



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ADELAIDE, TUESDAY, 15 AUGUST 2017

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

Department of the Premier and Cabinet
Adelaide, 15 August 2017

HIS Excellency the Governor directs it to be notified for general information that he has in the name and on behalf of Her Majesty The Queen, this day assented to the undermentioned Acts passed by the Legislative Council and House of Assembly in Parliament assembled, viz.:

No. 28 of 2017—Statutes Amendment (Heavy Vehicle Registration Fees) Act 2017. An Act to amend the Highways Act 1926; and the Motor Vehicles Act 1959.

No. 29 of 2017—Parliament (Joint Services) (Staffing) Amendment Act 2017. An Act to amend the Parliament (Joint Services) Act 1985.

No. 30 of 2017—Land and Business (Sale and Conveyancing) (Beneficial Interest) Amendment Act 2017. An Act to amend the Land and Business (Sale and Conveyancing) Act 1994.

By command,

IAN KEITH HUNTER, for Premier

DPC06/0875

Department of the Premier and Cabinet
Adelaide, 15 August 2017

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Carrick Hill Trust, pursuant to the provisions of the Carrick Hill Trust Act 1985:

Member: (from 22 August 2017 until 21 August 2020)
Stephen William Mason

By command,

IAN KEITH HUNTER, for Premier

ASACAB005-02

Department of the Premier and Cabinet
Adelaide, 15 August 2017

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Board of the Environment Protection Authority, pursuant to the provisions of the Environment Protection Act 1993:

Member: (from 15 August 2017 until 14 August 2019)
Stephen Timothy Dennis Christley
Catherine Sheree Cooper

By command,

IAN KEITH HUNTER, for Premier

17MSECCS021

Department of the Premier and Cabinet
Adelaide, 15 August 2017

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Superannuation Funds Management Corporation of South Australia Board, pursuant to the provisions of the Superannuation Funds Management Corporation of South Australia Act 1995:

Director: (from 21 August 2017 until 20 August 2020)
Kevin Owen Foley

By command,

IAN KEITH HUNTER, for Premier

T&F17/050CS

Department of the Premier and Cabinet
Adelaide, 15 August 2017

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable the Chief Justice Christopher John Kourakis as Governor's Deputy of South Australia for the period from 9.00am on Sunday, 20 August 2017 until 12.30pm on Thursday, 24 August 2017.

By command,

IAN KEITH HUNTER, for Premier

Department of the Premier and Cabinet
Adelaide, 15 August 2017

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Susan Elizabeth Close, MP, Minister for Education and Child Development and Minister for Higher Education and Skills to be also Acting Minister for Employment, Acting Minister for Aboriginal Affairs and Reconciliation, Acting Minister for Manufacturing and Innovation, Acting Minister for Automotive Transformation and Acting Minister for Science and Information Economy for the period from 16 August 2017 to 23 August 2017 inclusive, during the absence of the Honourable Kyam Joseph Maher, MLC.

By command,

IAN KEITH HUNTER, for Premier

DPC17/056CS

Department of the Premier and Cabinet
Adelaide, 15 August 2017

HIS Excellency the Governor in Executive Council has revoked the appointment of the Honourable Kyam Joseph Maher, MLC, Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation and Minister for Science and Information Economy as Acting Minister for Regional Development and Acting Minister for Local Government for the period from 21 August 2017 to 23 August 2017 inclusive, during the absence of the Honourable Geoffrey Graeme Brock, MP.

By command,

IAN KEITH HUNTER, for Premier

DPC17/056CS

Department of the Premier and Cabinet
Adelaide, 15 August 2017

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Susan Elizabeth Close, MP, Minister for Education and Child Development and Minister for Higher Education and Skills to be also Acting Minister for Regional Development and Acting Minister for Local Government for the period from 21 August 2017 to 23 August 2017 inclusive, during the absence of the Honourable Geoffrey Graeme Brock, MP.

By command,

IAN KEITH HUNTER, for Premier

DPC17/056CS

Department of the Premier and Cabinet
Adelaide, 15 August 2017

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Stephen Campbell Mullighan, MP, Minister for Transport and Infrastructure and Minister for Housing and Urban Development to be also Acting Minister for Investment and Trade, Acting Minister for Small Business, Acting Minister for Defence Industries and Acting Minister for Veterans' Affairs for the period from 20 August 2017 to 26 August 2017 inclusive, during the absence of the Honourable Martin Leslie James Hamilton-Smith, MP.

By command,

IAN KEITH HUNTER, for Premier

17MINT/436CS

ANANGU PITJANTJATJARA YANKUNYTJATJARA LAND RIGHTS ACT 1981

ANANGU PITJANTJATJARA YANKUNYTJATJARA EXECUTIVE BOARD
SUPPLEMENTARY ELECTIONS

Corrigendum

IN Government Gazette No. 50, dated 2 August 2017, on page 3078, because of a typographical error in the third column, second row of the published table, the APY Lands electorate of Mimilia is incorrect and *should* read Mimili.

AUTHORISED BETTING OPERATIONS ACT

SOUTH AUSTRALIA

GR Notice No. 5 of 2017

Approved Betting Contingencies (Mayweather v McGregor Boxing Match) Variation Notice 2017

[15 August 2017]

By this notice, the Independent Gambling Authority approves, for all betting operations, contingencies related to sporting or other events within and outside Australia, as follows:

1 Citation, authorising provisions, revocation, etc

- (1) This notice may be cited as the Approved Betting Contingencies (Mayweather v McGregor Boxing Match) Variation Notice 2017.
- (2) This notice is authorised by section 4 of the *Authorised Betting Operations Act 2000*.

2 Purpose and approval of contingencies

This notice varies the Approved Betting Contingencies Notice 2016 to approve contingencies relating to the Floyd Mayweather Jr. v Conor McGregor Boxing Match being held in Las Vegas, Nevada, USA on 27 August 2017 (Australian time).

3 Approval of Sanctioned World Title Fights by World Boxing Organisation

In the list of events in Schedule 3 of the Approved Betting Contingencies Notice 2016—

- (a) immediately below the listing of “Commonwealth Games” in the section for Boxing, **insert—**

“the Floyd Mayweather Jr. v Conor McGregor Boxing Match being held in Las Vegas, Nevada, USA on 27 August 2017 (Australian time)”.

This notice is published, as required by section 4(1) of the *Authorised Betting Operations Act 2000*.

Dated 15 August 2017

JEANETTE BARNES, General Manager Operations

DOG AND CAT MANAGEMENT ACT 1995
DOG AND CAT MANAGEMENT REGULATIONS 2017

Desexing of Dogs and Cats

PURSUANT to Section 14C of the Acts Interpretation Act 1915, I, Dr Felicity-Ann Lewis, Chairperson of the Dog and Cat Management Board, hereby give notice that the Board has exercised its power under Regulation 12(2)(e) of the Dog and Cat Management Regulations 2017 to exempt all dogs and cats born before 1 July 2018 from the requirement to be desexed, as set out in Section 42E of the Dog and Cat Management Act 1995

Dated 11 August 2017.

DR FELICITY-ANN LEWIS, Chairperson of the Dog and Cat Management Board

ENVIRONMENT PROTECTION ACT 1993

Vary the Approval of Category B Containers

I, ANDREA KAYE WOODS, Delegate of the Environment Protection Authority (‘the Authority’), pursuant to section 68 of the Environment Protection Act, 1993 (SA) (‘the Act’) hereby:

Vary the Approval of Category B Containers

Approve as Category B Containers, subject to the conditions 1,2,3 and 4 below, each of the classes of containers identified by reference to the following matters described in the first 4 columns of Schedule 1 of this Notice which are sold in South Australia:

- (a) the product which each class of containers shall contain;
- (b) the size of the containers;
- (c) the type of containers;
- (d) the name of the holders of these approvals.

- (1) That containers of the class to which the approval relates must bear the refund marking specified by the Authority for containers of that class. The Authority specifies the following refund markings for Category B containers:
 - (i) “10c refund at collection depots when sold in SA”; or
 - (ii) “10c refund at SA/NT collection depots in State/Territory of purchase”.
- (2) The holder of the approval must have in place an effective and appropriate waste management arrangement in relation to containers of that class. For the purpose of this approval notice the company named in column 5 of Schedule 1 of this Notice is the nominated super collector.
- (3) In the case of an approval in relation to category B containers that the waste management arrangement must require the holder of the approval to provide specified super collectors with a declaration in the form determined by the Authority in relation to each sale of such containers by the holder of the approval as soon as practicable after the sale;
- (4) The holder of these approvals must ensure that if a sticker bearing the refund marking has been approved, and is applied to the container, then the sticker must not be placed on any portion of the opening mechanism or in any other place that would require complete or partial removal of the sticker before the contents may be consumed.

SCHEDULE 1

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size	Container Type	Approval Holder	Collection Arrangements
Lotte 2% Peach Drink	350 mL	PET	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Lotte Lets Be Coffee	175 mL	Can—Aluminium	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Lotte Sil Lon Tea	240 mL	Can—Aluminium	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Bacchus-D	100 mL	Glass	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Bilak Sik Hae	238 mL	Can—Aluminium	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Binggrae Banana Flavoured Milk Drink	200 mL	LPB—Aseptic	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Bobos Aloe	1500 mL	PET	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Cass Fresh Beer	355 mL	Can—Aluminium	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Chum Churum	375 mL	Glass	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Dr Pepper	355 mL	Can—Aluminium	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Haitai Coco Palm Muscot	238 mL	Can—Aluminium	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Haitai Crushed Pear Juice Drink with SBC	238 mL	Can—Aluminium	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Haitai Podo Grape Juice Drink with SBC	238 mL	Can—Aluminium	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Haitai Sunnytan	250 mL	Can—Aluminium	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Hite Cool and Fresh Beer	355 mL	Can—Aluminium	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Jinro Chameesl Soju	375 mL	Glass	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Korean Ginseng Drink	120 mL	Glass	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Lotte 2%	1500 mL	PET	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Lotte 2%	240 mL	Can—Aluminium	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Lotte Chilsung Cider	1500 mL	PET	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Lotte Chilsung Cider	250 mL	Can—Aluminium	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Lotte Chilsung Cider	500 mL	PET	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Lotte Maesil Drink	1500 mL	PET	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Lotte Milkis	1500 mL	PET	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Lotte Milkis	250 mL	Can—Aluminium	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Lotte Vita 500	100 mL	Glass	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Lotte Vita Power	210 mL	Glass	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Mc Col	1500 mL	PET	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Mc Col	250 mL	Can—Aluminium	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Nam Yang Crushed Peach Juice	180 mL	Glass	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Nam Yang at Home (Aloe)	180 mL	Glass	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Namyang 17 Tea	1500 mL	PET	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Namyang 17 Tea	340 mL	PET	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Namyang 17 Tea	500 mL	PET	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Ok Soo Soo Yum Tea (Corn Tea)	1500 mL	PET	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Ok Soo Soo Yum Tea (Corn Tea)	340 mL	PET	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Ok Soo Soo Yum Tea (Corn Tea)	500 mL	PET	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Pocari Sweat	1500 mL	PET	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Pocari Sweat	245 mL	Can—Aluminium	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Samyook Black Bean Dooyoo (Soy Milk)	195 mL	Polypropylene	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Welchs Grape Soda	355 mL	Can—Aluminium	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Woong Jin A Chim Haet Sal (Rice Drink)	1500 mL	PET	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd
Woong Jin A Chim Haet Sal (Rice Drink)	500 mL	PET	JH & Future Pty Ltd t/as Koreana Mart	Marine Stores Ltd

SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL

NO: 3054/2017

Notice of Exemption

EQUAL OPPORTUNITY ACT 1984

Before Deputy President Judge Farrell

I HEREBY certify that on 3 August 2017, the South Australian Employment Tribunal, on the application of Babcock Pty Ltd, made the following orders for exemption:

1. Pursuant to section 92 of the Equal Opportunity Act 1984 (SA) (the Act) the Applicant is granted an exemption from sections 52, 53, 54 and 103 of the Act on the following conditions:
 - a) The exemption applies only in respect of actions or omissions which are reasonably necessary for the Applicant to meet the requirements of the Department of State of the United States of America and the United States Department of Commerce, contained in or referable to the US Export Regulations.
 - b) For the Applicant to take the benefit of the exemption in relation to an action or omission which adversely affects an existing or potential employee or contract worker, it must take reasonable steps to avoid or reduce the adverse effect. In particular the Applicant is required, prior to taking any action permitted by this exemption order, to:-
 - i. continue to work with its subcontractors to identify the products, services and information that include material controlled by the US Export Regulations, and to seek to ensure that such items are clearly identified as such;
 - ii. to provide all current and prospective employees and contractors with:
 - a) express written notice that they may be adversely affected by the Applicant's exemption if they are not an Australian citizen or if they are an Australian citizen but were born outside Australia and/or hold or have held citizenship or nationality of another country;
 - b) a reasonable explanation in plain English of the nature of any adverse effects of such action to them; and
 - c) information regarding their rights under the Act and the Racial Discrimination Act 1975 (Cth), and in particular the complaints procedure under those Acts and the rights of aggrieved persons to take their complaints to the SA Equal Opportunity Commission and the Australian Human Rights Commission by:
 - i. providing all employees with education and training in anti-discrimination every 18 months, particularly for race discrimination and the internal and external procedures available to receive, investigate and resolve discrimination complaints and grievances about, in particular, those relating to race; and
 - ii. implementing comprehensive anti-discrimination and equal opportunity policies governing all aspects of the work and workforce including management and with particular regard to race discrimination as required to govern its work.
 2. The Applicant must report to the Commissioner for Equal Opportunity within one week of 24 February of every year during which this exemption remains in force about:
 - a) strategies in place to ensure compliance with anti discrimination legislation, including all training programs, internal audit and complaints within each reporting period; and
 - b) the number of job applicants rejected for certain defence related projects requiring access to material controlled by the US Export Regulations;
 - c) the number of employees transferred from certain defence related projects requiring access to material controlled by the US Export Regulations; and
 - d) the number of vacancies advertised within each reporting period, including the number of such vacancies where candidates are excluded by virtue of their nationality.
 3. This exemption is to remain in force for three (3) years from 3 August 2017.

Dated 3 August 2017.

L MCLAY, Registrar,
South Australian Employment Tribunal

SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL

No 3059/2017

Notice of Renewal of an Exemption

EQUAL OPPORTUNITY ACT 1984

Before Deputy President Judge Farrell

I HEREBY certify that on 3 August 2017, the South Australian Employment Tribunal, on the application of BAE Systems Australia Limited, made the following orders for exemption:

1. Pursuant to section 92(6)(b) of the Act, the applicant is exempted from compliance with the provisions of sections 52 and 54 of the Act subject to the following conditions:
 - a. It will apply only to conduct by the applicant where:
 - i. that conduct is necessary to enable it to enter into and/or perform contractual undertakings requiring access to USA export controlled materials;
 - ii. it has taken all steps that are reasonably available (including steps which might be taken in negotiating and performing the terms of its agreements with contractors in the USA) to avoid the necessity for engaging in conduct which would otherwise be in breach of sections 52 and 54 of the Act.
 - b. Where, in the exercise of this exemption, an employee or contract worker is moved from a project involving the use of USA export controlled materials to any other work controlled by the applicant or any of its related entities, the applicant must through a duly authorised officer explain to the person why he or she is being transferred and must otherwise take all reasonable steps to avoid or limit harm or loss to that person.
 - c. Where the applicant uses a system of security passes to reflect the fact of access to USA export controlled materials or levels of access to any security sensitive material by employees and contract workers, the passes may be coded but not in such a way as to identify the nationality or place of birth of the person or the reasons for that person's level of access.
 - d. All information relating to security passes, security clearance levels and access to USA export controlled materials shall be restricted to the applicant's Chief Counsel, its Head of Export Controls and Security and to their properly appointed nominees on a "need to know" basis.
 - e. The applicant's employment policies shall refer to the terms of this exemption, including all conditions attaching to it, and to make it clear that the purpose of the request for information regarding nationality and place of birth is made solely for the purposes of compliance with the laws of the USA.
2. This order does not permit the applicant to terminate any employee's employment on the grounds of nationality.
3. The exemption is granted for a period of three years commencing from 26 August 2017.

Dated 4 August 2017.

L MCLAY, Registrar,
South Australian Employment Tribunal

GAMING MACHINES REGULATIONS 2005

(REGULATION 10)

Notice of Exemption by the Minister for Consumer and Business Services (Training)

Hospitality Industry Training Pty Ltd wishes to provide a training course or training courses at premises situated at 353 Cross Road CLARENCE GARDENS SA 5039 and at other places throughout South Australia including licensed premises, in relation to the operation of gaming machines and responsible gambling for persons who are, or are to be, employed in the gaming machine industry.

Possession of gaming machines by Hospitality Industry Training Pty Ltd, the supply of gaming machines to Hospitality Industry Training Pty Ltd and carrying out of prescribed duties by students at licensed gaming venues would constitute an infringement of the *Gaming Machines Act 1992* (the Act).

NOTICE

PURSUANT to Regulation 10 of the Gaming Machines Regulations 2005, I, the Minister for Consumer and Business Services:

1. Grant to the following persons or bodies an exemption from section 45 of the Act (offence of being unlicensed):
 - (a) Hospitality Industry Training Pty Ltd
 - (b) a licensed gaming machine dealer
2. Declare that:
 - (a) the exemption of Hospitality Industry Training Pty Ltd under clause 1 has effect only in respect of the possession of a gaming machine for the purposes of providing a training course or training courses at premises situated at 353 Cross Road CLARENCE GARDENS SA 5039 and at other places throughout South Australia, in relation to the operation of gaming machines and responsible gambling to persons who are, or are to be, employed in the gaming machine industry; and
 - (b) the exemption of a licensed gaming machine dealer under clause 1 has effect only in respect of the supply of a gaming machine to Hospitality Industry Training Pty Ltd in accordance with an approval given by the Liquor and Gambling Commissioner under clause 3.
3. Declare that the exemption of Hospitality Industry Training Pty Ltd under Clause 1 is subject to the following conditions:
 - (a) Hospitality Industry Training Pty Ltd must not acquire or dispose of a gaming machine except with and in accordance with the prior written approval of the Liquor and Gambling Commissioner; and
 - (b) Hospitality Industry Training Pty Ltd must not suffer or permit any person to retain any winnings that might arise out of the operation of a gaming machine during a course; and
 - (c) Hospitality Industry Training Pty Ltd must allow an authorised officer to have access at any reasonable time to the premises in which any gaming machine is kept; and
 - (d) Hospitality Industry Training Pty Ltd must advise the Liquor and Gambling Commissioner at least 10 days in advance of any training course being provided at a location within South Australia other than at 353 Cross Road CLARENCE GARDENS SA 5039.
4. In respect of the conduct of training at licensed premises, grant to the following persons or bodies an exemption from section 49 of the Act (offence related to employment in gaming areas):
 - (a) an employee of Hospitality Industry Training Pty Ltd;
 - (b) a student of Hospitality Industry Training Pty Ltd; and
 - (c) the holder of a gaming machine licence.
- 4a. Declare that the exemption of employees and students of Hospitality Industry Training Pty Ltd under clause 4 are subject to the following conditions:
 - (a) Hospitality Industry Training Pty Ltd must advise the Liquor and Gambling Commissioner at least ten days in advance of any training course being provided at licensed gaming venues; and
 - (b) Employees and students of Hospitality Industry Training Pty Ltd will only be exempt during such periods when Hospitality Industry Training Pty Ltd is conducting a recognised training course as notified to the Liquor and Gambling Commissioner as required by clause 4a part (a) of this exemption; and
 - (c) Employees and students of Hospitality Industry Training Pty Ltd will only operate gaming machines as part of a recognised training course as notified to the Liquor and Gambling Commissioner as required by clause 4a part (a) of this exemption; and
 - (d) Hospitality Industry Training Pty Ltd must not suffer or permit any person to retain any winnings that might arise out of the operation of a gaming machine during a recognised training course; and
 - (e) all prescribed duties carried out by students will be for training purposes only.
5. Declare that the exemption of the licensee of the venue where live training is to be conducted to be subject to the following conditions:
 - (a) the licensee of the venue where live training is conducted will only be exempt during such periods when Hospitality Industry Training Pty Ltd is conducting a recognised training course as notified to the Liquor and Gambling Commissioner as required by clause 4a part (a) of this exemption.
6. Declare that the exemption under Regulation 10 of the Gaming Machines Regulations 2005 granted to Hospitality Industry Training Pty Ltd on 30 June 2007 relating to premises at 107 O'Connell Street NORTH ADELAIDE SA 5006 is revoked.

Dated 7 August 2017.

JOHN RAU, Minister for Consumer and Business Services

GOVERNMENT PUBLISHING SA PRICE LIST

15 August 2017–30 June 2018

LEGISLATION AND GOVERNMENT PUBLICATIONS

LEGISLATION

	EXCL. GST	INCL. GST		EXCL. GST	INCL. GST
Annual Subscriptions	\$	\$	Bound Legislation	\$	\$
Acts	252.73	278.00	Statutes (each volume)	280.91	309.00
Bills as Laid	608.18	669.00	Statutes Index (each volume)	140.91	155.00
Regulations and Rules	608.18	669.00	Legislation on Disc	\$	\$
Parliamentary Papers	608.18	669.00	Complete database	3903.64	4294.00
Standing Orders	\$	\$	Annual subscription	1200.00	1320.00
Legislation updates (charged by page range)			(issued fortnightly)		
1–50	5.09	5.60	Legislation updates		
51–100	9.18	10.10	Single document	6.14	6.75
101–200	15.36	16.90	Multiple documents—20% discount	6.14	6.75
201–300	22.45	24.70	applies to total price		
301+	30.68	33.75			

PUBLICATIONS

	\$	\$		\$	\$
Compendium	\$	\$	Hansard	\$	\$
Complete archive	2310.91	2542.00	Each copy	18.45	20.30
Annual subscription	816.36	898.00	Annual subscription (issued weekly)	525.45	578.00
(issued fortnightly)			Annual subscription (issued daily)	525.45	578.00
Government Gazette	\$	\$	Bound Sittings (each volume)	226.36	249.00
Each copy	6.68	7.35	Jobs SA	\$	\$
Annual subscription (issued weekly)	336.36	370.00	Annual subscription (issued weekly)	190.91	210.00
Email subscription	27.27	30.00			

POSTAGE

	\$	\$		\$	GST
Domestic Oceania Zone	\$	\$	International	\$	GST
Legislation/publications (charged by weight)			Legislation/publications (charged by weight)		
Up to 125 grams	1.91	2.10	Up to 125 grams	2.10	exempt
126–500 grams	2.86	3.15	126–500 grams	3.15	exempt
501–750 grams	4.77	5.25	501–750 grams	5.24	exempt
751–1000 grams	9.55	10.50	751–1000 grams	10.48	exempt
1001 grams +	14.27	15.70	1001 grams +	15.72	exempt

GOVERNMENT GAZETTE NOTICES

	EXCL. GST	INCL. GST		EXCL. GST	INCL. GST
Estates	\$	\$	Businesses	\$	\$
Assigned	35.91	39.50	Dissolution of Partnership	35.91	39.50
Deceased Persons—Creditors			Unclaimed Moneys (single name)	35.91	39.50
(single creditor)	60.91	67.00	(each subsequent name)	12.36	13.60
(each subsequent creditor)	12.36	13.60	Sale of Land by Public Auction	61.36	67.50
Deceased Persons—Closed Estate			Page Rates	\$	\$
(single estate)	35.91	39.50	¼ page notice	143.64	158.00
(each subsequent estate)	1.64	1.80	½ page notice	287.27	316.00
Public Trustee (each estate)	12.36	13.60	Full page notice	562.73	619.00
Selling of Probate	48.64	53.50	All other notices charged per line	3.41	3.75

Dated 11 August 2017.

