in the dollar on rateable land of Category (g) (Primary Production) Land Use;
- A differential general rate of 0.4221 cents in the dollar on rateable land of Category (h) (Vacant Land) Land Use;
- A differential general rate of 0.3670 cents in the dollar on rateable land of Category (i) (Other) Land Use;
- A differential general rate of 0.3670 cents in the dollar on rateable land of Category (j) (Marina Berth) Land Use.

*Declaration of Minimum Rate*

Fixed a minimum amount payable by way of rates of \$557.50.

*Declaration of Separate Rate—Regional Natural Resource Management Levy*

In order to reimburse to the Council the amount required to be contributed to the South East Natural Resource Management Board, declared a differential separate rate based upon a fixed charge that depends upon the use of the land:

\$75.50 fixed charge on rateable land of Category (a) (Residential), Category (h) (Vacant), Category (i) (Other) and Category (j) (Marina Berth) Land Use.

\$115.00 fixed charge on rateable land of Category (b) (Commercial—Shop), Category (c) (Commercial—Office) and Category (d) (Commercial—Other) Land Use.

\$180.00 fixed charge on rateable land of Category (e) (Industrial—Light) and Category (f) (Industrial—Other) Land Use.

\$328.50 fixed charge on rateable land of Category (g) (Primary Production) Land Use.

*Declaration of Annual Service Charges—Kingston Community Wastewater Management Scheme*

Imposed an annual service charge on all land to which Council provides or makes available the prescribed service known as the Kingston Community Wastewater Management System (CWMS) as follows:

\$363.50 per unit on each occupied allotment; and

\$243.00 per unit on each vacant allotment,

based upon the CWMS Property Units Code and varying according to whether land is vacant or occupied.

*Declaration of Annual Service Charge—Mobile Garbage Bin Collection and Disposal Service*

Imposed an annual service charge on all land to which the Council provides or makes available the prescribed service of Mobile Garbage Bin Collection and Disposal:

\$169.50 per mobile garbage bin service collected from each allotment,

based upon the level of usage of the service and being charged in accordance with Council's Mobile Garbage Bin Collection and Disposal Policy.

A. MACDONALD, Chief Executive Officer

## NORTHERN AREAS COUNCIL

*Adoption of Annual Business Plan, Budget and Valuations and Declarations of Rates*

NOTICE is hereby given that the Northern Areas Council at its meeting held on 20 June 2017, for the financial year ending 30 June 2018, in exercise of the powers contained in Chapter 10 of the Local Government Act 1999, resolved that the Council:

*Adoption of Capital Valuations*

Pursuant to and in accordance with Section 167 (2) (a) of the Local Government Act 1999 adopts for the year ending 30 June 2018 for rating purposes, the most recent valuations available to the Council made by the Valuer-General of capital values in relation to all land in the area of the Council, with the total of the valuations being \$1 523 267 060 comprising \$1 489 774 899 in respect of rateable land and \$33 492 161 in respect of non-rateable land before alteration.

*Declaration of Differential General Rates*

Pursuant to and in accordance with Sections 152 (1) (c), 153 (1) (b) and 156 (1) (b) of the Local Government Act 1999 declares differential general rates on all rateable land within the Council area for the year ending 30 June 2018, comprising:

- (1) a component based upon the assessed capital value of land, varying by reference to the locality of the land, as follows:
  - (a) 0.3250 cents in the dollar on rateable land in the 'Rural' location, being all land zoned as 'Primary Production', 'Rural Landscape Protection' and 'Forestry' in the Northern Areas Council Development Plan consolidated 12 February 2015;
  - (b) 0.4770 cents in the dollar on rateable land in the 'Urban' location, being all land not zoned as 'Primary Production', 'Rural Landscape Protection' and 'Forestry' in the Northern Areas Council Development Plan consolidated 12 February 2015; and
- (2) a fixed charge of \$370.