SINEAD O'BRIEN, Government Printer

HOUSING IMPROVEMENT ACT 2016

Rent Control

THE Minister for Social Housing Delegate in the exercise of the powers conferred by the *Housing Improvement Act 2016*, does hereby fix the maximum rental per week which shall be payable subject to Section 55 of the Residential Tenancies Act, 1995, in respect of each house described in the following table. The amount shown in the said table shall come into force on the date of this publication in the Gazette.

Address of House	Allotment Section etc.	Certificate of Title Volume/Folio	Maximum Rental per week payable in respect of each house
217 Philip Highway, Elizabeth Vale SA 5112	Allotment 138 Deposited Plan 7495 Hundred of Munno Para	CT5275/193	125.00
4160 Hunter Road, Nildottie SA 5238	Allotment 92 Filed Plan 216337 Hundred of Nildottie	CT5861/952	80.00
10 Albion Street, Ridgehaven SA 5097	Allotment 170 Deposited Plan 6091 Hundred of Yatala	CT5574/418	132.50
60 Hillier Road, Evanston SA 5116	Allotment 51 Filed Plan 154052 Hundred of Munno Para	CT5782/319	215.00

Dated 15 August 2017.

T. BAKER, Director, Property and Contract Management, Housing SA,
Delegate of Minister for Social Housing

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	Certificate of Title Volume/Folio
10 Gray Court, Adelaide SA 5000	Allotment 468 Filed Plan 182930 Hundred of Yatala	CT2214/176, CT5851/941
92-96 Thomas Street, Murray Bridge SA 5253 (PKA 94)	Allotment 11 Deposited Plan 2124 Hundred of Mobilong	CT4210/455, CT5670/439
41A Shannon (residence at rear of shop), BIRDWOOD SA 5234 (AKA 41A Main Road)	Allotment 1 Filed Plan 128680 Hundred of Talunga	CT5232/551
6/14 Howard Street, Collinswood SA 5081	Unit 6 Strata Plan 2341 Hundred of Yatala	CT5039/818
3 86 James Avenue, Renmark SA 5341 AKA (Lot 1, James Avenue, Renmark)	Allotment 1 Filed Plan 161424 Hundred of OH(Renmark)	CT5865/218

Dated 15 August 2017.

T. BAKER, Director, Property and Contract Management, Housing SA,
Delegate of Minister for Social Housing

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 24 November 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 — Middleton Area 1

1—Extent of prohibition

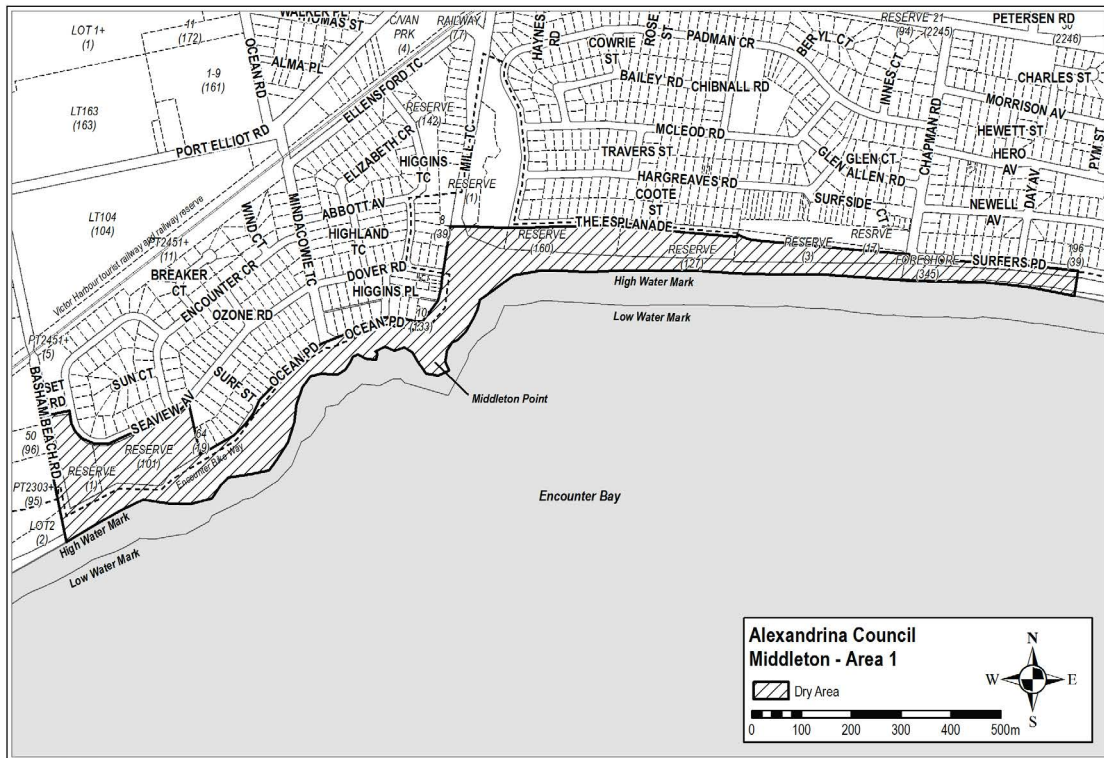
The consumption of liquor is prohibited and the possession of liquor is prohibited.

2—Period of prohibition

From 10:00am on Friday 24 November 2017 to 10:00am on 27 November 2017.

3—Description of area

The area in and adjacent to Middleton bounded as follows: commencing at the point at which the prolongation in a straight line of the western boundary of Basham Beach Road intersects the high water mark of Encounter Bay, then north-westerly along that prolongation and boundary to the point at which it is intersected by the prolongation in a straight line of the southern boundary of Set Road, then north-easterly along that prolongation and boundary of Set Road to the western boundary of Seaview Avenue, then generally south-easterly and north-easterly along that boundary of Seaview Avenue to the point at which it meets the eastern boundary of Lot 101 DP 10654, then south-easterly along that boundary of Lot 101 to the south-western corner of Lot 19 DP 3145, then generally north-easterly along the south-eastern boundary of Lot 19, the south-eastern boundaries of the adjoining Lots and the northern boundary of Ocean Parade to the south-eastern corner of Lot 133 FP 166507, then generally north-easterly and northerly along the easternmost boundaries of Lot 133 and the adjoining Lots (including the eastern boundary of Dover Road) to the north-eastern corner of Lot 39 DP 3262, then in a straight line by the shortest route to the north-western corner of Lot 160 DP 9417, then easterly along the southern boundary of the Esplanade to the western boundary of Lot 3 DP 13398, then northerly, easterly and southerly along the western, northern and eastern boundaries of that Lot to its south-eastern corner, then along the northern boundary of Section 345, Hundred of Goolwa, (the southern boundary of Surfer's Parade) to the point at which it is intersected by the prolongation in a straight line of the eastern boundary of Lot 39 DP 6156, then along that prolongation to the point at which it intersects the high water mark of Encounter Bay, then generally westerly and south-westerly along the high water mark to the point of commencement.



Schedule 2 —Port Elliot Area 3

1—Extent of prohibition

The consumption of liquor is prohibited and the possession of liquor is prohibited.

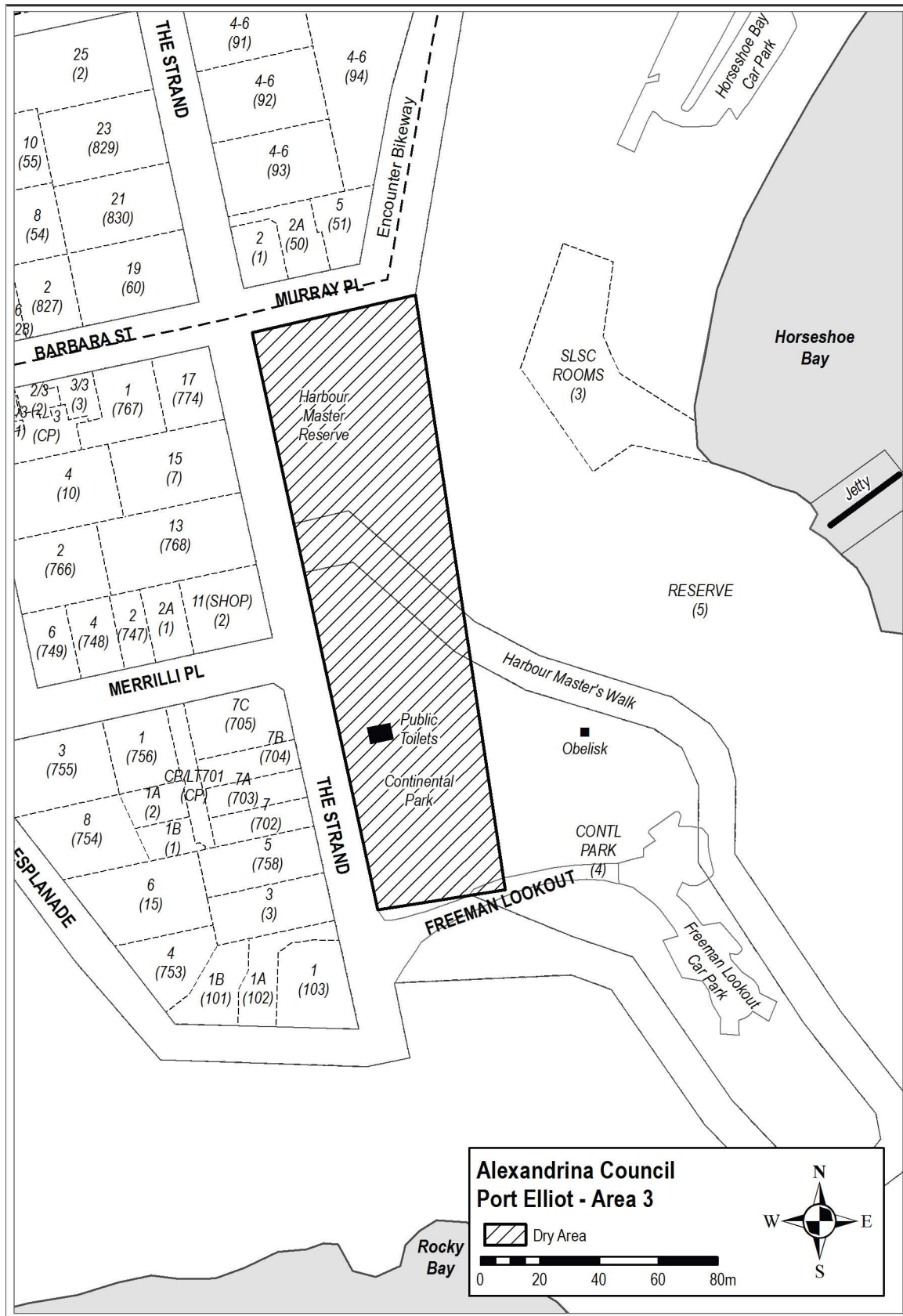
2—Period of prohibition

From 10:00am on Friday 24 November to 10:00am on 27 November 2017.

3—Description of area

The area in Port Elliot (generally known as Harbourmaster's Reserve) and to be known as Port Elliot Area 3 bounded as follows:

Commencing at the South Eastern corner of the intersection of The Strand and Murray Place and then traversing along the Eastern side of The Strand until the North Eastern side of the intersection of The Strand and Freeman Lookout. Then traverse along the Northern side of Freeman Lookout until the Eastern post of the gate into the Obelisk reserve then head West North West along the Western edge of the Soldiers' Memorial Gardens until Murray Place returning to the point of commencement.



Made by the Liquor and Gambling Commissioner

On 9 August 2017

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 30 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 — Port Elliot Area 1

1—Extent of prohibition

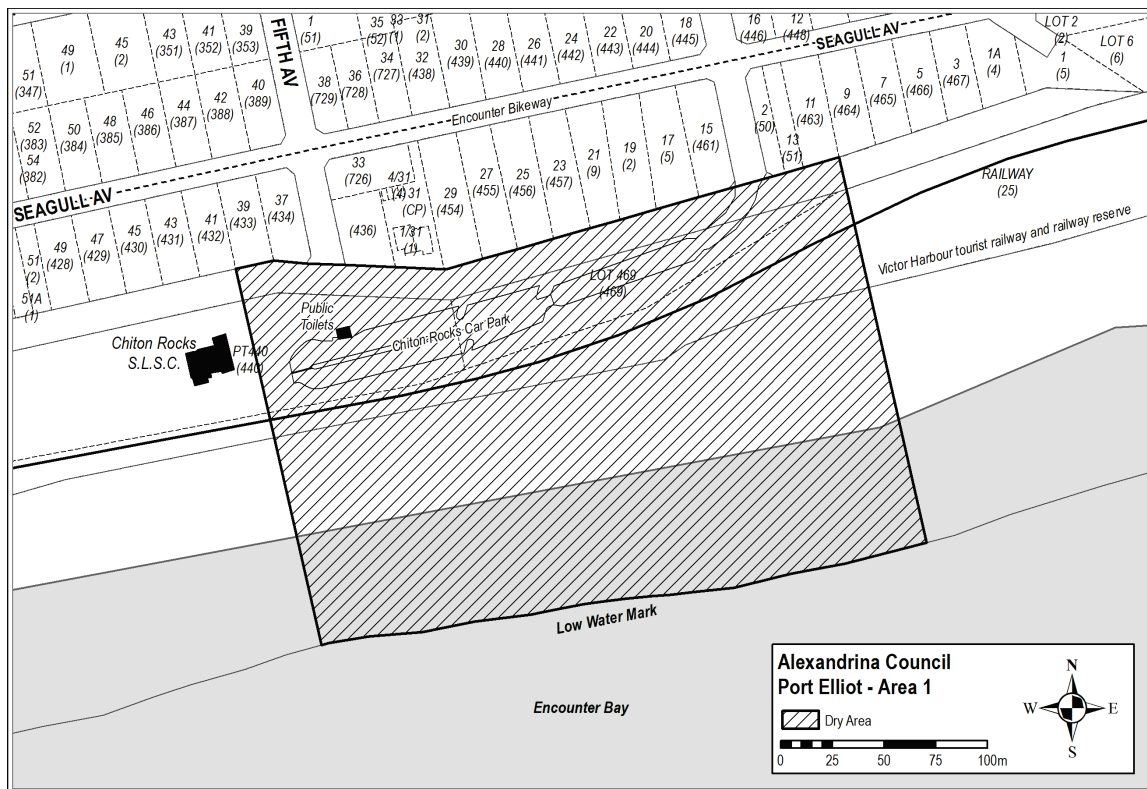
The consumption of liquor is prohibited and the possession of liquor is prohibited.

2—Period of prohibition

From 6pm on 30 December 2017 to 6am on 2 January 2018.

3—Description of area

Chiton Rocks Surf Life Saving Club - Car Park Area and adjacent beach area to the low water mark. The area adjacent to Victor Harbor generally known as the Chiton Rocks Surf Lifesaving Club car park and the adjacent beach, being the area bounded on the north by the northern boundaries of Lot 469 DP 3482 and Lot 440 DP 3207, on the west by the prolongation in a straight line of the western boundary of Lot 433 DP 3207, on the south by the low water mark on Encounter Bay and on the east by the prolongation in a straight line of the eastern boundary of Lot 463 DP 3482.



Schedule 2 — Port Elliot Area 2

1—Extent of prohibition

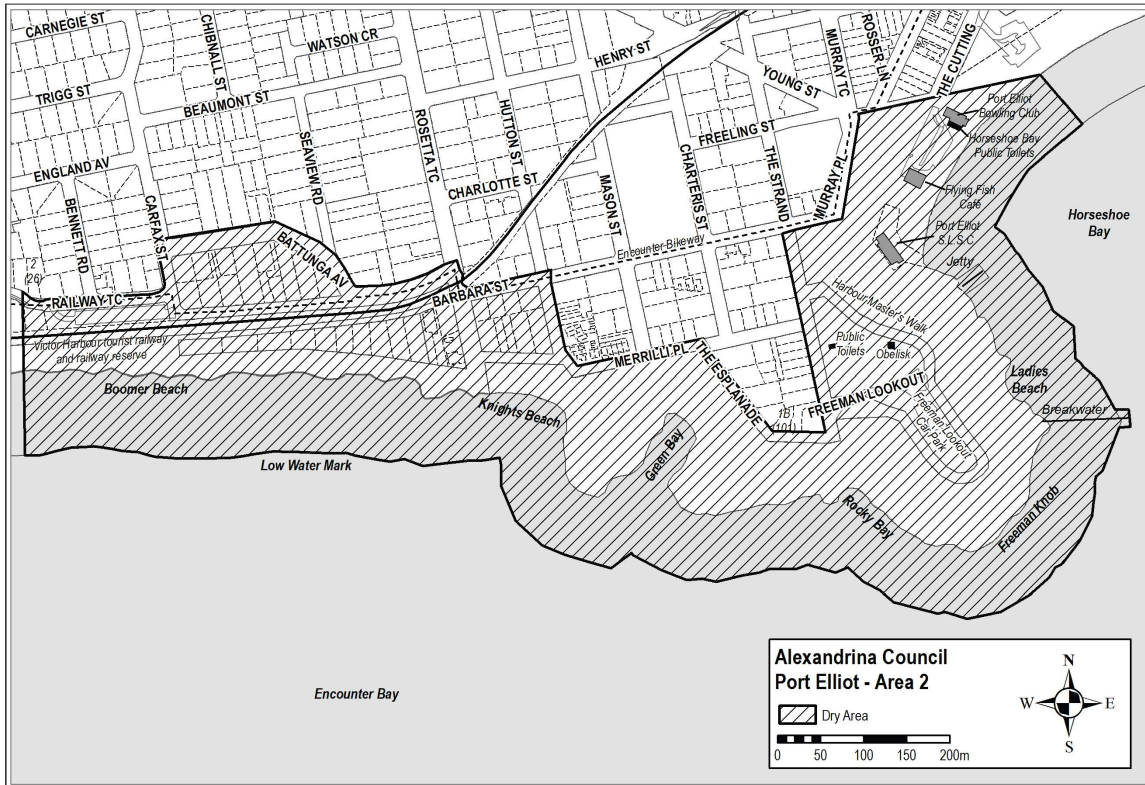
The consumption of liquor is prohibited and the possession of liquor is prohibited.

2—Period of prohibition

From 6pm on 30 December 2017 to 6am on 2 January 2018.

3—Description of area

The area in and adjacent to Port Elliot bounded as follows: commencing at the point at which the eastern boundary of Lot 26 of DP 74300 meets the northern boundary of Railway Terrace (approximately 50 metres west of the western boundary of Bennett Road), then easterly along the northern boundary of Railway Terrace to the western boundary of Carfax Street, then northerly along that boundary of Carfax Street to the point at which it is intersected by the prolongation in a straight line of the northern boundary of Battunga Avenue, then generally easterly, south easterly and easterly along that prolongation and boundary of Battunga Avenue and the prolongation in a straight line of that boundary to the eastern boundary of Rosetta Terrace, then southerly along that boundary of Rosetta Terrace to the northern boundary of Barbara Street, then easterly along that boundary of Barbara Street to the point at which it intersects the eastern boundary of Hutton Street, then southerly along that boundary of Hutton Street to the northern boundary of Merrilli Place, then easterly along that boundary of Merrilli Place to the point at which it is intersected by the prolongation in a straight line of the eastern boundary of The Esplanade, then south easterly along that prolongation and boundary of The Esplanade to the western boundary of Lot 101 of DP 46201, then south easterly and easterly along the western and southern boundaries of Lot 101 and the southern boundaries of the adjoining Lots to the western boundary of The Strand, then northerly along that boundary of The Strand to the point at which it intersects the southern boundary of Barbara Street, then in a straight line by the shortest route (across The Strand) to the point at which the southern boundary of Murray Place meets the eastern boundary of The Strand, then easterly and north easterly along that boundary of Murray Place to the point at which it meets the prolongation in a straight line of the southern boundary of Freeling Street, then north easterly along that prolongation of the southern boundary of Freeling Street to the point at which it intersects the low water mark of Horseshoe Bay, then generally south westerly, south easterly, south westerly and westerly along the low water mark to the point at which the low water mark is intersected by the prolongation in a straight line of the eastern boundary of Lot 26 of DP 74300, then northerly along that prolongation of the eastern boundary of Lot 26 to the point of commencement. The area includes the whole of any wharf, jetty, boat ramp, breakwater or other structure that projects below the low water mark from within the area described above (as well as any area beneath such a structure).



Schedule 3 — Middleton Area 1

1—Extent of prohibition

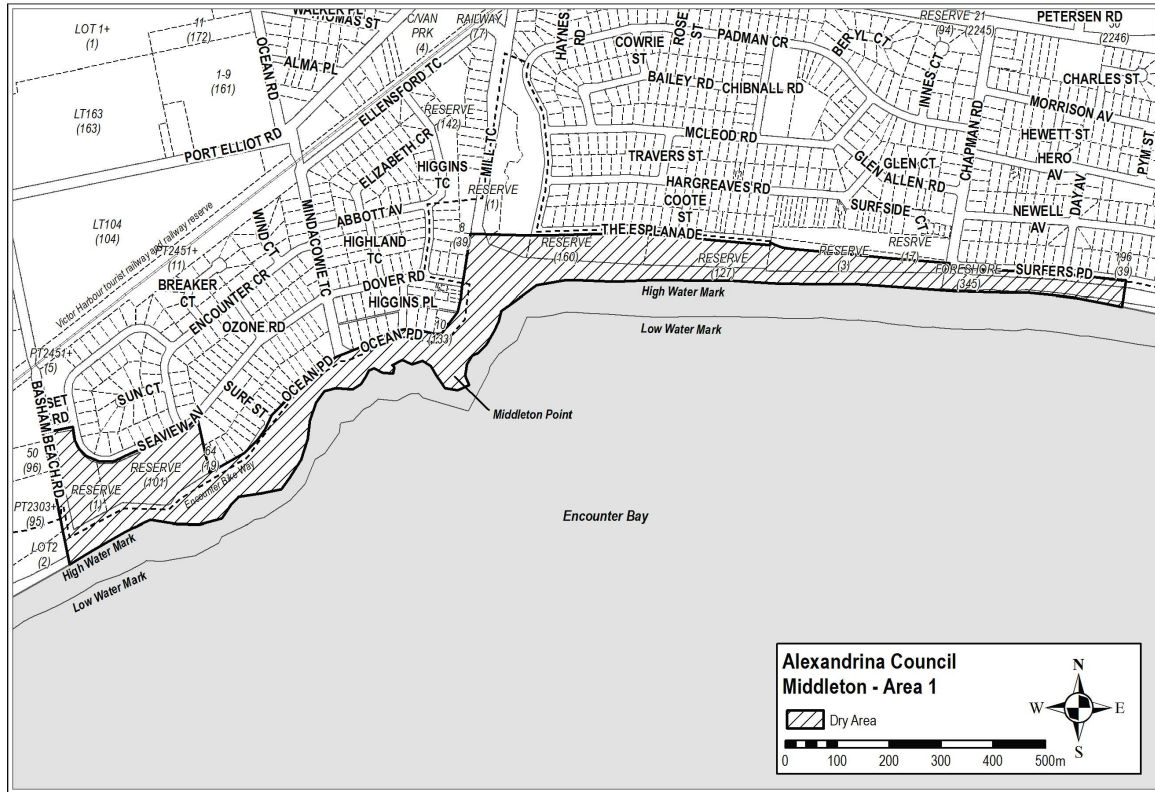
The consumption of liquor is prohibited and the possession of liquor is prohibited.

2—Period of prohibition

From 6pm on 30 December 2017 to 6am on 2 January 2018.

3—Description of area

The area in and adjacent to Middleton bounded as follows: commencing at the point at which the prolongation in a straight line of the western boundary of Basham Beach Road intersects the high water mark of Encounter Bay, then north westerly along that prolongation and boundary to the point at which it is intersected by the prolongation in a straight line of the southern boundary of Set Road, then north easterly along that prolongation and boundary of Set Road to the western boundary of Seaview Avenue, then generally south easterly and north easterly along that boundary of Seaview Avenue to the point at which it meets the eastern boundary of Lot 101 DP 10654, then south easterly along that boundary of Lot 101 to the south western corner of Lot 19 DP 3145, then generally north easterly along the south eastern boundary of Lot 19, the south eastern boundaries of the adjoining Lots and the northern boundary of Ocean Parade to the south eastern corner of Lot 133 FP 166507, then generally north easterly and northerly along the easternmost boundaries of Lot 133 and the adjoining Lots (including the eastern boundary of Dover Road) to the north eastern corner of Lot 39 DP 3262, then in a straight line by the shortest route to the north western corner of Lot 160 DP 9417, then easterly along the southern boundary of the Esplanade to the western boundary of Lot 3 DP 13398, then northerly, easterly and southerly along the western, northern and eastern boundaries of that Lot to its south eastern corner, then along the northern boundary of Section 345, Hundred of Goolwa, (the southern boundary of Surfer's Parade) to the point at which it is intersected by the prolongation in a straight line of the eastern boundary of Lot 39 DP 6156, then along that prolongation to the point at which it intersects the high water mark of Encounter Bay, then generally westerly and south westerly along the high water mark to the point of commencement.



Schedule 4 — Goolwa Beach Area 1

1—Extent of prohibition

The consumption of liquor is prohibited and the possession of liquor is prohibited.

2—Period of prohibition

From 6pm on 30 December 2017 to 6am on 2 January 2018.

3—Description of area

The area in Goolwa Beach and Goolwa South (generally known as the Goolwa Beach car park) bounded as follows: commencing at the north eastern corner of Section 279, Hundred of Goolwa, then westerly and southerly along the northern and western boundaries of Section 279 to the northern boundary of Section 367, Hundred of Goolwa, then southerly and easterly along the western and southern boundaries of Section 367 to the south eastern corner of the Section, then in a straight line by the shortest route to the south western corner of Section 368, Hundred of Goolwa, then easterly and northerly along the southern and eastern boundaries of Section 368 to the southern boundary of Section 278, Hundred of Goolwa, then northerly and westerly along the eastern and northern boundaries of Section 278 to the north western corner of the Section, then in a straight line by the shortest route across Goolwa Beach Road to the point of commencement.



Schedule 5 — Goolwa Area 2

1—Extent of prohibition

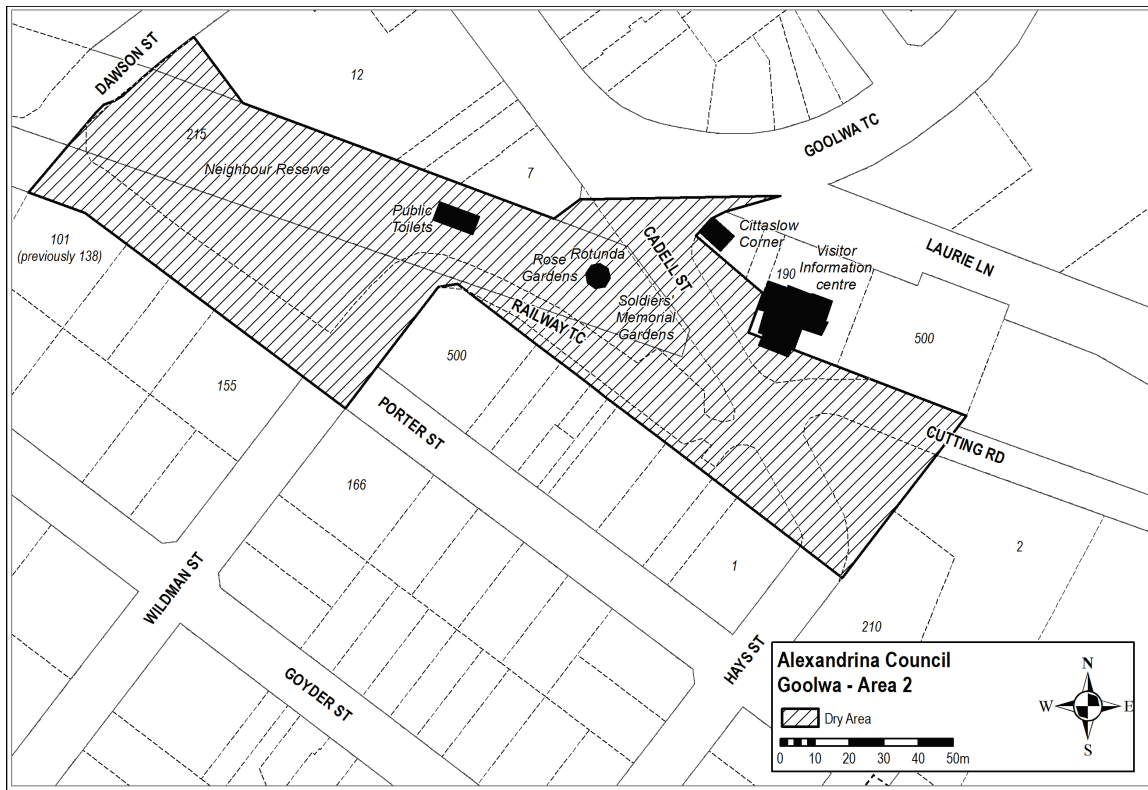
The consumption of liquor is prohibited and the possession of liquor is prohibited.

2—Period of prohibition

From 6pm on 30 December 2017 to 6am on 2 January 2018.

3—Description of area

The area in Goolwa bounded as follows: commencing at the northern corner of Lot 500 DP 67581, then south easterly along the north eastern boundary of Lot 500 and the north eastern boundaries of the adjoining Lots to the eastern corner of Lot 1 DP 62245, then in a straight line by the shortest route across Hays Street to the north western boundary of Lot 210 FP 166584, then north easterly along that boundary of Lot 210 and the north western boundary of Lot 2 FP 11114 to the north eastern boundary of the Lot, then in a straight line by the shortest route across Cutting Road to the westernmost corner of Lot 3 FP 11114, then north easterly along the north western boundary of Lot 3 to the south western boundary of Lot 500 DP 66808, then north westerly along that boundary of Lot 500 and the south western boundary of Lot 190 TP 150401 to the north western boundary of Lot 190, then north easterly along that boundary of Lot 190 and the prolongation in a straight line of that boundary to the point at which the prolongation intersects the centre line of Laurie Lane, then north westerly along that centre line and the prolongation in a straight line of that centre line to the point at which it intersects the prolongation in a straight line of the south eastern boundary of Lot 7 DP 46829, then south westerly along that prolongation and boundary of Lot 7 to the north eastern boundary of Lot 215 TP 150401, then north westerly along that boundary of Lot 215 to the westernmost point at which it ceases to have a common boundary with Lot 12 FP 103236, then north westerly along the south western boundary of Lot 12 to the westernmost corner of the Lot, then in a straight line by the shortest route across Porter Street to the point at which the north eastern boundary of Lot 138 TP 150401 changes direction, then south easterly along the north eastern boundary of Lot 138 and the north eastern boundaries of the adjoining Lots to the eastern corner of Lot 155 TP 150401, then in a straight line by the shortest route across Wildman Street to the northern corner of Lot 166 TP 150401, then in a straight line by the shortest route across Porter Street to the western corner of Lot 500 DP 67581, then north easterly along the north western boundary of Lot 500 to the point of commencement.



Schedule 6 — Basham Beach Area 1

1—Extent of prohibition

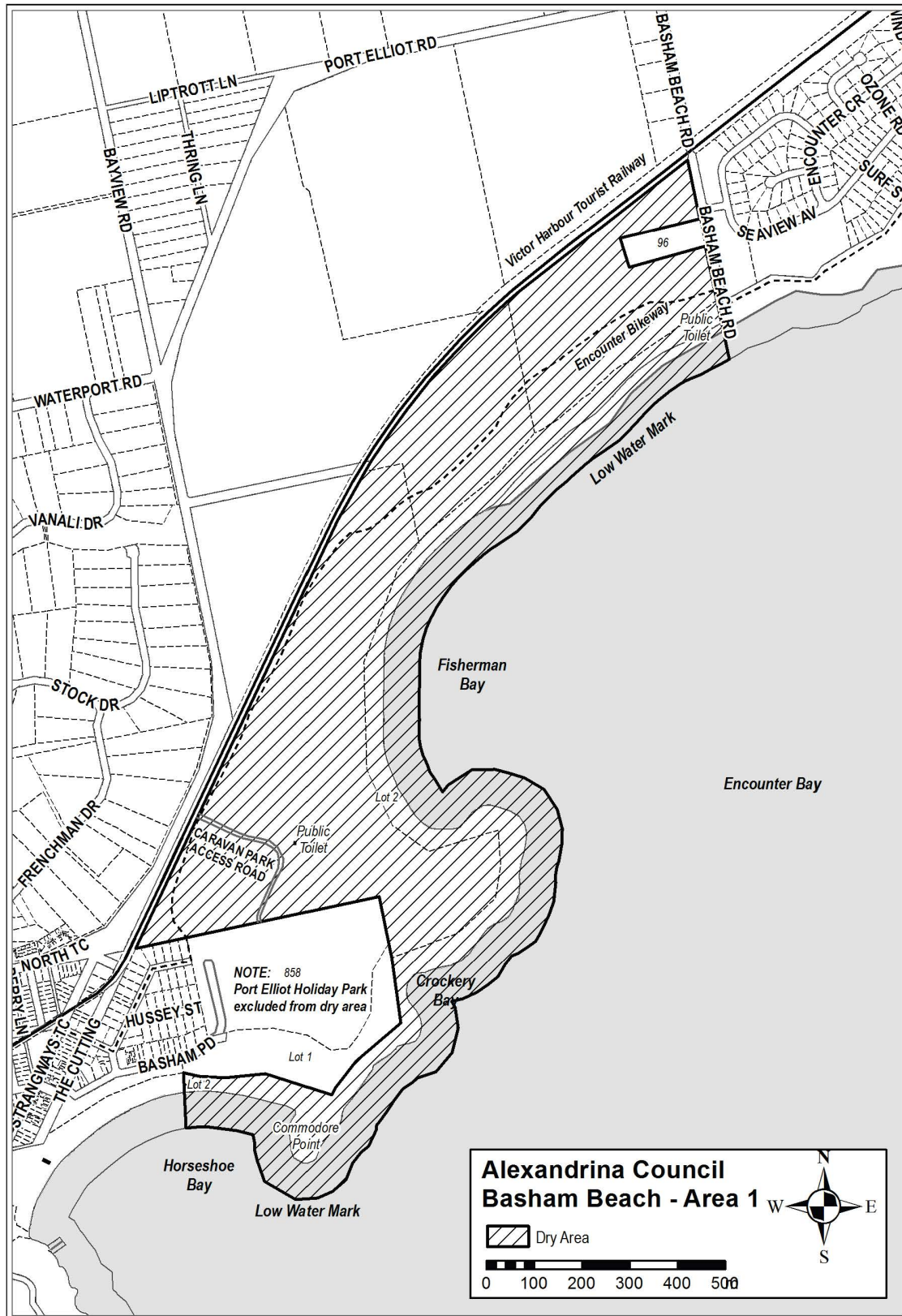
The consumption of liquor is prohibited and the possession of liquor is prohibited.

2—Period of prohibition

From 6pm on 30 December 2017 to 6am on 2 January 2018.

3—Description of area

Commencing at the point at which the western boundary of Basham Beach Road, Middleton, intersects the southern boundary of the railway reserve for the Victor Harbor Tourist Railway, then south easterly along that boundary of Basham Beach Road to the northern boundary of Lot 96 FP 166155, then south westerly, south easterly and north easterly along the northern, western and southern boundaries of Lot 96 to the western boundary of Basham Beach Road, then south easterly along that boundary of Basham Beach Road and the prolongation in a straight line of that boundary to the low water mark of Encounter Bay, then generally south westerly, southerly, south easterly, easterly, southerly, south westerly and north westerly along the low water mark to the prolongation in a straight line of the western boundary of Lot 2 DP 52281, then northerly along that prolongation and boundary of Lot 2 to the southern boundary of Lot 1 DP 52281 (the southern boundary of the Port Elliot Caravan Park), then generally easterly, south easterly, north easterly and northerly along that boundary of Lot 1 and the eastern boundary of Lot 858 FP 166107 to the northern boundary of Lot 858, then south westerly along the northern boundary of Lot 858 and the northern boundaries of the adjoining allotments to the eastern boundary of the railway reserve for the Victor Harbor Tourist Railway, then generally north easterly along that boundary of the railway reserve to the point of commencement.



Made by the Liquor and Gambling Commissioner

On 9 August 2017

South Australia

Liquor Licensing (Dry Areas) Notice 2017

under section 131(1) 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 the date of Gazettal.

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.
- (5) The Schedule is in substitution for Schedule—Port Pirie Area 1 and Port Pirie Area 2 in the principal notice.

Schedule—Port Pirie Area 1

1—Extent of prohibition

The consumption of liquor is prohibited and the possession of liquor is prohibited.

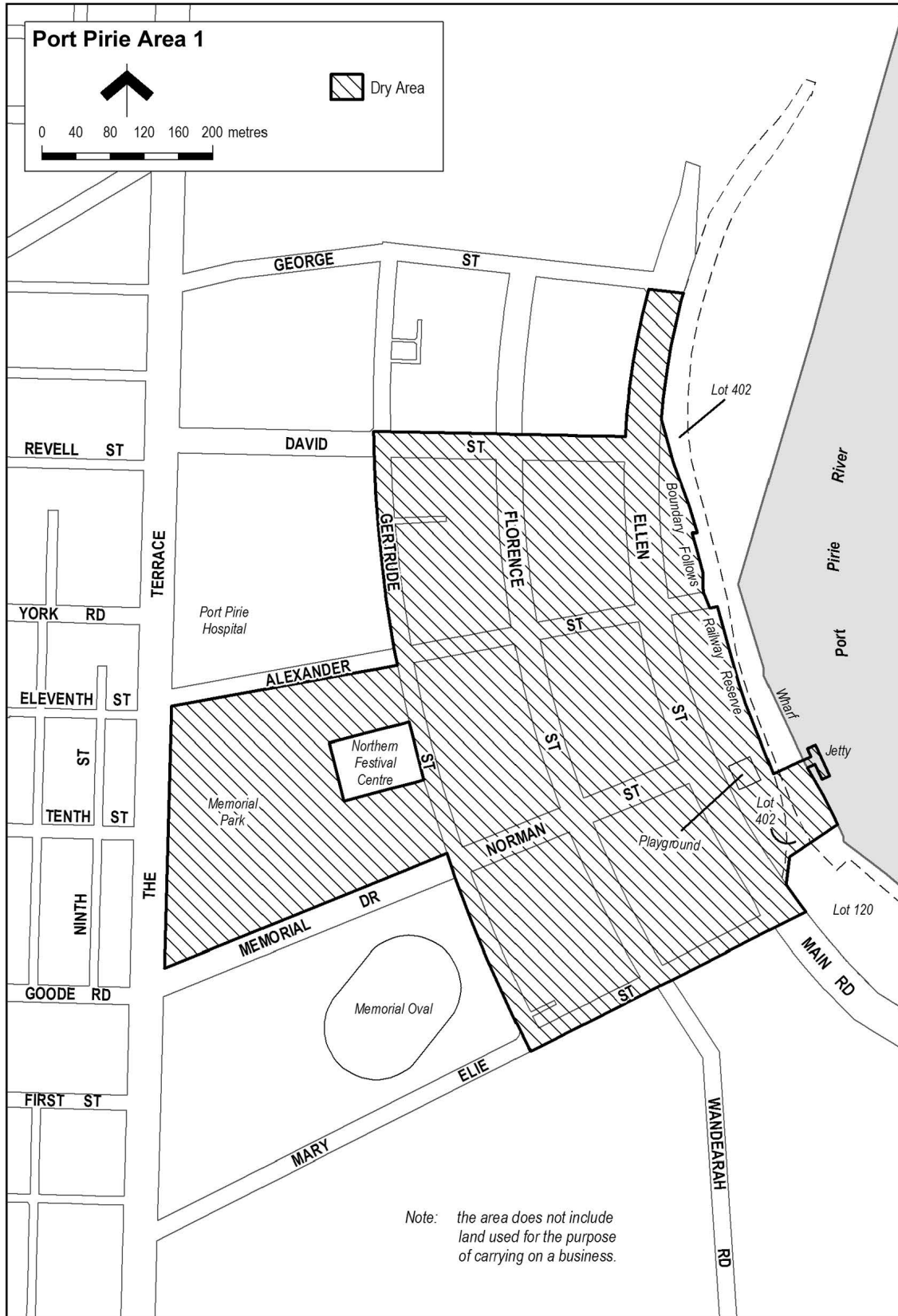
2—Period of prohibition

Continuous, provided that where:

- (a) an event of historic, cultural, traditional or major community significance is held in the area; and
- (b) the consumption and possession of liquor in the area (or a defined portion of the area) are authorised for a specified period for the purposes of the event by the Port Pirie Regional Council, the prohibition does not apply in the area (or defined portion of the area) during that specified period. The Port Pirie Regional Council may not grant authorisations under this notice in relation to more than 12 events per calendar year.

3—Description of area

The area in Port Pirie bounded as follows: commencing at the point at which the prolongation in a straight line of the south-eastern boundary of Mary Elie Street intersects the western boundary of Lot 120 DP 53026 (the north-eastern boundary of Main Road), then north-westerly, northerly and north-easterly along the boundary of Lot 120 to the point at which it meets the eastern boundary of Lot 402 DP 75081 (a Railway Reserve), then in a straight line by the shortest route to the eastern edge of the wharf on the western side of the Port Pirie River, then north-westerly along that edge of the wharf to the point at which it meets the southern side of a T-shaped jetty projecting from the wharf into the River (at a point immediately to the east of a fenced playground in Flinders View Park), then around the outer boundary of the jetty back to the wharf on the northern side of the jetty (so as to include the whole of the jetty in the area), then in a straight line by the shortest route to the western boundary of Lot 402 DP 75081 (the Railway Reserve), then generally north-westerly and northerly along that western boundary of Lot 402 to the point at which it is intersected by the prolongation in a straight line of the southern boundary of George Street, then westerly along that prolongation of the southern boundary of George Street to the western boundary of Ellen Street, then southerly along that boundary of Ellen Street to the northern boundary of David Street, then westerly along that boundary of David Street to the point at which it intersects the western boundary of Gertrude Street, then southerly along that boundary of Gertrude Street to the point at which it intersects the southern boundary of Alexander Street, then south-westerly along that boundary of Alexander Street to the eastern boundary of The Terrace, then southerly along that boundary of The Terrace to the northern boundary of Memorial Drive, then north-easterly along that boundary of Memorial Drive to the point at which it meets the western boundary of Gertrude Street, then south-easterly along that boundary of Gertrude Street and the prolongation in a straight line of that boundary to the point at which it intersects the south-eastern boundary of Mary Elie Street, then north-easterly along that boundary of Mary Elie Street and the prolongation in a straight line of that boundary to the point of commencement. The area includes any area beneath a wharf or jetty included in the area, but excludes the Northern Festival Centre (Section 1285 Hundred of Pirie) and any land used for the purpose of carrying on a business.