*Declaration of Annual Waste Collection Service Charge*

Pursuant to and in accordance with Section 155 of the Local Government Act 1999 declares an Annual Service Charge of \$160 per service upon the land to which it provides or makes available the prescribed service of waste collection.

*Declaration of Annual Community Wastewater Management Systems Service Charge*

Pursuant to and in accordance with Section 155 of the Local Government Act 1999 and Regulation 12 of the Local Government (General) Regulations 2013 declares Annual Service Charges upon the land to which it provides or makes available the prescribed service known as the Community Wastewater Management System as follows:

- (a) \$455 per unit in respect of each piece of occupied land and \$369 per unit in respect of each piece of vacant land serviced by the Jamestown Community Wastewater Management Systems
- (b) \$455 per unit in respect of each piece of occupied land and \$369 per unit in respect of each piece of vacant land serviced by the Laura Community Wastewater Management Systems
- (c) \$455 per unit in respect of each piece of occupied land and \$369 per unit in respect of each piece of vacant land serviced by the Moyletown area of Jamestown Community Wastewater Management Systems
- (d) \$455 per unit in respect of each piece of occupied land and \$369 per unit in respect of each piece of vacant land serviced by the Gladstone Community Wastewater Management Systems.

*Declaration of Separate Rate (State Government NRM Levy)*

Pursuant to Section 95 of the Natural Resources Management Act 2004 and Section 154 of the Local Government Act 1999 and in order to reimburse the Council for amounts contributed to the Northern Yorke Natural Resources Management Board, being \$254 800, declares a separate rate of 0.01722 cents in the dollar, based on the assessed capital value of all rateable properties in the area of the Council and of the Northern Yorke Natural Resources Management Board.

C. BYLES, Chief Executive Officer

## DISTRICT COUNCIL OF ROBE

*Adoption of Valuation and Declaration of Rates 2017-2018*

NOTICE is hereby given that the District Council of Robe at a meeting held on 27 June 2017 and in relation to the financial year ending 30 June 2018 adopted the 2017-2018 Annual Business Plan and Budget and resolved as follows:

1. Adopted for rating purposes, the capital valuations of the Valuer-General totalling \$1 010 519 020.

2. Declared a single General Rate of 0.3610 cents in the dollar on the assessed Capital Values of all rateable land in its area.

3. Imposed an annual service charge of \$280 for the Garbage and Recycling Collection Service based on the level of usage of the service, on all land to which Council provides or makes available the prescribed service. Imposed an annual service charge of \$158 for the Garbage Collection Service based on the level of usage of the service, on all land within the Boatswains Point area to which Council provides or makes available the prescribed service.

4. Imposed an annual service charge based on the nature and level of usage of the service and varying according to whether the land is vacant or occupied on all land to which Council provides or makes available the prescribed services for the collection, treatment or disposal of waste known as Community Waste Water Management System in respect of all land serviced by these schemes as follows:

- Occupied .....\$509 per property unit
- Unoccupied.....\$410 per property unit

5. Declared a minimum amount payable in respect of any one piece of rateable land in the amount of \$669.

6. Declared a separate rate based on a fixed charge amount that depends upon the use of the land to recover the contribution to the South East Natural Resources Management Board as follows:

- Residential, Vacant and Other ..... \$73.10
- Commercial ..... \$111.00
- Industrial ..... \$175.00
- Primary Production..... \$327.00

R. SWEETMAN, Chief Executive Officer

## SOUTHERN MALLEE DISTRICT COUNCIL

*Review of Elector Representation*

NOTICE is hereby given that the Southern Mallee District Council has completed a review of its composition and elector representation arrangements in accordance with the requirements of Section 12 (4) of the Local Government Act 1999 (the Act).

Pursuant to Section 12 (13) (a) of the Act, the Electoral Commissioner has certified that the review undertaken by Council satisfies the requirements of Section 12 of the Act. As such, the following structure will be put into effect as of the day of the first periodic Local Government election held after the publication of this notice.