Made by the Minister for Consumer and Business Services

On 8 August 2017

Schedule—Port Pirie Area 2

1—Extent of prohibition

The consumption of liquor is prohibited and the possession of liquor is prohibited.

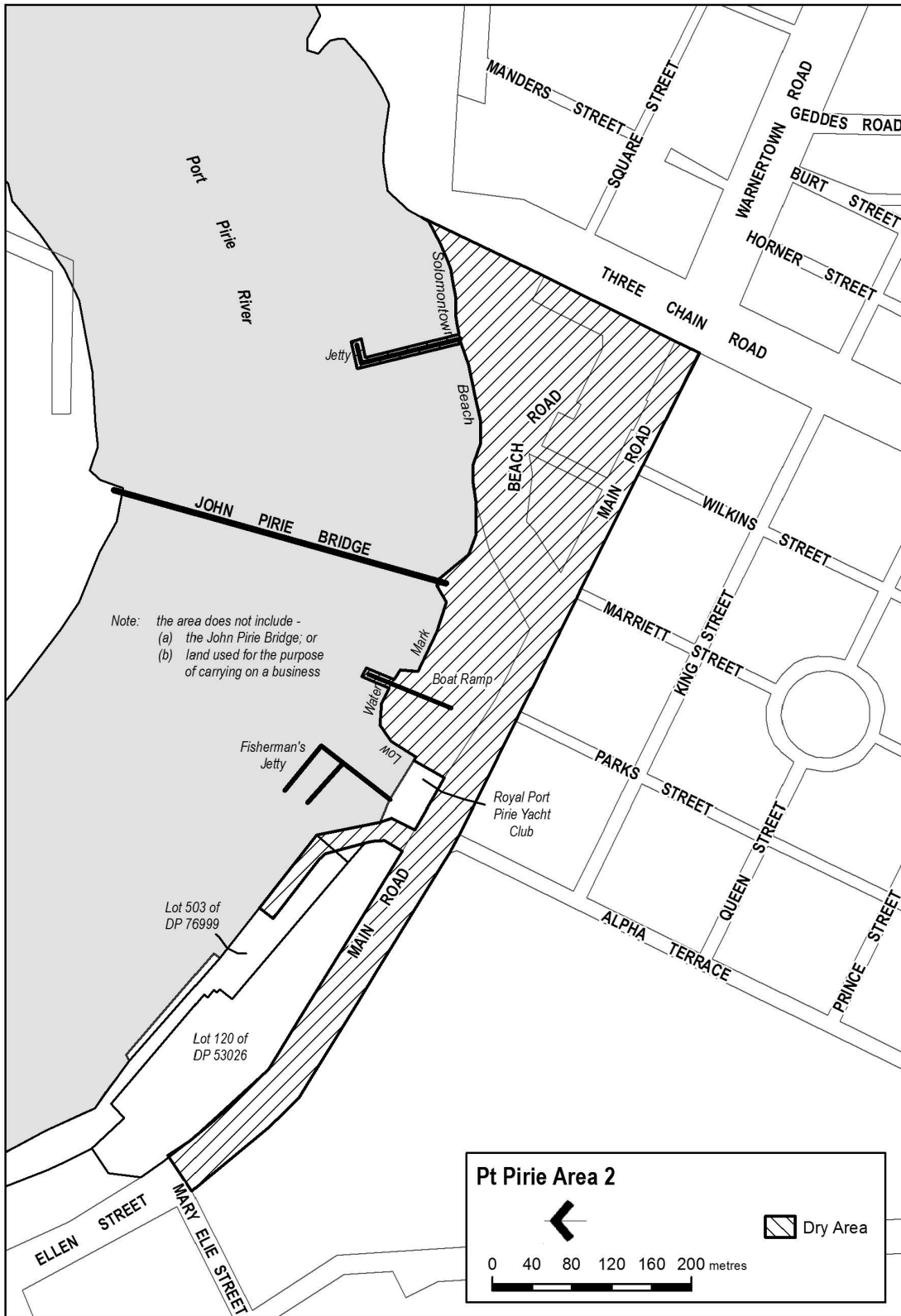
2—Period of prohibition

Continuous, provided that where:

- (a) an event of historic, cultural, traditional or major community significance is held in the area; and
- (b) the consumption and possession of liquor in the area (or a defined portion of the area) are authorised for a specified period for the purposes of the event by the Port Pirie Regional Council, the prohibition does not apply in the area (or defined portion of the area) during that specified period. The Port Pirie Regional Council may not grant authorisations under this notice in relation to more than 12 events per calendar year.

3—Description of area

Commencing at the point at which the prolongation in a straight line of the north-western boundary of Three Chain Road intersects the low water mark on the southern shore of the Port Pirie River, then south-westerly along that prolongation and boundary of Three Chain Road to the south-western boundary of Main Road, then north-westerly along that boundary of Main Road to the south-eastern boundary of Mary Elie Street, then north-easterly along the prolongation in a straight line of the south-eastern boundary of Mary Elie Street to the north-eastern boundary of Main Road, then south-easterly along that boundary of Main Road to the south eastern boundary of Lot 120 of DP 53026, then north-easterly along the south eastern boundary of Lot 120 to the north eastern boundary of Lot 120, then continuing north-westerly to the south eastern boundary of Lot 503 of DP, then extending north-westerly for 95 metres, then north-easterly in a straight line to the north-eastern boundary of Lot 503, then south easterly along the northern boundary of Lot 503 to the south-eastern boundary of Lot 503, then south-easterly along the low water mark to its intersection with the prolongation in a straight line of the western boundary of Alpha Terrace, then south westerly along that prolongation to the northern boundary of Main Road then easterly along the northern boundary of Main Road to the point at which it intersects the prolongation in a straight line of the south-eastern wall line of the Royal Port Pirie Yacht Club building, then north-easterly along that prolongation and wall line of the Club building, and the prolongation in a straight line of the wall line, to the low water mark on the southern shore of the Port Pirie River, then generally easterly along the low water mark extending past but excluding the John Pirie Bridge, while including the Boat Ramp and Jetty, to the point of commencement, and excluding any land used for the purpose of carrying on a business.



Made by the Minister for Consumer and Business Services

On 8 August 2017

MENTAL HEALTH ACT 2009

NOTICE is hereby given in accordance with Section 94(1) of the Mental Health Act 2009, that the Chief Psychiatrist has determined the following persons as Authorised Mental Health Professionals commencing from date of Gazetteal:

A person's determination will expire three years after the date of Gazetteal.

Philippa Kneebone
Judith Tonkin
Gail Wood
Michelle Durrant
Thomas Sutcliffe
Tracey Davies
Devina Boston
Margaret Robinson
Andrea Carli

A. GROVES, Chief Psychiatrist

MINING ACT 1971

Notice Pursuant to Section 28 (5) of the 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: Tradition Rebuilt Investments Pty Ltd
Location: Waikerie Area—approximately 70 km west-north-west of Renmark.
Term: Two years
Area in km²: 364
Reference number: 2015/00253

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 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 or hard copy on request to Mineral Tenements.

J. MARTIN, Mining Registrar

MINING ACT 1971

Notice Pursuant to Section 28 (5) of the 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: Boss Uranium Pty Ltd
Location: South Eagle Area—approximately 80 km north-east of Olary.
Pastoral Leases: Bindarra, Boolcoomata, Kalkaroo, Yarramba.
Term: Two years
Area in km²: 379
Reference number: 2017/00138

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 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 or hard copy on request to Mineral Tenements.

J. MARTIN, Mining Registrar

MINING ACT 1971

Notice Pursuant to Section 28 (5) of the 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: Quasar Resources Pty Ltd
Location: Bulgunnia Area—approximately 70 km north-east of Tarcoola.
Pastoral Lease: Bulgunnia.
Term: One year
Area in km²: 234
Reference number: 2017/00148

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 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 or hard copy on request to Mineral Tenements.

J. MARTIN, Mining Registrar

MINING ACT 1971

Notice Pursuant to Section 28 (5) of the 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: Trafford Resources Pty Ltd

Location: Tarcoola Area – approx. 175 km southwest of Coober Pedy.

Pastoral Lease: Mulgathing.

Term: Two years

Area in km²: 154

Reference number: 2017/00154

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 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 or hard copy on request to Mineral Tenements.

J. MARTIN, Mining Registrar

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**

Northern District Motorsport Association Incorporated

Made by a Delegate for the Registrar of Motor Vehicles

On 8 August 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*.

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- (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**

Upper Snuggery Racing Team Club

Made by a Delegate of the Registrar of Motor Vehicles

On 8 August 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

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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;

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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.

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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;
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- (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

South East Drag Racing Association Incorporated

Made by a Delegate for the Registrar of Motor Vehicles

On 8 August 2017

NATIONAL ELECTRICITY LAW

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

Under s 93(1)(a), the *Contestability of energy services – demand response and network support* (Ref. ERC0218) request proposed by Australian Energy Council has been consolidated with the *Contestability of energy services* (Ref. ERC0206) request proposed by COAG Energy Council. The consolidated request is named *Contestability of energy services* (Ref. ERC0206).

Under s 95, AEMO has requested the *Pricing during market suspension* (Ref. ERC0224) proposal. The proposal seeks to amend the arrangement for pricing during periods of market suspension. The AEMC intends to expedite the proposal under s 96 as it considers the proposed Rule is urgent, subject to requests not to do so. Written requests not to expedite the proposal must be received by **29 August 2017**. Submissions must be received by **12 September 2017**.

Under s 107, the time for making the final determination on the *Pricing during market suspension* (Ref. ERC0224) proposal has been extended to **10 October 2017**.

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

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

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

Australian Energy Market Commission

Level 6, 201 Elizabeth Street
Sydney NSW 2000

Telephone: (02) 8296 7800

www.aemc.gov.au

Dated 15 August 2017.

NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS) REGULATIONS 2016

Corrigendum

IN Government Gazette No. 48, dated 25 July 2017, on page 2928, because of a typographical error the title NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS) REGULATIONS 2001 is incorrect and *should* read NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS) REGULATIONS 2016. In addition, reference to Regulations 7(3)(a) of the National Parks and Wildlife (National Parks) Regulations 2001 *should* read Regulations 7(3)(a) of the National Parks and Wildlife (National Parks) Regulations 2016.

Dated 15 August 2017.

J. T. COLLINS, Regional Director,
Natural Resources South East,
Department of Environment, Water and Natural Resources

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000
Application for the Renewal of Associated Activities Licence
 AAL 196

PURSUANT to section 65(6) of the *Petroleum and Geothermal Energy Act 2000* (the Act) and Delegation dated 31 March 2017, notice is hereby given that an application for the renewal of Associated Activities Licence AAL 196 within the area described below has been received from:

Santos Limited

The renewal application will be determined on or after 12 September 2017.

Description of Renewal Area

All that part of the State of South Australia, bounded as follows:

a corridor 50 metres wide centred on a line between coordinates:

28°29'16.96"S	140°26'25"E	GDA94
28°29'16.59"S	140°26'36.83"E	GDA94
28°29'15.77"S	140°26'42.32"E	GDA94
28°29'03.20"S	140°26'44.97"E	GDA94
28°28'58.86"S	140°26'47.81"E	GDA94

AREA: **0.05** square kilometres approximately

Dated 10 August 2017.

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

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000
Application for Grant of Associated Activities Licence—AAL 249

PURSUANT to section 65(6) of the *Petroleum and Geothermal Energy Act 2000* and Delegation dated 31 March 2017, notice is hereby given that an application for the grant of an Associated Activities Licence within the area described below has been received from:

Adelaide Energy Pty Ltd

The application will be determined on or after 29 August 2017.

Description of Application Area

All that part of the State of South Australia, bounded as follows:

All coordinates in GDA94, Zone 54

486241.71mE	5854458.00mN
486241.49mE	5854586.93mN
485872.99mE	5854586.31mN
485872.72mE	5854740.40mN
485381.37mE	5854739.54mN
485367.83mE	5854739.54mN
485354.00mE	5854668.00mN
486142.00mE	5854481.00mN
485899.00mE	5853468.00mN
485931.00mE	5853468.00mN
486171.00mE	5854475.00mN
486241.71mE	5854458.00mN

Area: 0.13 km² approximately.

Dated 11 August 2017.

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

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Statement of Environmental Objectives – Revision

PURSUANT to section 104(1) of the Petroleum and Geothermal Energy Act 2000 (the Act) I, Barry Goldstein, Executive Director Energy Resources Division, Department of the Premier and Cabinet as delegate of the Minister for Mineral Resources and Energy, pursuant to delegated powers dated 21 March 2012, do hereby publish the following document as having been approved as a statement of environmental objectives under the Act.

Documents:

- South East Pipeline System (PL3 & 4) - Statement of Environmental Objectives (SEO), Epic Energy, July 2017.

This document is available for public inspection on the Environmental Register section of DPC's website (www.petroleum.statedevelopment.sa.gov.au/legislation_and_compliance/environmental_register) or at the Public Office determined pursuant to section 107 (1) of the Act to be at:

Energy Resources Division
Customer Services
Level 7
101 Grenfell Street
Adelaide SA 5000

Dated 4 August 2017.

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

REAL PROPERTY ACT 1886

WHEREAS the person/s named in The Schedule hereof have each respectively for themselves made application to have the land set forth and described before their name in The Schedule hereof brought under the operation of the Real Property Act 1886. Notice is hereby given that unless caveat be lodged with the Registrar-General by some person/s having estate or interest in the said lands on or before the expiration of the period herein below for each case specified, the said several pieces of land will be brought under the operation of the said Act as by law directed. Diagrams delineating these parcels of land may be inspected at the Lands Titles Registration Office, Adelaide, and in the offices of the several Corporations or District Councils in which the lands are situated.

THE SCHEDULE

No. of Application	Description of Property	Name	Residence	Date up to and inclusive of which caveat may be lodged
32017	Portion of Section 260 Hundred of Adelaide in the Area named Norwood more particularly delineated as Allotments 50, 51, 52 and 53 in Filed Plan No. 250838	Urban Renewal Authority	Level 9 (West) Riverside Centre North Terrace Adelaide S.A. 5000	9 th October 2017
32018	Portion of Section 2172 Hundred of Bremer in the area named Willyaroo and more particularly delineated as portions of Allotment 20 marked Private Road B in Filed Plan No. 58541 subject to Rights of Way created in Conveyances No. 210 Book 37 No. 352 Book 44, No. 273 Book 37, No. 228 Book 159, No. 303 Book 76, No. 23 Book 38, No. 113 Book 328, No. 118 Book 78, No. 360 Book 39, No. 390 Book 41, No. 259 Book 51, No. 349 Book 44, No. 350 Book 44, No. 125 Book 63, No. 135 Book 243, No. 313 Book 59, No. 77 Book 40, No. 389 Book 41 and No. 348 Book 44.	Garry Ian Mueller and Sarina Mueller.	PO Box 1080 Strathalbyn S.A. 5255	9 th October 2017

Dated 8th August 2017, at the Lands Titles Registration Office, Adelaide.

B. PIKE, Registrar-General

ROADS (OPENING AND CLOSING) ACT 1991: SECTION 24

NOTICE OF CONFIRMATION OF ROAD PROCESS ORDER

Road Closure—Yuda Street, Port Augusta

BY Road Process Order made on 22 May 2017, The Corporation of the City of Port Augusta ordered that:

1. Portion of the Public Road (Yuda Street), adjoining Allotment 13 in the Town of Port Augusta, Hundred of Davenport, more particularly delineated and lettered 'A' in the Preliminary Plan No. 17/0022 be closed.
2. Merge the whole of the land subject to closure lettered 'A' to The Corporation of the City of Port Augusta in accordance with the Application for Title dated 22 May 2017.

On 9 August 2017 that order was confirmed by the Minister for Transport and Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 116371 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 15 August 2017.

M. P. BURDETT, Surveyor-General

South Australia

Law of Property (Declaration of Body) Proclamation 2017

under section 41A of the *Law of Property Act 1936*

1—Short title

This proclamation may be cited as the *Law of Property (Declaration of Body) Proclamation 2017*.

2—Commencement

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

3—Declaration of body

Bunyip Water Pty Ltd (ACN 601 382 030) is declared to be a body for the purposes of section 41A(1)(a)(iii) of the *Law of Property Act 1936*.

Made by the Governor

with the advice and consent of the Executive Council
on 15 August 2017

AGO0104/17CS

South Australia

Historic Shipwrecks (Fees) Variation Regulations 2017

under the *Historic Shipwrecks Act 1981*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Historic Shipwrecks Regulations 2017*

- 4 Variation of regulation 4—Fee for copy of Register
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Historic Shipwrecks (Fees) 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 *Historic Shipwrecks Regulations 2017*

4—Variation of regulation 4—Fee for copy of Register

Regulation 4—delete "\$1.70" and substitute:

\$1.80

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 15 August 2017

No 247 of 2017

T&F17/008CS

South Australia

Subordinate Legislation (Postponement of Expiry) Regulations 2017

under the *Subordinate Legislation Act 1978*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Postponement of expiry for 1 year—Regulations made before 1 January 2007
- 5 Expiry of obsolete regulations

Schedule 1—Postponement of expiry

Schedule 2—Expiry of obsolete regulations

Schedule 3—Revocation of *Subordinate Legislation (Postponement of Expiry)
Regulations 2016*

1—Short title

These regulations may be cited as the *Subordinate Legislation (Postponement of Expiry)
Regulations 2017*.

2—Commencement

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

3—Interpretation

In these regulations—

Act means the *Subordinate Legislation Act 1978*.

4—Postponement of expiry for 1 year—Regulations made before 1 January 2007

The expiry under Part 3A of the Act of the regulations listed in Schedule 1 is postponed for a period of 1 year commencing on 1 September 2017.

5—Expiry of obsolete regulations

The regulations listed in Schedule 2 will expire under the Act on 1 September 2017.

Schedule 1—Postponement of expiry

Adelaide Dolphin Sanctuary Regulations 2005 made under the *Adelaide Dolphin Sanctuary Act 2005*

- Adelaide Park Lands Regulations 2006* made under the *Adelaide Park Lands Act 2005*
- Adoption Regulations 2004* made under the *Adoption Act 1988*
- Agricultural and Veterinary Products (Control of Use) Regulations 2004* made under the *Agricultural and Veterinary Products (Control of Use) Act 2002*
- Australian Crime Commission (South Australia) Regulations 2004* made under the *Australian Crime Commission (South Australia) Act 2004*
- Australian Energy Market Commission Establishment Regulations 2005* made under the *Australian Energy Market Commission Establishment Act 2004*
- Children's Services (Registered Children's Services Centres) Regulations 2003* made under the *Children's Services Act 1985*
- Construction Industry Long Service Leave Regulations 2003* made under the *Construction Industry Long Service Leave Act 1987*
- Controlled Substances (Pesticides) Regulations 2003* made under the *Controlled Substances Act 1984*
- Coroners Regulations 2005* made under the *Coroners Act 2003*
- Criminal Assets Confiscation Regulations 2006* made under the *Criminal Assets Confiscation Act 2005*
- Criminal Law Consolidation (General) Regulations 2006* made under the *Criminal Law Consolidation Act 1935*
- Criminal Law Consolidation (Witness Payment) Regulations 2004* made under the *Criminal Law Consolidation Act 1935*
- District Court (Fees) Regulations 2004* made under the *District Court Act 1991*
- Dust Diseases Regulations 2006* made under the *Dust Diseases Act 2005*
- Environment, Resources and Development Court Regulations 2005* made under the *Environment, Resources and Development Court Act 1993*
- Essential Services Commission Regulations 2004* made under the *Essential Services Commission Act 2002*
- Explosives (Security Sensitive Substances) Regulations 2006* made under the *Explosives Act 1936*
- Fences Regulations 2003* made under the *Fences Act 1975*
- Fire and Emergency Services Regulations 2005* made under the *Fire and Emergency Services Act 2005*
- Fisheries Management (Abalone Fisheries) Regulations 2006* made under the *Fisheries Management Act 2007*
- Fisheries Management (Marine Scalefish Fisheries) Regulations 2006* made under the *Fisheries Management Act 2007*
- Fisheries Management (Prawn Fisheries) Regulations 2006* made under the *Fisheries Management Act 2007*
- Fisheries Management (River Fishery) Regulations 2006* made under the *Fisheries Management Act 2007*

- Fisheries Management (Rock Lobster Fisheries) Regulations 2006* made under the *Fisheries Management Act 2007*
- Freedom of Information (Fees and Charges) Regulations 2003* made under the *Freedom of Information Act 1991*
- Gaming Machines Regulations 2005* made under the *Gaming Machines Act 1992*
- Health and Community Services Complaints Regulations 2005* made under the *Health and Community Services Complaints Act 2004*
- Heritage Places Regulations 2005* made under the *Heritage Places Act 1993*
- Highways (Port River Expressway Project) Regulations 2004* made under the *Highways Act 1926*
- Judges' Pensions Regulations 2003* made under the *Judges' Pensions Act 1971*
- Justices of the Peace Regulations 2006* made under the *Justices of the Peace Act 2005*
- Land Acquisition Regulations 2004* made under the *Land Acquisition Act 1969*
- Limitation of Actions (Section 45A Notice) Regulations 2004* made under the *Limitation of Actions Act 1936*
- Listening and Surveillance Devices Regulations 2003* made under the *Listening and Surveillance Devices Act 1972*
- Magistrates Court (Fees) Regulations 2004* made under the *Magistrates Court Act 1991*
- Maralinga Tjarutja Land Rights (Establishment of Co-management Board) Regulations 2004* made under the *Maralinga Tjarutja Land Rights Act 1984*
- National Parks and Wildlife (Kangaroo Harvesting) Regulations 2003* made under the *National Parks and Wildlife Act 1972*
- National Parks and Wildlife (Unnamed Conservation Park—Maralinga Tjarutja Lands) Regulations 2004* made under the *National Parks and Wildlife Act 1972*
- Natural Resources Management (Financial Provisions) Regulations 2005* made under the *Natural Resources Management Act 2004*
- Natural Resources Management (General) Regulations 2005* made under the *Natural Resources Management Act 2004*
- Natural Resources Management (Transitional Provisions—Levies) Regulations 2005* made under the *Natural Resources Management Act 2004*
- Parliamentary Superannuation Regulations 2003* made under the *Parliamentary Superannuation Act 1974*
- Partnership Regulations 2006* made under the *Partnership Act 1891*
- Pastoral Land Management and Conservation Regulations 2006* made under the *Pastoral Land Management and Conservation Act 1989*
- Petroleum (Submerged Lands) Regulations 2005* made under the *Petroleum (Submerged Lands) Act 1982*
- Primary Industry Funding Schemes (Adelaide Hills Wine Industry Fund) Regulations 2003* made under the *Primary Industry Funding Schemes Act 1998*

Primary Industry Funding Schemes (Citrus Growers Fund) Regulations 2005 made under the *Primary Industry Funding Schemes Act 1998*

Primary Industry Funding Schemes (Eyre Peninsula Grain Growers Rail Fund) Regulations 2006 made under the *Primary Industry Funding Schemes Act 1998*

Primary Industry Funding Schemes (McLaren Vale Wine Industry Fund) Regulations 2003 made under the *Primary Industry Funding Schemes Act 1998*

Primary Produce (Food Safety Schemes) (Dairy Industry) Regulations 2005 made under the *Primary Produce (Food Safety Schemes) Act 2004*

Primary Produce (Food Safety Schemes) (Meat Industry) Regulations 2006 made under the *Primary Produce (Food Safety Schemes) Act 2004*

Primary Produce (Food Safety Schemes) (Seafood) Regulations 2006 made under the *Primary Produce (Food Safety Schemes) Act 2004*

Professional Standards Regulations 2006 made under the *Professional Standards Act 2004*

Prohibition of Human Cloning for Reproduction Regulations 2003 made under the *Prohibition of Human Cloning for Reproduction Act 2003*

Radiation Protection and Control (Transport of Radioactive Substances) Regulations 2003 made under the *Radiation Protection and Control Act 1982*

Registration of Deeds (Fees) Regulations 2004 made under the *Registration of Deeds Act 1935*

Research Involving Human Embryos Regulations 2003 made under the *Research Involving Human Embryos Act 2003*

Retirement Villages Regulations 2006 made under the *Retirement Villages Act 1987*

River Murray Regulations 2003 made under the *River Murray Act 2003*

Roads (Opening and Closing) (Fees) Regulations 2006 made under the *Roads (Opening and Closing) Act 1991*

Roads (Opening and Closing) Regulations 2006 made under the *Roads (Opening and Closing) Act 1991*

Sheriff's Regulations 2005 made under the *Sheriff's Act 1978*

Shop Trading Hours Regulations 2003 made under the *Shop Trading Hours Act 1977*

South Australian Local Government Grants Commission Regulations 2004 made under the *South Australian Local Government Grants Commission Act 1992*

South Australian Museum Regulations 2004 made under the *South Australian Museum Act 1976*

State Procurement Regulations 2005 made under the *State Procurement Act 2004*

Strata Titles Regulations 2003 made under the *Strata Titles Act 1988*

Supreme Court Regulations 2005 made under the *Supreme Court Act 1935*

Terrorism (Police Powers) Regulations 2006 made under the *Terrorism (Police Powers) Act 2005*

Tobacco Products Regulations 2004 made under the *Tobacco Products Regulation Act 1997*
Valuation of Land Regulations 2005 made under the *Valuation of Land Act 1971*
Veterinary Practice Regulations 2005 made under *Veterinary Practice Act 2003*
Victims of Crime (Fund and Levy) Regulations 2003 made under the *Victims of Crime Act 2001*
Victims of Crime (Statutory Compensation) Regulations 2004 made under the *Victims of Crime Act 2001*
Volunteers Protection Regulations 2004 made under the *Volunteers Protection Act 2001*
West Beach Recreation Reserve Regulations 2003 made under the *West Beach Recreation Reserve Act 1987*
Wilderness Protection Regulations 2006 made under the *Wilderness Protection Act 1992*
Wine Grapes Industry Regulations 2004 made under the *Wine Grapes Industry Act 1991*

Schedule 2—Expiry of obsolete regulations

Primary Produce (Food Safety Schemes) (Citrus Industry) Regulations 2006 made under the *Primary Produce (Food Safety Schemes) Act 2004*

Schedule 3—Revocation of Subordinate Legislation (Postponement of Expiry) Regulations 2016

The *Subordinate Legislation (Postponement of Expiry) Regulations 2016* 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 15 August 2017

No 248 of 2017

AGO0078/17CS

South Australia

Development (Schedule 10) Variation Regulations 2017

under the *Development Act 1993*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Development Regulations 2008*

- 4 Variation of Schedule 10—Decisions by Development Assessment Commission
 - 20 Certain developments—Metropolitan Adelaide over \$5m or outside Metropolitan Adelaide over \$3m
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Development (Schedule 10) 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 *Development Regulations 2008*

4—Variation of Schedule 10—Decisions by Development Assessment Commission

Schedule 10, clause 20—delete clause 20 and substitute:

20—Certain developments—Metropolitan Adelaide over \$5m or outside Metropolitan Adelaide over \$3m

- (1) Any development where—
 - (a) the total amount to be applied to any work (determined in accordance with subclause (3)), when all stages of the development are completed, exceeds—

- (i) if the development is in Metropolitan Adelaide—
\$5 000 000; or
 - (ii) in any other case—\$3 000 000; and
 - (b) the development is not solely for prescribed residential purposes;
and
 - (c) the State Coordinator-General determines, by notice in writing served on the proponent, and sent to the relevant council or regional development assessment panel within 5 business days after the determination is made, that the development is a development the assessment of which should be carried out by the State Planning Commission.
- (2) Without limitation, subclause (1) applies to—
 - (a) a variation of an application for development referred to in section 39(4)(a) of the Act if the development proposed to be varied has previously been given development authorisation under this clause; and
 - (b) proposed development that the State Planning Commission considers to be ancillary to or in association with development that has previously been given development authorisation under this clause,but does not apply if—
 - (c) the development that was previously given development authorisation is complying development or comprised of a building in relation to which a certificate of occupancy has been issued; or
 - (d) in the case of paragraph (a)—the proposed variation is complying development; or
 - (e) in the case of paragraph (b)—the proposed development is complying development.
- (3) For the purposes of subclause (1), the total amount to be applied to any work includes any amount to be applied to—
 - (a) any building or structure or any improvements or other physical changes to a building or structure; and
 - (b) any improvements or physical changes to land; and
 - (c) any preliminary work (including, without limitation, site clearance, demolition and remediation); and
 - (d) any professional services; and
 - (e) the provision of, or any modifications to, infrastructure; and
 - (f) any construction work, fit out, signage, utilities, communications, security services, landscaping and contingencies,

but does not include an amount to be applied for the purchase of land or any interest in land.

(4) In this clause—

prescribed residential purposes means a single private dwelling or multiple private dwellings but does not include purpose built student accommodation, aged care or serviced accommodation.

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 15 August 2017

No 249 of 2017

PLN0020/17CS

South Australia

Art Gallery Regulations 2017

under the *Art Gallery Act 1939*

Contents

Part 1—Preliminary

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- 2 Commencement
- 3 Interpretation
- 4 Acting with approval of board or authorised officer

Part 2—Conduct

- 5 Entry
- 6 General conduct
- 7 Photography and reproduction of exhibits
- 8 Dogs and other animals
- 9 Articles must be left in designated area

Part 3—Driving and parking

- 10 Driving
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Part 4—Miscellaneous

- 12 Opening times
- 13 Confiscated or surrendered property

Schedule 1—Revocation and transitional provision

Part 1—Revocation of *Art Gallery Regulations 2002*

- 1 Revocation of *Art Gallery Regulations 2002*

Part 2—Transitional provision

- 2 Interpretation
 - 3 Approvals of board or authorised officers
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Art Gallery Regulations 2017*.

2—Commencement

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

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

Act means the *Art Gallery Act 1939*;

art gallery means premises of the board and includes the art gallery grounds;

art gallery grounds means the outdoor premises of the board;

disabled person's parking permit means—

- (a) a permit issued under Part 3D of the *Motor Vehicles Act 1959*; or
- (b) a similar permit or authority issued under the law of another State or a Territory of the Commonwealth;

officially designated, in relation to an area of the art gallery—see subregulation (2);

official sign means a sign that conveys a message authorised by the board, and includes lines or markings or a sign together with lines or markings;

park includes stand;

vehicle means a motor vehicle.

- (2) In these regulations, an area of the art gallery will be taken to be *officially designated* as being an area for a particular purpose or an area in which a particular activity is permitted, prohibited or otherwise regulated if an official sign is displayed in or near the area, indicating the purpose or the permitted, prohibited or regulated activity.

4—Acting with approval of board or authorised officer

- (1) These regulations do not prevent a person from doing anything with the approval of the board or an authorised officer or otherwise with lawful authority.
- (2) An approval given by the board or an authorised officer for the purposes of these regulations—
- (a) must be in writing or, if given orally, must be confirmed in writing as soon as practicable; and
 - (b) may relate to a particular person or matter or persons or matters of a class specified by the board or authorised officer; and
 - (c) may be subject to conditions (including a condition requiring payment of a fee) specified by the board or authorised officer; and
 - (d) may be varied or revoked by the board or authorised officer at any time.
- (3) If the board or an authorised officer gives an approval subject to a condition, the person to whom the approval is given must not contravene or fail to comply with the condition.

Maximum penalty: \$200.

Part 2—Conduct

5—Entry

- (1) A person must not, after due warning—
 - (a) enter or remain in an area of the art gallery that is not open to the public; or
 - (b) remain in the art gallery after closing time.Maximum penalty: \$500.
Expiation fee: \$100.
- (2) A child under the age of 10 years must not enter or remain in the art gallery unless in the care or under the supervision of an adult.
- (3) Subregulation (2) does not apply in relation to an area of the art gallery officially designated as an area for the consumption of food and beverages.

6—General conduct

A person must not, while in the art gallery—

- (a) behave in a disorderly or offensive manner or so as to interfere with another person's reasonable enjoyment of the art gallery; or
- (b) use abusive, threatening or insulting language; or
- (c) eat, drink or smoke except in an area of the art gallery officially designated as an area in which eating, drinking or smoking is permitted; or
- (d) dispose of litter or waste except in a receptacle provided for that purpose; or
- (e) touch or otherwise interfere with an exhibit, a case containing such exhibits or a sign associated with such exhibits; or
- (f) deface or interfere with any other property under the care or control of the board; or
- (g) climb on a tree, shrub, fence, roof, wall or other structure or any other property under the care or control of the board; or
- (h) light or maintain a fire; or
- (i) distribute any printed matter; or
- (j) erect a structure; or
- (k) display a bill, sign, poster, placard, banner or flag; or
- (l) sell anything or offer anything for sale; or
- (m) take up a collection; or
- (n) hold, arrange or participate in a rally, demonstration or other meeting.

Maximum penalty: \$500.

Expiation fee: \$100.

7—Photography and reproduction of exhibits

- (1) A person must not photograph, copy or reproduce an exhibit in the art gallery.
Maximum penalty: \$200.
Expiation fee: \$75.
- (2) However—
 - (a) nothing in subregulation (1) prevents a person from photographing an exhibit for personal use, provided that—
 - (i) the exhibit is not in an area officially designated as an area in which photography is prohibited; and
 - (ii) the photographs are taken with a hand held camera; and
 - (iii) the photography does not involve the use of a tripod or a flash or other additional lighting; and
 - (b) nothing in subregulation (1) prevents a person from taking wedding photographs on the art gallery forecourt, provided that the photography does not interfere with the reasonable enjoyment of the art gallery by the public.

8—Dogs and other animals

- (1) A person must not bring an animal into, or permit an animal to enter, the art gallery.
Maximum penalty: \$500.
Expiation fee: \$100.
- (2) However, nothing in subregulation (1) prevents a person who is wholly or partially blind or deaf or otherwise disabled from being accompanied in the art gallery by an accredited disability dog, guide dog or hearing dog (within the meaning of the *Dog and Cat Management Act 1995*), provided that the dog is, at all times, under the person's effective control by means of physical restraint (within the meaning of that Act).
- (3) If an animal has entered the art gallery in contravention of this regulation, an authorised officer may remove the animal from the art gallery or an area of the art gallery if the owner or person in charge of the animal cannot be located in the vicinity after reasonable attempts to do so.

9—Articles must be left in designated area

A person must, at the request of an authorised officer, or an employee of the art gallery acting with the authority of the board, leave any article brought by the person into the art gallery in an area officially designated for that purpose.

Maximum penalty: \$200.

Expiation fee: \$75.

Part 3—Driving and parking

10—Driving

A person who drives or rides a vehicle on art gallery grounds must not—

- (a) fail to comply with any speed, parking or other traffic restriction or direction indicated on an official sign in or near the area; or
- (b) drive or ride in areas that are not intended for public vehicular access; or
- (c) drive or ride in such a manner as to cause undue noise to be emitted from the vehicle; or
- (d) drive or ride in a dangerous or careless manner or without reasonable consideration for others.

Maximum penalty: \$500.

Expiation fee: \$100.

11—Parking

- (1) A person must not park a vehicle on art gallery grounds unless—
 - (a) the vehicle is parked in an officially designated area for the parking of vehicles; and
 - (b) in the case of an area officially designated as a parking area for persons holding a disabled person's parking permit—a disabled person's parking permit is lawfully displayed in the vehicle; and
 - (c) in the case of an area officially designated as a parking area for persons holding some other class of permit—a permit of that class is lawfully displayed in the vehicle; and
 - (d) any other conditions of parking in that area are complied with.

Maximum penalty: \$125.

Expiation fee: \$55.

- (2) A person must not park a vehicle on art gallery grounds so as to prevent or impede the passage of a pedestrian or another vehicle.

Maximum penalty: \$125.

Expiation fee: \$55.

Part 4—Miscellaneous

12—Opening times

Except as otherwise directed by the board, the art gallery will be open to the public, free of charge, on each day of the year (other than Christmas day) during the hours fixed by the board.

13—Confiscated or surrendered property

- (1) The board should endeavour to return to a person, when the person leaves the art gallery, anything that was surrendered by or confiscated from the person under these regulations.
- (2) However, the board may retain, for such period as is necessary for the purposes of legal proceedings, anything that the board reasonably believes may constitute evidence of the commission of an offence.

Schedule 1—Revocation and transitional provision

Part 1—Revocation of *Art Gallery Regulations 2002*

1—Revocation of *Art Gallery Regulations 2002*

The *Art Gallery Regulations 2002* are revoked.

Part 2—Transitional provision

2—Interpretation

In this Part—

revoked regulations means the *Art Gallery Regulations 2002*.

3—Approvals of board or authorised officers

An approval under regulation 4A of the revoked regulations and in force immediately before the commencement of this clause will be taken, on that commencement, to be an approval under regulation 4 of these regulations, and to continue for the remainder of the term, and subject to the same conditions (if any), as applied under the approval immediately before that commencement.

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 15 August 2017

No 250 of 2017

ASACAB090-17

South Australia

Controlled Substances (Pesticides) Regulations 2017

under the *Controlled Substances Act 1984*

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- 3 Interpretation
- 4 Meaning of supervision
- 5 Non-application of regulations to certain pest control work

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- 7 Authority conferred by licence
- 8 Pest controller's licence
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- 11 Term and renewal of licence
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- 16 Storage of pesticides
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- 18 Compliance with prescribed standards and codes of practice
- 19 Compliance with Agvet Code
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Schedule 1—Revocation and transitional provisions

Part 1—Revocation of *Controlled Substances (Pesticides) Regulations 2003*

- 1 Revocation of regulations

Part 2—Transitional provisions

- 2 Interpretation
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-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Controlled Substances (Pesticides) Regulations 2017*.

2—Commencement

These regulations will come into operation on 1 September 2017.

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

Act means the *Controlled Substances Act 1984*;

Agvet Code means the *Agvet Code of South Australia* (see section 5 of the *Agricultural and Veterinary Chemicals (South Australia) Act 1994*);

approved label has the meaning given by the Agvet Code;

director, in relation to a body corporate, has the same meaning as in the *Corporations Act 2001* of the Commonwealth;

disposal, in relation to pesticide, means—

- (a) disposal of unused pesticide; or
- (b) disposal of a container that has been used to hold pesticide;

employ includes engage under a contract for services;

licensing authority means the person or body designated from time to time by the Minister by instrument in writing as the licensing authority for the purposes of these regulations;

Part 7 permit means a permit under Part 7 of the Agvet Code;

pest has the meaning given by the Agvet Code;

pest control business means a business in which pest control work is performed for another for fee or reward;

pest controller means a person who carries on a pest control business;

pest control work means using a pesticide to—

- (a) kill, stupefy or repel a pest; or
- (b) inhibit the feeding of a pest; or
- (c) modify the physiology of a pest to alter its natural development or reproductive capacity,

and includes measuring, mixing, weighing or otherwise preparing a pesticide for such use;

pesticide means a substance or preparation that—

- (a) contains any proportion of an S5 poison, S6 poison or S7 poison; and
- (b) is authorised under the Agvet Code for use for pest control work;

pest management technician means a person who personally performs pest control work in the course of a pest control business;

pest management technician's licence means a full pest management technician's licence or a limited pest management technician's licence.

- (2) In these regulations, **S5 poison**, **S6 poison** and **S7 poison** have the same respective meanings as in the *Controlled Substances (Poisons) Regulations 2011*.

4—Meaning of supervision

- (1) For the purposes of these regulations, pest control work is performed by a person under the supervision of another (the **supervisor**) if and only if—
 - (a) the pest control work is of a kind that the supervisor is licensed to perform; and
 - (b) the pesticides used in the pest control work are of a kind that the supervisor is licensed to use; and
 - (c) subject to subregulation (2), the supervisor is present within sight and sound of the person while the person is performing the work and is available—
 - (i) to advise or assist the person in the performance of the work; or
 - (ii) to intervene in the performance of the work,as may be necessary in the circumstances of the case.
- (2) If, on application made by a pest controller who employs a person to perform pest control work under the supervision of another, the licensing authority determines that the competence of the person to perform pest control work is such that the level of supervision required by subregulation (1)(c) is unnecessary, that subregulation does not apply but instead the supervisor must be contactable in a manner approved by the licensing authority to provide advice or instruction to the person performing the pest control work, if necessary, while the person is performing the work.

5—Non-application of regulations to certain pest control work

These regulations do not apply in relation to pest control work consisting only of—

- (a) the application of glyphosate by means of—
 - (i) hand-held equipment with a tank having a maximum capacity of 15 litres or less; or
 - (ii) a brush or similar implement; or
- (b) measuring, mixing, weighing or otherwise preparing glyphosate for application by such means.

Part 2—Licences

6—Requirement for licence

- (1) A person must not carry on a pest control business except as authorised by—
 - (a) a pest controller's licence under these regulations; or
 - (b) a commercial operator licence issued under the *Agricultural and Veterinary Chemicals (Control of Use) Act 1995* of Tasmania as amended from time to time, or under an Act substituted for that Act; or
 - (c) a commercial operator licence under the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* of Victoria as amended from time to time, or under an Act substituted for that Act; or
 - (d) registration as a commercial pesticide firm under the *Health Act 1911* of Western Australia as amended from time to time, or under an Act substituted for that Act.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) A person must not perform pest control work in the course of a pest control business except as authorised by a pest management technician's licence under these regulations.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) A person who carries on a pest control business must ensure that no person performs pest control work in the course of that business except as authorised by a pest management technician's licence under these regulations.

Maximum penalty: \$5 000.

Expiation fee: \$315.

7—Authority conferred by licence

Subject to these regulations—

- (a) a pest controller's licence authorises the holder of the licence to carry on a pest control business in which pest control work of a kind specified in the licence using pesticides of a kind specified in the licence may be performed by the holder of a pest management technician's licence authorising pest control work of that kind by the use of pesticides of that kind;
- (b) a full pest management technicians's licence authorises the holder of the licence to perform pest control work of a kind specified in the licence using pesticides of a kind specified in the licence;
- (c) a limited pest management technician's licence authorises the holder of the licence to perform pest control work of a kind specified in the licence using pesticides of a kind specified in the licence under the supervision of the holder of a full pest management technician's licence.

8—Pest controller's licence

- (1) The licensing authority may grant an application for a pest controller's licence if satisfied—
 - (a) that the applicant—
 - (i) holds a full pest management technician's licence; or
 - (ii) employs a person who holds such a licence,
authorising the holder to perform pest control work of the kind, by the use of pesticides of the kind, for which the pest controller's licence is sought; and
 - (b) that the applicant, or a person employed by the applicant, has an adequate knowledge of the requirements of these regulations and of the practices that should be followed in the conduct of a pest control business; and
 - (c) that the applicant has appropriate equipment to perform pest control work of the kind for which the pest controller's licence is sought; and
 - (d) that—
 - (i) in the case of an application by a natural person—the applicant is otherwise a fit and proper person to hold a pest controller's licence; or
 - (ii) in the case of an application by a body corporate—each director of the body corporate is a fit and proper person to be the director of a body corporate that holds a pest controller's licence.
- (2) A pest controller's licence is subject to the following conditions:
 - (a) a condition that the holder of the licence will maintain any premises and equipment used for the purposes of the holder's pest control business in a clean, efficient and safe working condition;
 - (b) a condition that the holder of the licence will ensure that any pesticide, while handled or used in the course of the holder's pest control business, is under the direct control of the holder of a pest management technician's licence;
 - (c) a condition that the holder of the licence will ensure that any unused pesticide or any container used to hold a pesticide in the course of the pest controller's business is disposed of in a manner not likely to endanger the health of any person.

9—Pest management technician's licence

- (1) The licensing authority may grant an application for a full pest management technician's licence if satisfied that the applicant—
 - (a) has qualifications that the licensing authority considers appropriate having regard to the kind of pest control work for which the licence is sought; and
 - (b) is medically fit to perform pest control work of the kind for which the licence is sought; and
 - (c) is otherwise a fit and proper person to hold a pest management technician's licence.