- The principal member of Council will be a chairperson (with the title of mayor) selected by and from amongst the elected members.
- The Council area will not be divided into wards (i.e. the existing wards will be abolished).
- The Council will comprise seven area councillors, each of whom will represent the whole of the Council area.

M. DOHNT, Chief Executive Officer

## DISTRICT COUNCIL OF STREAKY BAY

*Adoption of the Annual Business Plan Budget and Declaration of Rates 2017-2018*

NOTICE is hereby given that at its Special Meeting held on 29 June 2017, the District Council of Streaky Bay resolved the following:

*Adoption of the Annual Business Plan 2017-2018*

That Council, pursuant to the provisions of Section 123 (6) of the Local Government Act 1999 and Regulation 5A of the Local Government (Financial Management) Regulations 2011, adopt the Annual Business Plan 2017-2018, for the financial year ending 30 June 2018.

*Adoption of the Annual Budget 2017-2018*

That Council, pursuant to Section 123 (7) of the Local Government Act 1999 and Regulation 7 of the Local Government (Financial Management) Regulations 2011, adopt the Annual Budget for the financial year ending 30 June 2018, as presented in the Annual Business Plan 2017-2018 which includes:

- (a) a budgeted income statement, balance sheet and statement of cash flows, presented in a manner consistent with the Model Financial Statements;
- (b) a statement whether projected operating income is sufficient to meet projected operating expenses for the relevant financial year;
- (c) a summary of operating and capital investment activities presented in a manner consistent with the note in the Model Financial Statements entitled Uniform Presentation of Finances; and
- (d) estimates with respect to the Council's operating surplus ratio, asset sustainability ratio and net financial liabilities ratio presented in a manner consistent with the note in the Model Financial Statements entitled Financial Indicators.

*Adoption of Valuations*

That Council, pursuant to Section 167 (2) (a) of the Local Government Act 1999, for the financial year ending 30 June 2018, adopt for rating purposes, the most recent valuations of the Valuer-General available to the Council of the Site Value of land within the Council's area, totalling \$307 002 020 for rateable land, and hereby specifies 29 June 2017, as the day from which such valuations shall become and be the valuations of Council, subject to such alterations as may appear necessary.

*Attribution of Land Uses*

- (a) the numbers indicated against the various categories of land use prescribed by the Local Government (General) Regulations 2013 Regulation 14 (1), be used to designate land uses in the Assessment Book;
- (b) the use indicated by those numbers in respect of each separate assessment of land described in the Assessment Book on this date be attributed to each such assessment respectively; and
- (c) reference in this resolution to land being of a certain category use means the use indicated by that category number in the Regulations.

*Residential Rate Cap*

That Council, pursuant to Section 153 (3) of the Local Government Act 1999, for the financial year ending 30 June 2018, has determined not to fix a maximum increase in the general rate charged on rateable land that constitutes the principal place of residence of a principal ratepayer.

*Declaration of Rates*

That Council, having taken into consideration the general principles of rating contained in Section 150 of the Local Government Act 1999 and having observed the requirements of Section 153 of the Local Government Act 1999, pursuant to Sections 151 (1) (c), 152 (1) (c), 153 (1) (b) and 156 (1) (c) of the Local Government Act 1999, the Council, for the financial year ending 30 June 2018:

Declares differential rates on the basis of locality and land use as follows:

- (a) In the Residential zone (1):