- (2) A person who does not have the qualifications required for the grant of a full pest management technician's licence may apply to the licensing authority for a limited pest management technician's licence.
- (3) The licensing authority may grant an application for a limited pest management technician's licence if—
 - (a) the applicant gives to the licensing authority an undertaking that the applicant will, as soon as practicable after the grant of the licence, commence an appropriate course of instruction or training approved by the licensing authority to obtain the qualifications required for the grant of a full pest management technician's licence; and
 - (b) the licensing authority is satisfied that the applicant—
 - (i) is employed by a pest controller to perform pest control work under the supervision of the holder of a full pest management technician's licence; and
 - (ii) is medically fit to perform pest control work of the kind for which the licence is sought; and
 - (iii) is otherwise a fit and proper person to be licensed as a pest management technician.
- (4) A full pest management technician's licence or limited pest management technician's licence is subject to the following conditions:
 - (a) a condition that the holder of the licence will, while using pesticides, wear protective clothing sufficient to prevent contamination of the holder;
 - (b) a condition that the holder of the licence will keep suitable first aid materials available where pesticides are being used by the holder;
 - (c) a condition that the holder of the licence will not handle or use pesticides in a manner dangerous to the health of any person;
 - (d) a condition that the holder of the licence will dispose of any unused pesticide or any container used to hold a pesticide in a manner not likely to endanger the health of any person;
 - (e) a condition that the holder of the licence will, if a spillage of pesticides occurs, clean and decontaminate the area in which the spillage occurred in a manner approved by the licensing authority;
 - (f) a condition that the holder of the licence will submit to such medical examinations as the licensing authority considers necessary to monitor exposure of the holder to pesticides;
 - (g) a condition that the holder of the licence will submit to such assessments as the licensing authority considers necessary to ensure that the holder maintains an adequate knowledge of pest control work and pesticides of the kind authorised by the licence.
- (5) A limited pest management technician's licence is subject to a condition that the holder of the licence will not make recommendations or give advice to any person concerning the use of pesticides.

- (6) An application for a pest management technician's licence cannot be made except by, or on behalf of, a natural person.

10—Conditions of licence

- (1) A licence under these regulations is subject to—
 - (a) such conditions as are imposed by these regulations; and
 - (b) such other conditions as the licensing authority thinks fit to impose and specifies in the licence or by notice in writing given personally or by post to the holder of the licence.
- (2) The holder of a licence under these regulations must not contravene or fail to comply with a condition of the licence.
Maximum penalty: \$5 000.
Expiation fee: \$315.

11—Term and renewal of licence

- (1) The term of a pest controller's licence or full pest management technician's licence is 1 year or 3 years at the option of the applicant, and such a licence may, on application made to the licensing authority before the expiry of the licence, be renewed for successive terms of 1 year or 3 years, at the option of the applicant.
- (2) A limited pest management technician's licence expires—
 - (a) on the first anniversary of the date of its grant; or
 - (b) in the case of a licence that has been renewed—
 - (i) on the first anniversary of the date of its renewal; or
 - (ii) if the licensing authority has extended the term of the licence—at the end of the period of extension.
- (3) The licensing authority may, on application made by the holder of a limited pest management technician's licence before the expiry of the licence, extend the term of the licence for a period not exceeding 6 months if, in the opinion of the licensing authority, it is fair in the circumstances of the particular case to allow the holder of the licence further time to do whatever is necessary for the holder to qualify for the grant of a full pest management technician's licence.
- (4) A limited pest management technician's licence may be renewed once by the licensing authority on application made before the expiry of the licence.

12—Exemptions

- (1) The licensing authority may exempt a person from the obligation to hold a licence under these regulations on such conditions as the licensing authority thinks fit.
- (2) The licensing authority may, by notice in writing given personally or by post to a person granted an exemption under this regulation, vary or revoke the exemption.
- (3) The licensing authority must not grant or vary an exemption unless satisfied that pest control work performed in compliance with the conditions of the exemption as granted or varied will not entail any significant risk to public health or the environment.

- (4) A person who contravenes, or fails to comply with, a condition of an exemption under this regulation is guilty of an offence.
Maximum penalty: \$5 000.
Expiation fee: \$315.

13—Variation of licence

- (1) The licensing authority may, by notice in writing given personally or by post to the holder of a licence under these regulations—
- (a) vary the licence to extend or limit the kind of pest control work authorised by, or the kind of pesticides that may be used under, the licence; or
 - (b) vary or revoke a condition of the licence imposed by the licensing authority, or impose a further condition on the licence.
- (2) The powers conferred by subregulation (1) may be exercised—
- (a) on the application of the holder of the licence; or
 - (b) if the licensing authority is of the opinion that there are proper reasons for doing so.

14—Suspension or cancellation of licence

The licensing authority may, by notice in writing given personally or by post to the holder of a licence under these regulations, suspend or cancel the licence if satisfied—

- (a) that the holder made a false statement or furnished false information in applying for the grant, renewal or variation of the licence; or
- (b) that the holder has been found guilty of an offence against the Act or these regulations or any other law relating to pesticides (including a law of another State or a Territory); or
- (c) that—
 - (i) in the case of a licence held by a natural person—
 - (A) the holder's health will be seriously endangered if he or she continues to perform pest control work of the kind authorised by the licence; or
 - (B) the holder is no longer competent to perform pest control work of the kind authorised by the licence; or
 - (C) the holder is for any other reason no longer a fit and proper person to hold the licence; or
 - (ii) in the case of a pest controller's licence held by a body corporate—a director of the body corporate is no longer a fit and proper person to be the director of a body corporate that holds a pest controller's licence.

15—Right of appeal

- (1) The following appeals may be made to the Administrative and Disciplinary Division of the District Court:
 - (a) an applicant for a licence under these regulations may appeal against a decision of the licensing authority—
 - (i) to refuse to grant the licence; or
 - (ii) to impose particular conditions on the licence;
 - (b) a person who holds or formerly held a licence under these regulations may appeal against a decision of the licensing authority—
 - (i) to suspend or cancel the licence; or
 - (ii) to vary the licence; or
 - (iii) to impose or vary particular conditions on the licence.
- (2) Subject to this regulation, an appeal must be instituted within 1 month of the making of the decision appealed against.
- (3) The licensing authority must, on application by a person seeking to appeal a decision of the licensing authority, state in writing the reasons for the decision.
- (4) If the reasons of the licensing authority are not given in writing at the time of making a decision and the person affected by the decision, within 1 month of the making of the decision, requires the licensing authority to state the reasons in writing, the time for instituting an appeal runs from the time when the person receives the written statement of those reasons.

Part 3—Duties of pest controllers and pest management technicians

16—Storage of pesticides

- (1) A pest controller must ensure that a pesticide stored in the course of the pest controller's business is kept in a prescribed container that—
 - (a) is kept securely closed; and
 - (b) is housed in a structure that—
 - (i) is roofed; and
 - (ii) has a floor impervious to water; and
 - (iii) is adequately ventilated; and
 - (iv) is locked when unattended; and
 - (v) has an adequate supply of water available to wash any spillage of pesticide that may occur; and
 - (vi) is so situated or constructed that a spillage of pesticide cannot drain into a water supply or watercourse or soak into the soil.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) In this regulation—

prescribed container means—

- (a) a container that bears an approved label; or
- (b) a container of a kind approved by the licensing authority for the purposes of this regulation.

17—Transport of pesticides

- (1) A pest controller must ensure that the following provisions are complied with in relation to the transport of a pesticide in the course of the pest controller's business:
- (a) the pesticide must be transported in a securely closed container that—
 - (i) in the case of a pesticide registered under the Agvet Code—bears the approved label for containers of that pesticide; or
 - (ii) in the case of a pesticide that is not registered under the Agvet Code but is the subject of a Part 7 permit—bears a label that contains adequate instructions relating to the matters referred to in section 14(3)(g) of the Agvet Code;
 - (b) the pesticide must not be left in an unattended vehicle unless the vehicle has an enclosed storage facility that forms part of or is securely fixed to the structure of the vehicle and the pesticide is kept securely locked in that storage facility;
 - (c) the driving compartment of the vehicle used to transport the pesticide must be separated from the pesticide storage area by a gas-tight barrier.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) Subregulation (1)(a) does not apply if pesticide is transported in a securely closed spray tank that—
- (a) forms part of or is securely fixed to the structure of the vehicle being used to transport the pesticide; and
 - (b) is prominently marked with—
 - (i) the word "CAUTION" or "POISON" or any other warning approved by the licensing authority; and
 - (ii) the name of the pesticide.

18—Compliance with prescribed standards and codes of practice

- (1) A pest controller must ensure that the requirements of the prescribed standards and codes of practice are complied with in relation to pest control work carried out in the course of the pest controller's business.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) A pest management technician must perform pest control work in accordance with the prescribed standards and codes of practice.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (3) For the purposes of this regulation, the prescribed standards and codes of practice are—
- (a) AS 3660.1:2014 *Termite management Part 1: New building work* published by Standards Australia as in force from time to time; and
 - (b) AS 3660.2—2000 *Termite management Part 2: In and around existing buildings and structures—Guidelines* published by Standards Australia as in force from time to time; and
 - (c) *South Australian Health Commission Code of Practice for Diluting Pesticides from a Water Supply* published by the South Australian Health Commission on 19 May 1988 (*Gazette* 30.6.2004 p1280) as in force from time to time; and
 - (d) *South Australian Health Commission Termiticides (Safe Use) Code of Practice* published by the South Australian Health Commission on 19 May 1988 (*Gazette* 19.5.1988 p1285) as in force from time to time.

19—Compliance with Agvet Code

- (1) A pest controller must, in relation to a pesticide registered under the Agvet Code, ensure that any instructions on the approved label for the container for the pesticide are complied with in relation to the handling or use of the pesticide in the course of the pest controller's business unless the pesticide is the subject of a Part 7 permit.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (2) A pest controller must, in relation to a pesticide that is the subject of a Part 7 permit, ensure that—
- (a) the conditions of the permit are complied with in relation to the handling or use of the pesticide in the course of the pest controller's business; and
 - (b) the pesticide is not used in the course of the pest controller's business for a purpose not authorised by the permit.
- Maximum penalty: \$5 000.
Expiation fee: \$315.
- (3) A pest management technician must perform pest control work using a pesticide that is registered under the Agvet Code in accordance with any instructions on the approved label for the container for the pesticide unless the pesticide is the subject of a Part 7 permit.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (4) A pest management technician—
- (a) must perform pest control work using a pesticide that is the subject of a Part 7 permit in accordance with the conditions of the permit; and

- (b) must not use the pesticide for a purpose not authorised by the permit.

Maximum penalty: \$5 000.

Expiation fee: \$315.

20—Reporting of certain spillages of pesticide

If a person who holds a licence under these regulations observes a spillage of pesticide that, because of its magnitude or location, or because of the toxicity of the pesticide involved—

- (a) requires assistance to be managed; or
- (b) is such that it may have an immediate impact on the environment or the health or safety of members of the public,

the person must immediately report the spillage to the licensing authority or a police officer.

Maximum penalty: \$5 000.

Expiation fee: \$315.

21—Records to be kept by pest controllers

- (1) A pest controller must, in relation to each pest management technician employed in the pest controller's business, keep a record of—
 - (a) the technician's name and address; and
 - (b) the technician's date of birth; and
 - (c) the date on which the technician commenced employment with the pest controller; and
 - (d) the date on which the technician ceased employment with the pest controller; and
 - (e) the pesticides handled or used by the technician in the course of that employment.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) A pest controller must, within 28 days after a pest management technician ceases to be employed in the pest controller's business, forward a copy of the records kept under subregulation (1) to the licensing authority.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) A pest controller must retain a record kept under subregulation (1) for 7 years after the date of the last entry made in it.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) A pest controller must, in relation to each application of pesticide in the course of the pest controller's business, keep a record of—

- (a) the date, time and location of the application; and

- (b) the name and quantity of the pesticide applied; and
- (c) the name of the pest management technician who applied the pesticide; and
- (d) the proximity of other people to the area where the pesticide was applied; and
- (e) in the case of a pesticide applied outdoors—the prevailing weather conditions in the area where the pesticide was applied; and
- (f) in the case of a termiticide applied to a site before or during the construction of a building—
 - (i) the total surface area of the land or building treated with the termiticide; and
 - (ii) the name and principal place of business of the supplier of the termiticide.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (5) A pest controller must retain a record kept under subregulation (4) for 7 years after the date it was made.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (6) A pest controller must, on request by the licensing authority in writing, provide the licensing authority with specified information contained in a record kept under this regulation within the time specified in the request.

Maximum penalty: \$2 500.

Expiation fee: \$210.

22—Duty of holder of pest controller's licence to notify change of business name or address

The holder of a pest controller's licence must, within 14 days of any change in—

- (a) any business name under which the holder carries on the pest control business; or
- (b) the holder's business or registered address,

give the licensing authority written notice of the change.

Maximum penalty: \$250.

Expiation fee: \$80.

23—Duty of holder of limited pest management technician's licence to notify change or cessation of employment

The holder of a limited pest management technician's licence must, within 14 days of—

- (a) changing employment from one pest controller to another; or
- (b) ceasing to be employed as a pest management technician,

give the licensing authority written notice of the change or cessation of employment.

Maximum penalty: \$250.

Expiation fee: \$80.

Part 4—Miscellaneous

24—Applications

- (1) An application under these regulations must—
 - (a) be made in a manner and form approved by the licensing authority; and
 - (b) be accompanied by the prescribed fee.
- (2) A person who makes an application under these regulations must, if the licensing authority so requires—
 - (a) provide the licensing authority with specified information to enable the licensing authority to determine the application; and
 - (b) verify, by statutory declaration, information furnished for the purposes of the application.

25—False or misleading statement

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided under these regulations.

Maximum penalty: \$5 000.

Schedule 1—Revocation and transitional provisions

Part 1—Revocation of *Controlled Substances (Pesticides) Regulations 2003*

1—Revocation of regulations

The *Controlled Substances (Pesticides) Regulations 2003* are revoked.

Part 2—Transitional provisions

2—Interpretation

In this Part—

revoked regulations means the regulations revoked by clause 1.

3—Continuation of licences

- (1) A pest controller's licence under the revoked regulations in force immediately before the commencement of these regulations continues in force under these regulations, subject to its terms and conditions, as a pest controller's licence under these regulations for the balance of the term for which it was granted or last renewed.

- (2) A limited pest management technician's licence under the revoked regulations in force immediately before the commencement of these regulations continues in force under these regulations, subject to its terms and conditions, as a limited pest management technician's licence under these regulations for the balance of the term for which it was granted or last renewed.
- (3) A full pest management technician's licence under the revoked regulations in force immediately before the commencement of these regulations continues in force under these regulations, subject to its terms and conditions, as a full pest management technician's licence under these regulations for the balance of the term for which it was granted or last renewed.

4—Continuation of exemptions

An exemption under the revoked regulations in force immediately before the commencement of these regulations continues in force under these regulations, subject to its terms and conditions, as an exemption under these regulations.

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

after consultation by the Minister with the Controlled Substances Advisory Council and with the advice and consent of the Executive Council
on 15 August 2017

No 251 of 2017

HEAC-2017-00041

South Australia

Controlled Substances (Fees) Regulations 2017

under the *Controlled Substances Act 1984*

Contents

- 1 Short title
- 2 Commencement
- 3 Fees

Schedule 1—Fees

1—Short title

These regulations may be cited as the *Controlled Substances (Fees) Regulations 2017*.

2—Commencement

These regulations will come into operation on 1 September 2017.

3—Fees

The fees set out in Schedule 1 are prescribed for the purposes of the *Controlled Substances (Pesticides) Regulations 2017*.

Schedule 1—Fees

1	On application for the issue or renewal of a pest controller's licence—	
	(a) for 1 year	\$321.00
	(b) for 3 years	\$963.00
2	On application for the issue or renewal of a full pest management technician's licence—	
	(a) for 1 year	\$79.00
	(b) for 3 years	\$237.00
3	On application for the issue of a limited pest management technician's licence	\$79.00
4	On application for an extension of the term of a limited pest management technician's licence	\$30.75

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

after consultation by the Minister with the Controlled Substances Advisory Council and with the advice and consent of the Executive Council
on 15 August 2017

No 252 of 2017

HEAC-2017-00041

South Australia

Freedom of Information (General) Regulations 2017

under the *Freedom of Information Act 1991*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Prescribed bodies
- 5 Manner of publishing information statements

Schedule 1—Revocation of *Freedom of Information (General) Regulations 2002*

- 1 Revocation of *Freedom of Information (General) Regulations 2002*
-

1—Short title

These regulations may be cited as the *Freedom of Information (General) Regulations 2017*.

2—Commencement

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

3—Interpretation

In these regulations, unless the contrary intention appears—
Act means the *Freedom of Information Act 1991*.

4—Prescribed bodies

For the purposes of the definition of *State Government agency* in section 4(1) of the Act, the following bodies are prescribed as bodies that are not State Government agencies:

- (a) The Flinders University of South Australia;
- (b) The University of Adelaide;
- (c) the University of South Australia.

5—Manner of publishing information statements

For the purposes of section 9(1) and (1a) of the Act, an information statement relating to an agency must be published in one or both of the following ways:

- (a) in the annual report of the agency;
- (b) on a website maintained by the agency.

Schedule 1—Revocation of *Freedom of Information (General) Regulations 2002*

1—Revocation of *Freedom of Information (General) Regulations 2002*

The *Freedom of Information (General) 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 15 August 2017

No 253 of 2017

AGO0089/17CS

South Australia

Legislation Revision and Publication Regulations 2017

under the *Legislation Revision and Publication Act 2002*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Definition of legislation
- 5 Alterations that may be made in revising legislation
- 6 Publication of legislation

Schedule 1—Revocation of *Legislation Revision and Publication Regulations 2002*

1—Short title

These regulations may be cited as the *Legislation Revision and Publication Regulations 2017*.

2—Commencement

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

3—Interpretation

In these regulations—

Act means the *Legislation Revision and Publication Act 2002*.

4—Definition of legislation

For the purposes of paragraph (c) of the definition of *legislation* in section 3 of the Act, the following are instruments of a prescribed kind:

- (a) an environment protection policy made under Part 5 of the *Environment Protection Act 1993* (other than a national environment protection measure that became an environment protection policy under section 28A(1) of the Act before that section was repealed);
- (b) an aquaculture policy made under Part 4 of the *Aquaculture Act 2001* on or after 1 January 2005;
- (c) a rule made by the Governor under the *Road Traffic Act 1961*;
- (d) a proclamation made by the Governor under an Act on or after 1 January 2003;
- (e) a notice made by the Governor under an Act and published in the Gazette on or after 1 January 2003 (other than a notice made by the Governor under the *Justices of the Peace Act 2005*).

5—Alterations that may be made in revising legislation

Pursuant to section 7(1)(i) of the Act, in revising legislation under the Act, language indicating gender, or that could be taken to indicate gender, may be expressed in a different way so as to avoid referring to gender.

6—Publication of legislation

- (1) For the purposes of section 8 of the Act, legislation may be published under the Act by publishing an electronic copy of the legislation from the SA legislation website.
- (2) For the purposes of section 8(3) of the Act, an electronic copy of legislation downloaded from the SA legislation website or a print of that electronic copy will, for the purposes of the Act and any other Act, be taken to be published under the Act if the following conditions are satisfied:
 - (a) electronic publication of the legislation must have been authorised by the Commissioner;
 - (b) the following statement must appear at the foot of each page of the electronic copy of the legislation:

Published under the *Legislation Revision and Publication Act 2002*.

- (3) In this regulation—

SA legislation website means the website with the URL of www.legislation.sa.gov.au or any other website established and maintained by the Office of Parliamentary Counsel for the purpose of providing public access to the legislation of South Australia.

Schedule 1—Revocation of *Legislation Revision and Publication Regulations 2002*

The *Legislation Revision and Publication 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 15 August 2017

No 254 of 2017

AGO0049/17CS

CITY OF PORT ADELAIDE ENFIELD

*Assignment of Names for New Roads, Change of Name for a New Road,
Assignment of a Name for a Private Road*

NOTICE is hereby given that the Council of the City of Port Adelaide Enfield at its meeting held on 11 July 2017 resolved pursuant to Section 219(1) of the Local Government Act 1999, that the name of certain new roads all located in the suburb of Lightsview be assigned or changed as detailed below;

- The name of the new road Winburra Circuit be changed and assigned the name Winpirra Circuit along with any future continuation or the road.
- The name of the new road Tiwu Street be confirmed and assigned the name Tiwu Street along with any future continuation or the road.
- The name of the new road Kurraka Street be confirmed and assigned the name Kurraka Street along with any future continuation or the road.

NOTICE is hereby given that the Council of the City of Port Adelaide Enfield at its meeting held on 11 July 2017 resolved that pursuant to Section 219(1) of the Local Government Act 1999, that a certain private road located in the suburb of Outer Harbor, described as being portions of Allotments 112 and 115 in Deposited Plan 56689 and owned by the Minister For Transport & Infrastructure be assigned the name Bourne-Jones Road.

Plans that delineate the new roads and private road that are subject to assignment of street names or change, together with a copy of the Council's resolutions are all available for inspection at the Council's principal office, 163 St Vincent Street, Port Adelaide; Enfield Library - Council Office, 1-9 Kensington Cres Enfield, Greenacres Library - Council Office, 2 Fosters Rd Greenacres, during their normal business hours and on the Council's website <http://www.portenf.sa.gov.au/publicnotice>

MARK WITHERS, Chief Executive Officer

ADELAIDE HILLS COUNCIL

ROADS (OPENING AND CLOSING) ACT 1991

Proposed Road Closing—Portion of Montacute Road, Montacute

NOTICE is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that Adelaide Hills Council proposes to make a Road Process Order to close and then merge a portion of road into the adjoining property, at 844 Montacute Road Montacute Allotment 90 in Filed Plan 130444, Certificate of Title 5715/731. The portion of road is more particularly delineated and marked 'Closed Road' on Deposited Plan No. 72622. A copy of the Deposited Plan and a statement of persons affected are available for public inspection during normal office hours at the offices of the Council at 63 Mount Barker Road, Stirling, 28 Onkaparinga Valley Road, Woodside and at the Adelaide office of the Surveyor-General at 101 Grenfell Street, Adelaide.

Any person is entitled to object to the proposed road process via a written submission. An objection must state whether the objector wishes to make a deputation to the Council in relation to the proposed road process. The Council will give notification of a meeting at which the matter will be considered so the person making the deputation or a representative may attend, if so desired.

Any person affected by the proposed closure is entitled to apply for an easement to be granted in that person's favour over the land subject to the proposed closure. The Council will give notification of a meeting at which the matter will be considered, so that the person making the objection or a representative may attend, if so desired.

An objection or application for an easement must set out the full name and address of the person making the objection or application and must be fully supported by reasons.

Any application for an easement must give full particulars of the nature and location of the easement and where made by a person as the owner of adjoining or nearby land, specify the land to which the easement is to be annexed.

The objection or application for an easement must be made in writing to the Council at P.O. Box 44, Woodside, S.A., 5244, WITHIN 28 DAYS OF THIS NOTICE (by 5.00 pm on 14 September 2017) and a copy must also be forwarded to the Surveyor-General at G.P.O. Box 1354, Adelaide, S.A. 5001.

Dated 15 August 2017.

A. AITKEN, Chief Executive Officer

ADELAIDE PLAINS COUNCIL

Supplementary Election of Councillor for Lewiston Ward—Call for Nominations

NOMINATIONS to be a candidate for election as a member of Adelaide Plains Council will be received between Thursday 24 August 2017 and 12 noon Thursday 7 September 2017. Candidates must submit a profile of not more than 150 words with their nomination form and may also provide a photograph, predominantly head and shoulders, taken within the previous 12 months.

Nomination kits are available from the Council's principal office, 2a Wasleys Road, Mallala.

A briefing session for intending candidates will be held at 4pm on Wednesday 23 August 2017 at the Council Chambers, Redbanks Road, Mallala.

MICK SHERRY, Returning Officer

THE DISTRICT COUNCIL OF BARUNGA WEST

*Review of Elector Representation***Final Recommendation**

NOTICE is hereby given that the District Council of Barunga West, in accordance with the requirements of section 12(4) of the Local Government Act 1999, has reviewed its composition and elector representation arrangements.

Certification

Pursuant to section 12(13)(a) of the said Act, the Electoral Commissioner has certified that the review undertaken by council satisfies the requirements of section 12 and may therefore now be put into effect as from the day of the first periodic election held after the publication of this notice.

The revised representation arrangements are as follows:

- The Principal Member of Council continues to be a Chairperson (with the title of Mayor), elected by the Council members.
- The Council retain the existing 'no wards' structure.
- The elected Council will comprise the Chairperson (with the title of Mayor) and eight area councillors who represent the Council area as a whole.

A. COLE, Chief Executive Officer

CLARE & GILBERT VALLEYS COUNCIL

Adoption of Valuation & Declaration of Rates

NOTICE is hereby given that the Clare & Gilbert Valleys Council at a Special Council Meeting held on 7 August 2017, resolved as follows for the year ending 30 June 2018:

Adopted for rating purposes the capital valuations made by the Valuer General within Council's area totalling \$2,687,189,790.

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

- 2.1 Residential, Vacant Land and Other: 0.4748 cents in the dollar;
- 2.2 Commercial (Shop), Commercial (Office) and Commercial (Other): 0.6409 cents in the dollar;
- 2.3 Industry (Light) and Industry (Other): 0.6409 cents in the dollar;
- 2.4 Primary Production: 0.3086 cents in the dollar.

Fix a minimum amount of \$675.00 payable by way of general rates.

Imposed annual service charges based on the level of usage of the service in respect of land to which it provides or makes available Community Wastewater Management System services at \$380.00 per unit in respect of all land serviced by either the Clare Scheme, Riverton Scheme or Saddleworth Scheme.

Imposed an annual service charge of \$190.00 based on the nature of the service within the towns and/or designated collection areas of Clare, Riverton, Saddleworth, Mintaro, Sevenhill, Auburn, Watervale, Manoora, Rhynie, Marrabel, Stockport, Tarlee, Waterloo, Armagh and Golfview Heights.

Declared a separate rate of 0.0168 cents in the dollar in order to reimburse the Council the amount contributed to the Northern & Yorke Natural Resources Management Board being \$440,564.

JOHN COOMBE, OAM, Acting Chief Executive Officer

CLARE & GILBERT VALLEYS COUNCIL

Appointment of Members to Council's Assessment Panel

PURSUANT to subsection 83(1)(b) of the *Planning, Development and Infrastructure Act 2016*, Council at its meeting held 24 July 2017, resolved to appoint the following members to Council's Assessment Panel to take effect from 1 October 2017:

Presiding Member	Stephen Hains
Elected Member	Councillor Helen Perry
Independent Member	Paul Mickan
Independent Member	Greg Pulford
Independent Member	Ben Plowman

These appointments shall expire on 30th June 2018.

J. COOMBE, Acting Chief Executive Officer

COORONG DISTRICT COUNCIL

Amendment to Community Land Management Plan

NOTICE is hereby given that the Coorong District Council, at its meeting held on 25 July 2017 pursuant to Section 198(4) of the Local Government Act 1999, resolved to adopt the amended Community Land Management Plan 'L' in accordance with Section 198 of the Local Government Act 1999.

V. CAMELL, Chief Executive Officer

THE COPPER COAST COUNCIL

Declaration of Public Roads

NOTICE is hereby given, pursuant to Section 210 of the Local Government Act 1999, that the Copper Coast Council resolved at the meeting held on 7th June 2017; that the private road delineated in Deposited Plan 422, contained in Certificate of Title Volume 137, Folio 188 and known as Queen Place, Moonta Bay is hereby declared to be a Public Road.

PETER HARDER, Chief Executive Officer

LIGHT REGIONAL COUNCIL

Adoption of Valuation and Declaration of Rates and Charges

NOTICE is hereby given that at its Meeting held on 18 July 2017, in relation to the financial year ending 30 June 2018, the Light Regional Council, in exercise of the powers contained within Chapter 10 of the Local Government Act 1999, made the following resolutions:

Adoption of Valuation

Council, pursuant to Section 167(2)(a) of the Local Government Act 1999, adopted for rating purposes the most recent valuations of the Valuer-General available to the Council of the capital value of land within the area of the Council, with such valuations totalling \$3,321,243,280, of which \$3,269,458,320 is rateable.

Declaration of Differential General Rate

Council, pursuant to Sections 153(1)(b) and 156(1)(a) of the Local Government Act 1999, declared the following differential general rates in respect of rateable land within its area based upon the capital value of rateable land, varying according to Land Use Category:

- i. on all rateable land attributed Land Use Category 1 – Residential, and Land Use Category 9 - Other, a rate of 0.43702 cents in the dollar of the capital value of the land;
- ii. on all rateable land attributed Land Use Category 2 – Commercial Shop, or Land Use Category 3 – Commercial Office, a rate of 0.76478 cents in the dollar of the capital value of the land;
- iii. on all rateable land attributed Land Use Category 4 – Commercial Other, a rate of 0.87403 cents in the dollar of the capital value of the land;
- iv. on all rateable land attributed Land Use Category 5 – Industrial Light, or Land Use Category 6 – Industrial Other, a rate of 1.20179 cents in the dollar of the capital value of the land;
- v. on all rateable land attributed Land Use Category 7 – Primary Production, a rate of 0.35398 cents in the dollar of the capital value of the land; and
- vi. on all rateable land attributed Land Use Category 8 – Vacant Land, a rate of 0.76478 cents in the dollar of the capital value of the land.

Declaration of a Minimum Rate

Council, pursuant to Section 158(1)(a) of the Local Government Act 1999, declared that the minimum amount payable by way of general rates in respect of all rateable land within the Council area shall be \$855.00.

Declaration of Domestic Refuse and Recycling Annual Service Charge

Council, pursuant to Section 155 of the Local Government Act 1999, declared an annual service charge based on the nature of the services for refuse collection and recycling of \$270.00 on each assessment in respect of all land to which the Council provides or makes available the three bin service and of \$180.00 on each assessment in respect of all land to which the Council provides or makes available the two bin service on the basis that the sliding scale provided for in Regulation 13 of the Local Government (General) Regulations 2013 will be applied to reduce the service charge payable as prescribed.

Declaration of Community Wastewater Management System Annual Service Charge

Council, pursuant to Section 155 of the Local Government Act 1999, declared the following annual service charges based on the nature of the service on each assessment in respect of all land to which the Council provides or makes available a Community Wastewater Management System:

<i>System</i>	<i>Annual Service Charge</i>
Kapunda	\$438.00
Freeling	\$438.00
Freeling (Hanson Street Estates Sewer System)	\$438.00
Greenock	\$438.00
Nuriootpa	\$438.00
Roseworthy	\$438.00

Declaration of Separate Rate for Natural Resources Management Board Levies

Council, pursuant to the powers contained in 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 the amount contributed to the Adelaide and Mount Lofty Ranges Natural Resources Management Board, declared a separate rate of 0.0100463 cents in the dollar of the capital value of land, in respect of all rateable land in the Council's area and in the area of the Board.

B. CARR, Chief Executive Officer

**DISTRICT COUNCIL OF LOXTON WAIKERIE
PERMITS AND PENALTIES BY-LAW 2017
By-law No. 1 of 2017**

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 District Council of Loxton Waikerie.
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's area, and for the convenience, comfort and safety of its inhabitants by:
 - 3.1. creating a permit system for Council By-laws;
 - 3.2. providing for the enforcement of breaches of Council By-laws and fixing penalties; and
 - 3.3. clarifying the construction of Council By-laws.
4. **Commencement, revocation and expiry**
 - 4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
 - 4.1.1. *By-Law No.1 – Permits And Penalties 2010*.²
 - 4.2. This By-law will expire on 1 January 2025.³

Note

 1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazetting of the By-law.
5. **Application**
This By-law applies throughout the Council's area.
6. **Interpretation**
In this By-law, unless the contrary intention appears;
 - 6.1. **Act** means *Local Government Act 1999*;
 - 6.2. **Council** means the District Council of Loxton Waikerie; and
 - 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 (which may include by way of the Council adopting a policy) 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 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 a maximum penalty being the maximum penalty referred to in the Act that may be fixed by a By-law for any breach of a By-law; or
 - 9.1.2 subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against By-laws, being a fee equivalent to 25 per cent of the maximum penalty fixed for any breach of a By-law.
 - 9.2. A person who commits a breach of a By-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a By-law for a breach of a By-law of a continuing nature.

Note-
The maximum penalty for a breach of a By-law is currently \$750.00, and the maximum penalty for every day in which a breach of a continuing nature continues is currently \$50.00 – 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 District Council of Loxton Waikerie held on **21 July 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.

PETER ACKLAND
Chief Executive Officer

**DISTRICT COUNCIL OF LOXTON WAIKERIE
LOCAL GOVERNMENT LAND BY-LAW 2017
By-law No. 2 of 2017**

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

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Local Government Land By-law 2017* and is By-law No. 2 of the District Council of Loxton Waikerie.
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's area; 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 operation¹:

4.1.1. By-Law No 2 Local Government Land 2010.²

4.2. This By-law will expire on 1 January 2025.³

Note-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazetting of the By-law.

5. Application

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2017*.
- 5.2. Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.
- 5.3. Subclauses 9.3, 9.7.2, 9.10.1, 9.11.2, 9.26.1, 9.26.3, 9.26.5, 9.28.2, 9.39, 10.3 and 10.8 of this By-law only apply in such part or parts of the Council's area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.
- 5.4. Subclauses 9.10.3, 9.15.2(b) and 9.35 of this By-law apply throughout the Council's 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. Interpretation

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

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **animal or animals** includes birds and insects but does not include a dog;
- 6.3. **aquatic life** means any animal or plant living or growing in water including but not limited to yabbies, molluscs, fish, insects, insect pupa or larvae and water plants;
- 6.4. **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.5. **boat** includes a raft, pontoon, houseboat, personal watercraft or other similar device;
- 6.6. **boat ramp** means a facility constructed, maintained and operated for the launching and retrieval of a boat;
- 6.7. **camp** includes setting up a camp, or causing a tent, caravan, motorhome or other recreational vehicle to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 6.8. **cemetery** means any fenced premises within the Council's area, constructed, set aside and dedicated by the Council as a place for the internment of deceased persons;
- 6.9. **Council** means the District Council of Loxton Waikerie;
- 6.10. **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;
- 6.11. **effective control** means a person exercising effective control of an animal either:
 - 6.11.1 by means of a physical restraint; or
 - 6.11.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.12. **emergency worker** has the same meaning as in the *Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.13. **foreshore** means land (regardless of whether or not it is Local Government land) extending from the edge of any navigable waterway or body of water in the Council's area to the nearest road or section boundary or for a distance of 50 metres (whichever is the lesser);
- 6.14. **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 6.15. **Local Government land** means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.16. **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.17. **open container** means a container which:
 - 6.17.1 after the contents of the container have been sealed at the time of manufacture- being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
 - 6.17.2 being a can, it has been opened or punctured;
 - 6.17.3 being a cask, it has had its tap placed in a position to allow it to be used;
 - 6.17.4 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
 - 6.17.5 is a flask, glass, mug or other container able to contain liquid.
- 6.18. **personal watercraft** means a device that –
 - 6.18.1 is propelled by a motor; and
 - 6.18.2 has a fully enclosed hull; and
 - 6.18.3 is designed not to retain water if capsized; and
 - 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. **self-contained vehicle** means a recreational self-contained vehicle including a caravan, motorhome or similar that includes electrical and plumbing facilities;
- 6.20. **tobacco product** has the same meaning as in the *Tobacco Products Regulation Act 1997*;
- 6.21. **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 6.22. **waters** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council; and
- 6.23. **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

Note-

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

PART 2 – ACCESS TO LOCAL GOVERNMENT LAND**7. Access****Note –**

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

The Council may:

- 7.1. lose, 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 or, where stated, the foreshore.

9.1. Advertising

Display, paint or erect or cause to be displayed, painted or erected, on Local Government land or a structure, building or fixture on Local Government Land any sign or hoarding for the purpose of commercial advertising or any other purpose.

9.2. Aircraft

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

9.3. Alcohol

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

9.4. Amplification

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

9.5. Animals

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

9.6. Annoyance

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

- 9.6.1 using that land; or
- 9.6.2 occupying nearby premises, by making noise or creating a disturbance.

9.7. Aquatic Life

- 9.7.1. Introduce any aquatic life to any waters located on Local Government land.
- 9.7.2. Take, interfere with or disturb any aquatic life in any waters to which the Council has determined this subclause applies.

9.8. 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 on Local Government land.

9.9. Bees

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

9.10. Boats & Mooring

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

- 9.10.1. launch or retrieve a boat to or from any waters adjacent to or on any Local Government land or foreshore to which the Council has determined this subclause applies;
- 9.10.2. launch or retrieve a boat from or to any local government land or the foreshore without using a boat ramp or thoroughfare constructed or set aside by the Council for that purpose;
- 9.10.3. propel, float or otherwise use a boat on or in any waters except:
 - (a) in an area to which the Council has determined this subclause applies; and
 - (b) in accordance with any condition that the Council may have determined by resolution apply to that use;
- 9.10.4. hire out a boat or otherwise use a boat for commercial purposes;
- 9.10.5. moor any boat on or to Local Government land or the foreshore to which the Council has determined this subclause applies; or
- 9.10.6. moor any boat on or to Local Government land or the foreshore other than in accordance with such time limits and other conditions determined by resolution of the Council and contained in any signage erected thereon.

9.11. Boat Ramps

- 9.11.1. Allow any vehicle or boat to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat.
- 9.11.2. Launch or retrieve a boat from or on to any boat ramp on Local Government land or foreshore to which the Council has determined this subclause applies other than in accordance with the conditions determined by the Council, including any conditions specified on a sign displayed on or in the vicinity of the boat ramp.

9.12. Bridge Jumping

Jump or dive from a bridge on Local Government land.

9.13. Buildings

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

9.14. Burials and Memorials

- 9.14.1. Bury, inter or spread the ashes of any human or animal remains.
- 9.14.2. Erect any memorial or monument.

- 9.15. **Camping and Tents**
- 9.15.1. Subject to this subclause 9.15, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation on Local Government land to which the Council has determined this subclause applies.
- 9.15.2. Camp or sleep overnight on Local Government land:
- (a) unless in a caravan park on Local Government land, the proprietor of which has been given permission to operate the caravan park on that land; or
- (b) except on Local Government land to which the Council has resolved this subclause applies and only then, in accordance with such time limits and other conditions determined by resolution of the Council and contained in any signage erected thereon.
- 9.16. **Canvassing**
Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other.
- 9.17. **Defacing Property**
Deface, remove, paint, spray, write upon, cut names, letters or make marks on any tree, rock, gate, fence, object, monument, building, sign, bridge or property of the Council.
- 9.18. **Distribution**
Subject to 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.
- 9.19. **Donations**
Ask for or receive or indicate that he or she desires a donation of money or any other thing.
- 9.20. **Entertainment and Busking**
- 9.20.1. Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.
- 9.20.2. Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 9.21. **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.
- 9.22. **Fires**
Subject to the *Fire and Emergency Services Act 2005* light a fire except:
- 9.22.1. in a place provided by the Council for that purpose; or
- 9.22.2. 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 (4) metres.
- 9.23. **Fireworks**
Ignite or discharge any fireworks.
- 9.24. **Flora and Fauna**
Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
- 9.24.1. plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;
- 9.24.2. cause or allow an animal to stand or walk on any flower bed or garden plot; deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 9.24.3. take, interfere with, tease, harm or disturb any animal, bird or aquatic life or the eggs or young of any animal, bird or aquatic life;
- 9.24.4. pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.24.5. disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 9.24.6. use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or
- 9.24.7. burn any timber or dead wood.
- 9.25. **Foreshore**
- 9.25.1. Drive or propel a vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or set aside by the Council for that purpose.
- 9.25.2. Drive or propel a vehicle on the foreshore except on an area or road that is constructed or set aside by the Council for that purpose.
- 9.25.3. Allow a vehicle to remain stationary on a boat ramp longer than is necessary to launch or retrieve a boat.
- 9.25.4. Hire out a boat on or from the foreshore.
- 9.26. **Games & Sport**
- 9.26.1. Participate in, promote or organise any organised competition or sport, as distinct from organised social play on Local Government land to which the Council has resolved this subclause applies.
- 9.26.2. Play or practise 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.
- 9.26.3. Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
- 9.26.4. Play or practise the game of golf on Local Government Land to other than on a properly constructed golf course or practice fairway and in accordance with any conditions determined by the Council (or its agent) that apply to such play or practice.
- 9.26.5. Play or practise 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 a sign on or in the vicinity of the land.
- 9.27. **Interference with Land**
Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
- 9.27.1. altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 9.27.2. erecting or installing a structure in, on, across, under or over the land;
- 9.27.3. changing or interfering with the construction, arrangement or materials on the land;
- 9.27.4. planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.27.5. otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.

- 9.28. **Model Aircraft, Boats and Cars**
Subject to the *Civil Aviation Safety Regulations 1998*:
- 9.28.1 fly or operate a model or drone aircraft, boat or model or remote control vehicle in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or
- 9.28.2 fly or operate a model or drone aircraft, boat or model or remote control vehicle on any Local Government land to which the Council has resolved this subclause applies.
- 9.29. **Overhanging Articles or Displaying Personal Items**
Suspend or hang an article or object from a building, veranda, pergola, post or other structure on Local Government land where it might present a nuisance or danger to a person using the land or be of an unsightly nature.
- 9.30. **Playing Area**
Use or occupy a playing area:
- 9.30.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and underground level);
- 9.30.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 9.30.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.
- 9.31. **Pontoons**
Install or maintain a pontoon or jetty or similar structure in any waters.
- 9.32. **Preaching**
Preach, harangue or solicit for religious purposes.
- 9.33. **Ropes**
Place a buoy, cable, chain, hawser, rope or net in or across any waters.
- 9.34. **Rubbish and Rubbish Dumps**
- 9.34.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land.
- 9.34.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin on any Local Government land, or placed on Local Government land for collection by the Council (or its agent).
- 9.35. **Swimming**
Subject to the provisions of the *Harbors and Navigation Act 1993* enter, swim or bathe in any waters on Local Government land except:
- 9.35.1 in an area which the Council has designated and set aside for such purposes; and
- 9.35.2 in accordance with any conditions that the Council may have determined by resolution apply to such use, which are exhibited on any signage on land adjoining the body of water.
- 9.36. **Trading**
- 9.36.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing.
- 9.36.2 Carry on any business or promote or advertise the same.
- 9.36.3 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.
- 9.37. **Vehicles**
- 9.37.1 Drive or propel a vehicle except on an area or road constructed and set aside by the Council for that purpose.
- 9.37.2 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.
- 9.37.3 Repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.38. **Weddings, Functions and Special events**
- 9.38.1 Hold, conduct or participate in a marriage ceremony, funeral service or special event.
- 9.38.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral service or special event.
- 9.38.3 Hold or conduct any filming where the filming is for a commercial purpose.
- 9.39. **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 clause applies.
10. **Prohibited activities**
A person must not do any of the following on Local Government land.
- 10.1. **Animals**
- 10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.
- 10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.
- 10.1.3 Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.
- 10.2. **Equipment**
Use any item of equipment, facilities or property belonging to the Council other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it.
- 10.3. **Fishing**
Fish in any waters to which the Council has determined this subclause applies.
- 10.4. **Glass**
Willfully break any glass, china or other brittle material.
- 10.5. **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.
- 10.6. **Nuisance**
Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.
- 10.7. **Playing games**
Play or practise 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. **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.
- 10.9. **Solicitation**
Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.
- 10.10. **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.
- 10.11. **Toilets**
In any public convenience on Local Government land:
- 10.11.1. urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 10.11.2. deposit anything in a pan, urinal or drain which is likely to cause a blockage;
- 10.11.3. use it for a purpose for which it was not designed or constructed;
- 10.11.4. 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 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.
- 10.12. **Waste**
- 10.12.1. Deposit or leave thereon anything obnoxious or offensive.
- 10.12.2. 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 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 or in accordance with a direction from a Council officer.
- 14.2. The restriction in subclause 9.16 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 District Council of Loxton Waikerie held on the 21 July 2017 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members.

PETER ACKLAND
Chief Executive Officer

**DISTRICT COUNCIL OF LOXTON WAIKERIE
ROADS BY-LAW 2017
By-law No. 3 of 2017**

A By-law to manage, control 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. 3 of the District Council of Loxton Waikerie.