- (0.7136) cents in the dollar of the Site Value of rateable land of categories 1, 8 and 9 use;
  - (1.5100) cents in the dollar of the Site Value of rateable land of categories 2, 3, 4, 5 and 6 use; and
  - (0.6430) cents in the dollar of the Site Value of rateable land of category 7 use.
- (b) In the Town Centre zone (2):
- (0.7136) cents in the dollar of the Site Value of rateable land of category 1 use; and
  - (1.5100) cents in the dollar of the Site Value of rateable land of categories 2, 3, 4, 5, 6, 8 and 9 use.
- (c) In the Industry zones (3):
- (0.7136) cents in the dollar of the Site Value of rateable land of category 1 use;
  - (1.1800) cents in the dollar of the Site Value of rateable land of categories 2, 3, 4, 5, 6, 8 and 9 use; and
  - (0.6430) cents in the dollar of the Site Value of rateable land of category 7 use.
- (d) In the Light Industry (Aquaculture) zone (4):
- (0.6430) cents in the dollar of the Site Value of rateable land of category 7 use.
- (e) In the Primary Production zone (18):
- (0.6342) cents in the dollar of the Site Value of rateable land of categories 1, 2, 3, 6 and 9 use;
  - (28.1000) cents in the dollar of the Site Value of rateable land of category 4 use; and
  - (0.6430) cents in the dollar of the Site Value of rateable land of categories 5, 7 and 8 use.
- (f) In the Commercial (Bulk Handling) zone (13):
- (28.1000) cents in the dollar of the Site Value of rateable land of all category uses.
- (g) In the Rural Deferred Urban zone (8):
- (0.6430) cents in the dollar of the Site Value of rateable land of categories 1, 2, 3, 4, 5, 6, and 7 use; and
  - (0.6342) cents in the dollar of the Site Value of rateable land of categories 8 and 9 use;
- (h) In the Robinson Groundwater Basin Protection zone (14):
- (0.6430) cents in the dollar of the Site Value of rateable land of category 7 use.
- (i) In the Country Township and Settlement zones (10 and 11):
- (0.6342) cents in the dollar of the Site Value of rateable land of all categories.
- (j) In the Coastal zone, (9):
- (0.6342) cents in the dollar of the Site Value of rateable land of categories 1, 2, 3, 5, 6, 8 and 9 use;
  - (1.5100) cents in the dollar of the Site Value of rateable land of category 4 use; and
  - (0.6430) cents in the dollar of the Site Value of rateable land of category 7 use.
- (k) In the Rural Living, Rural Landscape Protection, & Recreation zones (6, 7, and 15):
- (0.6342) cents in the dollar of the Site Value of rateable land of categories 1, 2, 3, 4, 5, 6, 8 and 9 use.

Where each of the above zones is a defined zone within the Development Plan under the Development Act 1993.

#### *Fixed Charge*

The Council has imposed a fixed charge of \$530. The fixed charge is levied against the whole of an allotment (including land under a separate lease or licence) and only one fixed charge is levied against two or more pieces of adjoining land (whether intercepted by a road or not) if they are owned by the same owner and occupied by the same occupier. The reasons for imposing a fixed charge are:

- the Council considers it appropriate that all rateable properties make a contribution to the cost of administering the Council's activities; and
- the Council considers it appropriate that all rateable properties make a contribution to the cost of creating and maintaining the physical infrastructure that supports each property.

#### *Annual Service Charge*

Pursuant to Section 155 of the Local Government Act 1999 and in accordance with Regulation 12 (4) (b) of the Local Government (General) Regulations 2013, the Council imposes annual service charges as set out below:

\$450 on all applicable land;

to which it provides or makes available the Community Wastewater Management Systems, being services for the collection and disposal of waste.

\$200 on all applicable land;

to all properties within the Waste Management Collection service area that have an occupiable dwelling, outbuilding or other class of structure and those en-route that are outside of collection areas that receive a Waste Management Collection service.

#### *Eyre Peninsula Natural Resource Management Levy (NRM Levy)*

Pursuant to Section 95 of the Natural Resources Management Act 2004 and Section 154 of the Act, the Council declares variable separate rates, in respect of all rateable land in the area of the Eyre Peninsula Natural Resource Management Board and within the area of the Council in order to recoup the amount of \$154 919 being Council's contribution to the Board for the period ending 30 June 2018. The rates are as below:

Residential	\$73.75;
Commercial	\$110.63;
Industrial	\$110.63;
Primary Producers	\$147.51; and
Other and Vacant Land	\$73.75.

#### *Schedule of Fees and Charges*

That Council, pursuant to Section 188 of the Local Government Act 1999, adopt the fees and charges for the financial year ending 30 June 2018.

#### *Rating Policy*

That Council adopt DCSB-FM-07.01 Rating Policy.

#### *Rate Rebate Policy*

That Council adopt DCSB-FM-07.02 Rate Rebate Policy.

#### *Exemptions List 2017/2018*

That Council adopt the exemption list included in the 2017/2018 Annual Business Plan.

J. HENTSCHE, Chief Executive Officer

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

- Carter, Ronald*, late of 25 Sheoak Road, Belair, retired real estate agent, who died on 27 March 2017.
- Clues, William Robert*, late of 22 Erin Street, Broadview, of no occupation, who died on 2 July 2016.
- Crowley, Keith Sidney*, late of 251 Payneham Road, Joslin, retired consultant pathologist, who died on 9 April 2017.
- Fitzgerald, Barry Thomas*, late of 14 Coulls Road, Banksia Park, retired butcher, who died on 18 November 2016.
- Grunert, Brian Harold*, late of 5 Gilmore Road, Henley Beach South, of no occupation, who died on 30 November 2016.
- Ingham, Iris Gwendoline*, late of 2 The Strand, Mawson Lakes, of no occupation, who died on 8 March 2017.
- Martin, John Maxwell*, late of 10 Morton Road, Christie Downs, retired courier driver, who died on 20 February 2017.
- McCartney, Maxine Norma*, late of 84 Reservoir Road, Modbury, of no occupation, who died on 3 March 2017.
- Miller-Novak, Fay Josephine*, late of Grainger Road, Somerton Park, of no occupation, who died on 5 January 2017.
- Nichols, Edward Leslie*, late of 27 Archer Street, North Adelaide, retired naval officer, who died on 14 January 2017.
- Scott, Wendy Pamela*, late of 103 Fisher Street, Fullarton, of no occupation, who died on 19 September 2016.
- Spokes, Sean Grant*, late of 8 East Avenue, Northfield, factory worker, who died on 11 November 2016.
- Vincent, Thomas James*, late of 67 Porter Street, Salisbury, of no occupation, who died on 24 September 2016.
- Whelan, Peter Ronald*, late of 46 Greenock Road, Nuriootpa, contract cleaner, who died on 17 January 2008.

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 4 August 2017, 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 4 July 2017.

D. A. CONTALA, Public Trustee

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# NOTICE SUBMISSION

The weekly *South Australian Government Gazette* is issued on Tuesday afternoon, except where Executive Council meets on Wednesday, wherein publishing will occur on that day.

The next scheduled publication date is displayed on the website: [www.governmentgazette.sa.gov.au](http://www.governmentgazette.sa.gov.au).

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EMAIL [governmentgazettesa@sa.gov.au](mailto:governmentgazettesa@sa.gov.au)  
PHONE (08) 8207 1045

**Notices for gazettal are to be emailed in the following formats:**

- Notices as individual Word files (.doc)
- Maps, images, and diagrams as separate PDF files (.pdf)
- Content requiring official signature for authorisation—notices as Word files as well as signed documentation as PDF files

**Please provide the following information in your email:**

- Date the notice is to be gazetted
- Notification of whether a proof, quote, or return email confirmation is required
- Email address and phone number of the person authorising the submission
- Name of the person and organisation to be charged for the notice, if applicable, and a purchase order if required
- Details that may impact on publication of the notice

Notices must be submitted before 4 p.m. Friday, the week preceding intended gazettal.

Proofs of formatted content are supplied upon request, with necessary alterations to be returned before 4 p.m. the day preceding publication.

Submitted notices will be gazetted unless notification is received before 10 a.m. the day of publication.