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 the prescribed 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'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 operation¹

4.1.1 By-Law No.3- Roads 2010.²

4.2 This By-law will expire on 1 January 2025.³

Note-

- 1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
- 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
- 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2017*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Subclause 7.4.2 of this By-law applies throughout the Council's area except in such part or parts as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds, insects and poultry but does not include a dog;
- 6.3 **authorised person** is a person appointed by the Council as an authorised person under 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 purpose of staying overnight, whether or not any person is in attendance or sleeps on the road;
- 6.5 **Council** means District Council of Loxton Waikerie;
- 6.6 **effective control** means a person exercising effective control of an animal either:
 - 6.6.1 by means of a physical restraint; or
 - 6.6.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.7 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.8 **moveable sign** has the same meaning as in the Act;
- 6.9 **road** has the same meaning as in the Act; and
- 6.10 **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.

7 Activities requiring permission

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

- 7.1 **Advertising**
Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services, other than 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 the broadcasting of announcements or advertisements.
- 7.3 **Animals**
 - 7.3.1 Lead, herd, cause or allow an animal to stray onto, move over, or graze on a road to which the Council has determined this subclause applies.
 - 7.3.2 Lead, herd or cause or allow an animal to stray onto or move over any road unless the animal is under effective control.
 - 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 Subject to this subclause 7.4, 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:
 - 7.4.2.1 on a road to which the Council has resolved this subclause applies (if any); and
 - 7.4.2.2 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 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:

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

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

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

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

10 Removal of animals and objects

10.1 The Council (or its delegate) may, pursuant to section 234 of the Act, remove an animal or object that is on a road in breach of a By-law if no person is in charge, or apparently in charge, of the animal or object.

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 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 or in accordance with a direction from 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 District Council of Loxton Waikerie held on **21 July 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.

PETER ACKLAND

Chief Executive Officer

DISTRICT COUNCIL OF LOXTON WAIKERIE

MOVEABLE SIGNS BY-LAW 2017

By-law No. 4 of 2017

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.

PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Moveable Signs By-law 2017* and is By-law No. 4 of the District Council of Loxton Waikerie.

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's area;
- 3.3. to prevent nuisances occurring on roads;
- 3.4. to prevent unreasonable interference with the use of a road; and
- 3.5. for the good rule and government of the Council'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 operation¹

4.1.1. By-Law No.4- Moveable Signs 2010.²

4.2. This By-law will expire on 1 January 2025.³

Note -

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

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

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

5. Application

5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2017*.

5.2. This By-law applies throughout the Council's area and is subject to the exemptions set out in clause 11.

6. Interpretation

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. **banner** means a strip of cloth, plastic or other material hung up or carried on a pole, fence or other structure;
- 6.4. **business premises** means premises from which a business is being conducted;
- 6.5. **Council** means the District Council of Loxton Waikerie;
- 6.6. **footpath area** means:
 - 6.6.1. 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; or
 - 6.6.2. a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.7. **Local Government land** has the same meaning as in the Act;
- 6.8. **moveable sign** has the same meaning as in the Act;
- 6.9. **road** has the same meaning as in the Act; and
- 6.10. **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

NOTE-

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

PART 2 – MOVEABLE SIGNS**7. Construction and Design**

A moveable sign must:

- 7.1. be of kind known as an 'A' frame or sandwich board sign, an 'inverted T' sign, or a flat sign or, with the permission of the Council (including as may be set out in a Council policy from time to time), a sign of some other kind;
- 7.2. be designed, constructed and maintained in good quality and condition;
- 7.3. be of strong construction and sufficiently stable or securely fixed so as to keep its position in any weather conditions;
- 7.4. have no sharp or jagged edges or corners;
- 7.5. not be unsightly or offensive in appearance or content;
- 7.6. be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.7. not rotate or contain flashing parts;
- 7.8. not have balloons, flags, streamers or other things attached to it;
- 7.9. not exceed 900mm in height, 600mm in width and 600mm in depth;
- 7.10. in the case of an 'A' frame or sandwich board sign:
 - 7.10.1. be hinged or joined at the top;
 - 7.10.2. be of such construction that its sides are securely fixed or locked in position when erected; and
 - 7.10.3. not have a base area in excess of 0.6 square metres;
- 7.11. 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 on a footpath that is less than 2.5 metres wide;
- 8.3. tied, fixed or attached to, or placed closer than 2 metres from another structure, object (including another moveable sign), tree, bush or plant;
- 8.4. placed on a designated parking area or within 1 metre of an entrance to any business or other premises;
- 8.5. placed on the sealed part of a footpath, if there is an unsealed part on which the sign can be placed in accordance with this By-law;
- 8.6. placed so as to interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed;
- 8.7. placed closer than 0.5 metres to the kerb (or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, whichever is the greater);
- 8.8. placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.9. placed within 10 metres of an intersection of two or more roads;
- 8.10. placed on a footpath area with a minimum height clearance from a structure above it of less than 1.5 metres;
- 8.11. displayed during the hours of darkness unless it is clearly lit; or
- 8.12. be placed in such a position or in such circumstances that:
 - 8.12.1. it compromises the safety of any person or places a person at risk of harm; or
 - 8.12.2. it obstructs or impedes (or would be likely to obstruct or impede) a vehicle door when opened, provided that the vehicle is parked lawfully on a 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, without the permission of the Council, cause or allow more than one moveable sign for each business premises to be displayed on the footpath area of a road at any time.
- 10.2. A person must not, without the Council's permission, display a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
- 10.3. A person must not without the permission of the Council, cause or allow a moveable sign to be placed on a footpath area unless:
 - 10.3.1. it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and
 - 10.3.2. the business premises to which it relates is open to the public.
- 10.4. If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council may by resolution prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.

11. Exemptions

- 11.1. Subclauses 10.1 and 10.3.1 of this By-law do not apply to a moveable sign which:
 - 11.1.1. advertises a garage sale taking place from residential premises;
 - 11.1.2. is a directional sign to an event run by a community organisation or charitable body.
- 11.2. A requirement of this By-law will not apply where the Council has granted permission (including by way of adopting a policy for this purpose) for a moveable sign (or class of moveable sign) to be displayed contrary to that requirement.

Note-

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

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

PART 3- ENFORCEMENT**12. Removal of moveable signs**

- 12.1. A person must immediately comply with the order of an authorised person to remove a moveable sign made pursuant to section 227(1) of the Act.

Note-

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

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

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

- 12.3. The owner, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 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.

13. Liability of vehicle owners

- 13.1. For the purposes of this clause 13, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 13.2. 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 District Council of Loxton Waikerie held on the **21 July 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.

PETER ACKLAND
Chief Executive Officer

**DISTRICT COUNCIL OF LOXTON WAIKERIE
DOGS BY-LAW 2017
By-law No. 5 OF 2017**

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 *Dogs By-law 2017* and is By-law No. 5 of the District Council of Loxton Waikerie.

2. Authorising law

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, 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 control and manage dogs in the Council's 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 operation¹:

4.1.1 By-Law No. 5 – Dogs 2010.

4.2 This By-law will expire on 1st January 2025.³

Note-

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

1. 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.

2. 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's area.

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

6. Interpretation

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

6.1 **Act** means the *Local Government Act 1999*;

6.2 **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 **children's playground** means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);

6.5 **Council** means the District Council of Loxton Waikerie;

6.6 **dog** (except for in subclause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;

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

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

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

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

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

6.10 **premises** includes land, whether used or occupied for domestic or non-domestic purposes, except an approved kennel establishment;

6.11 **small dwelling** means a self-contained residence that is:

6.11.1 a residential flat building;

6.11.2 contained in a separate strata unit or community title;

6.11.3 on an allotment less than 400 square metres in area; or

6.11.4 without a secure yard of at least 100 square metres in area;

6.12 **working dog** means a dog-

6.12.1 usually kept, proposed to be kept or worked on rural land by a person who is—

a) a primary producer; or

b) engaged or employed by a primary producer; and

6.12.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.

- 6.13 For the purposes of clause 9 of the 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-laws was made

PART 2 – LIMITS ON DOG NUMBERS**7. Limits on dog numbers in private premises**

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

PART 3 – DOG CONTROLS**8. Dog exercise areas**

Subject to clauses 9 and 10 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 as that term is defined by the *Dog and Cat Management Act 1995*, 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.

9. Dog on leash areas

A person must not allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain:

- 9.1 on any Local Government land or public place to which the Council has resolved that this subclause applies; and
- 9.2 on any park or reserve during times when organised sport is being played;

unless the dog is under effective control by means of a leash.

10. Dog prohibited areas

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

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

11. Dog faeces

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

PART 4 - ENFORCEMENT**12. Orders**

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

Note-

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

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

This by-law was duly made and passed at a meeting of the District Council of Loxton Waikerie held on the 21 July 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.

PETER ACKLAND

Chief Executive Officer

**DISTRICT COUNCIL OF LOXTON WAIKERIE
CATS BY-LAW 2017
By-law No. 6 of 2017**

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.

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 District Council of Loxton Waikerie.

2. Authorising law

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

3. Purpose

The objectives of this By-law are to control and manage cats in the Council's area:

- 3.1. to promote responsible cat ownership;
- 3.2. to reduce the incidence of public and environmental nuisance caused by cats;
- 3.3. to protect the comfort and safety of members of the public; and

- 3.4. for the good rule and government of the Council area.
4. **Commencement, revocation and expiry**
- 4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹
- 4.1.1. Cats By-law No. 6 - 2010.²
- 4.2. This By-law will expire on 1 January 2025.³

Note –

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazetting of the By-law.

5. Application

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2017*.
- 5.2. This By-law applies throughout the Council's area.

6. Interpretation

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

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. except for the purposes of clause 8, **cat** means an animal of the species *felis catus* which is three months of age or has lost its juvenile canine teeth;
- 6.3. **Council** means the District Council of Loxton Waikerie;
- 6.4. **keep** includes the provision of food or shelter;
- 6.5. **nuisance** means:
- 6.5.1. unreasonably interfering with the peace, comfort or convenience of a person, including but not limited to a cat(s) displaying aggressive nature or creating unpleasant noise or odour;
- 6.5.2. acting in a manner that is injurious to a person's real or personal property;
- 6.5.3. obnoxious, offensive or hazardous to health; or
- 6.5.4. wandering and/or defecating onto land without the consent of the owner or occupier of the land.
- 6.6. **premises** includes land whether used or occupied for domestic or non-domestic purposes and any part thereof.

Note-

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

PART 2 – LIMITS ON CAT NUMBERS**7. Limits on cat numbers**

- 7.1. Subject to this clause 7, the limit on the number of cats to be kept on any premises is 2 cats.
- 7.2. Subject to this clause 7, no person shall, without the permission of the Council, keep or cause suffer or permit to be kept any cat on any premises so the number of cats thereon exceeds the limit prescribed by subclause 7.1 of this By-law unless the Council has exempted the premises from compliance with those clauses by granting them an exemption in writing.
- 7.3. The Limit prescribed by subclause 7.1 does not apply to premises comprising a business involving the keeping of cats provided that the business is operating in accordance with all required approvals and consents.
- 7.4. Permission under subclause 7.3 may be given if the Council is satisfied that:
- 7.4.1. no insanitary condition exists on the premises as a result of the keeping of cats; and
- 7.4.2. a nuisance is not caused to any neighbour as a result of the keeping of cats on the premises.
- 7.5. No cats shall be kept on any premises where:
- 7.5.1. an insanitary condition exists on the premises as a result of the keeping of a cat; and
- 7.5.2. a nuisance is caused to any neighbour as a result of the keeping of a cat on the premises.

PART 3 – CAT CONTROLS**8. Cats not to be a nuisance**

- 8.1. An owner or occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance.
- 8.2. For the purposes of subclause 8.1, **cat** means an animal of the species *felis catus*.

9. Registration of cats

- 9.1. Where the Council has resolved to adopt a registration scheme for cats, a person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.
- 9.2. An application for registration of a cat must:
- 9.2.1. be made to the Council in the manner and form prescribed by Council (if any); and
- 9.2.2. be accompanied by the fee (if any) prescribed by the Council; and
- 9.2.3. nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name; and
- 9.2.4. identify with reference to an address the premises at which the cat is kept.
- 9.3. Registration under this By-law 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.
- 9.4. Subclause 9.1 does not apply to the operators of a business comprising a cattery provided that the business is operating in accordance with all required approvals and consents.

PART 4 - ENFORCEMENT**10. Orders**

- 10.1. If a person engages in conduct that is in contravention of this By-law, an authorised person may order that person:
- 10.1.1. if the conduct is still continuing – to stop the conduct; and
- 10.1.2. whether or not the conduct is still continuing - to take specified action to remedy the contravention.
- 10.2. A person must comply with an order under this clause.
- 10.3. 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.
- 10.4. 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 howling cats.

This by-law was duly made and passed at a meeting of the District Council of Loxton Waikerie held on the **21 July 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.

PETER ACKLAND
Chief Executive Officer

**DISTRICT COUNCIL OF STREAKY BAY
PERMITS AND PENALTIES BY-LAW 2017
By-law No. 1 of 2017**

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 District Council of Streaky Bay.
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's area, and for the convenience, comfort and safety of its inhabitants by:
 - 3.1 creating a permit system for Council By-laws;
 - 3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and
 - 3.3 clarifying the construction of Council By-laws.
4. **Commencement, revocation and expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
 - 4.1.1 By-Law No.1 – Permits And Penalties 2010.²
 - 4.2 This By-law will expire on 1st January 2025.³

Note

 1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazetting of the By-law.
5. **Application**
This By-law applies throughout the Council's area.
6. **Interpretation**
In this By-law, unless the contrary intention appears;
 - 6.1 **Act** means *Local Government Act 1999*;
 - 6.2 **Council** means the District Council of Streaky Bay; and
 - 6.3 **person** includes a natural person, a body corporate, an incorporated association or an unincorporated association a body corporate.

Note-
Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.
7. **Construction of By-laws generally**
 - 7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
 - 7.2 In any By-law of the Council, unless the contrary intention appears **permission** means permission of the Council, or such other person as the Council may authorise, granted in writing (including, by way of the Council adopting a policy for this 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 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 a maximum penalty being the maximum penalty referred to in the Act that may be fixed by a By-law for any breach of a By-law; or
 - 9.1.2 subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against By-laws, being a fee equivalent to 25 per cent of the maximum penalty fixed for any breach of a By-law.
 - 9.2. A person who commits a breach of a By-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a By-law for a breach of a By-law of a continuing nature.

Note-
The maximum penalty for a breach of a By-law is currently \$750.00, and the maximum penalty for every day in which a breach of a continuing nature continues is currently \$50.00 – 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 District Council of Streaky Bay held on **20 July 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.

JOY HENTSCHKE
Chief Executive Officer

**DISTRICT COUNCIL OF STREAKY BAY
MOVEABLE SIGNS BY-LAW 2017
By-law No. 2 of 2017**

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.

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Moveable Signs By-law 2017* and is By-law No. 4 of the District Council of Streaky Bay.
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's area;
 - 3.3. to prevent nuisances occurring on roads;
 - 3.4. to prevent unreasonable interference with the use of a road; and
 - 3.5. for the good rule and government of the Council'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 operation¹
 - 4.1.1. By-Law No.2 - 4- Moveable Signs 2010.²
 - 4.2. This By-law will expire on 1 January 2025.³

NOTE -

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2017*.
- 5.2. This By-law applies throughout the Council's area and is subject to the exemptions set out in clause 11.

6. Interpretation

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. **banner** means a slip of cloth, plastic or other material hung up or carried on a pole, fence or other structure;
- 6.4. **business premises** means premises from which a business is being conducted;
- 6.5. **Council** means the District Council of Streaky Bay;
- 6.6. **footpath area** means:
 - 6.6.1. 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;
 - 6.6.2. a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.7. **Local Government land** has the same meaning as in the Act;
- 6.8. **moveable sign** has the same meaning as in the Act;
- 6.9. **road** has the same meaning as in the Act; and
- 6.10. **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

NOTE -

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

PART 2 – MOVEABLE SIGNS**7. Construction and design**

A moveable sign must:

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

8. Placement

A moveable sign must not be:

- 8.1. placed on any part of a road other than the footpath area;
- 8.2. placed on a footpath that is less than 2.5 metres wide;
- 8.3. tied, fixed or attached to, or placed closer than 2 metres from another structure, object (including another moveable sign), tree, bush or plant;
- 8.4. placed on a designated parking area or within 1 metre of an entrance to any business or other premises;
- 8.5. placed on the sealed part of a footpath, if there is an unsealed part on which the sign can be placed in accordance with this By-law;
- 8.6. placed so as to interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed;
- 8.7. placed closer than 1.5 metres to the kerb (or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, whichever is the greater);
- 8.8. placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.9. placed within 10 metres of an intersection of two or more roads;
- 8.10. placed on a footpath area with a minimum height clearance from a structure above it of less than 2 metres;
- 8.11. displayed during the hours of darkness unless it is clearly lit; or
- 8.12. be placed in such a position or in such circumstances that:
 - 8.12.1. it compromises the safety of any person or places a person at risk of harm; or
 - 8.12.2. it obstructs or impedes (or would be likely to obstruct or impede) a vehicle door when opened, provided that the vehicle is parked lawfully on a 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, without the permission of the Council, cause or allow more than one moveable sign for each business premises to be displayed on the footpath area of a road at any time.
- 10.2. A person must not, without the Council's permission, display a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
- 10.3. A person must not cause or allow a moveable sign to be placed on a footpath area unless:

- 10.3.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and
- 10.3.2 the business premises to which it relates is open to the public.
- 10.4 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council may by resolution prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.

11. Exemptions

- 11.1 Subclauses 10.1 and 10.3.1 of this By-law do not apply to a moveable sign which:
- 11.1.1 advertises a garage sale taking place from residential premises;
- 11.1.2 is a directional sign to an event run by a community organisation or charitable body;
- 11.2 Subclauses 10.1 and 10.3 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.
- 11.3 A requirement of this By-law will not apply where the Council has granted permission (which may include by way of adopting a policy for this purpose) for a moveable sign (or class of moveable sign) to be displayed contrary to that requirement.

Note-

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

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

PART 3- ENFORCEMENT

12. Removal of moveable signs

- 12.1 A person must immediately comply with the order of an authorised person to remove a moveable sign made pursuant to section 227(1) of the Act.

Note-

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

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

- 12.2 The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.
- 12.3 The owner, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 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.

13 Liability of vehicle owners

- 13.1 For the purposes of this clause 13, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 13.2 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 District Council of Streaky Bay held on the **20 July 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.

JOY HENTSCHKE

Chief Executive Officer

**DISTRICT COUNCIL OF STREAKY BAY
ROADS BY-LAW 2017
By-law No. 3 of 2017**

A By-law to manage, control 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. 3 of the District Council of Streaky Bay.

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 the prescribed 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'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.¹

4.1.1 By-Law No.3- Roads 2010.²

- 4.2 This By-law will expire on 1 January 2025.³

Note-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2017*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Subclause 7.4.2 of this By-law applies throughout the Council's area except in such part or parts of the Council's area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds, insects and poultry but does not include a dog;
- 6.3 **authorised person** is a person appointed by the Council as an authorised person under 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 a swag or similar bedding; or
- 6.4.3 subject to the *Road Traffic Act 1961*, a caravan or motor home;

- to remain on a road for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the road;
- 6.5 **Council** means District Council of Streaky Bay;
- 6.6 **effective control** means a person exercising effective control of an animal either:
- 6.6.1 by means of a physical restraint; or
- 6.6.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.7 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.8 **moveable sign** has the same meaning as in the Act;
- 6.9 **road** has the same meaning as in the Act;
- 6.10 **water source** means a source of water owned by the Council that is not naturally occurring and includes, but is not limited to, taps from which reticulated water is sourced and water tanks; 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 do 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, other than 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 the broadcasting of announcements or advertisements.
- 7.3 **Animals**
- 7.3.1 Cause or allow an animal to stray onto, move over, or graze on a road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided the animal or animals are under effective control.
- 7.3.2 Lead, herd, exercise or cause or allow an animal to stray onto or move over any road unless the animal is under effective control.
- 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 Subject to this subclause 7.4, 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:
- 7.4.2.1 on a road to which the Council has resolved this subclause applies (if any); and
- 7.4.2.2 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 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 **Use of a Water Source**
- 7.9.1 Use a water source on a road contrary to its intended purpose or contrary to information included on signage on or in the vicinity of the water source.
- 7.9.2 Connect a hose to a water source on a road.
- 7.9.3 Take water obtained from a water source on a road.
- 7.10 **Vehicles**
Repair, wash, paint, panel beat or perform other work of a similar nature to a vehicle, except for running repairs in the case of a vehicle breakdown.

Note- Movable 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 or object that is on a road in breach of a By-law if no person is in charge, or apparently in charge, of the animal or object.

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 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 or in accordance with a direction from 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 District Council of Streaky Bay held on **20 July 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.

JOY HENTSCHKE

Chief Executive Officer

DISTRICT COUNCIL OF STREAKY BAY LOCAL GOVERNMENT LAND BY-LAW 2017 By-law No. 4 of 2017

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

PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Local Government Land By-law 2017* and is By-law No. 4 of the District Council of Streaky Bay.

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's area; 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 operation¹:

4.1.1. By-law No. 4 – Local Government Land 2010.²

4.2. This By-law will expire on 1 January 2025.³

Note-

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

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

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

5. Application

5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2017*.

5.2. Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.

5.3. Subclauses 9.3, 9.7.2, 9.10.1, 9.10.5, 9.11.2, 9.15.1, 9.26.1, 9.26.3, 9.26.5, 9.28.2, 9.40, 10.3 and 10.8 of this By-law only apply in such part or parts of the Council's area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

5.4. Subclauses 9.10.3, 9.15.2 and 9.35 of this By-law apply throughout the Council area except in such parts of the Council's area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

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

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **animal or animals** includes birds and insects but does not include a dog;
- 6.3. **aquatic life** means any animal or plant living or growing in water including but not limited to yabbies, molluscs, fish, insects, insect pupa or larvae and water plants;
- 6.4. **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.5. **boat** includes a raft, pontoon, houseboat, personal watercraft or other similar device;
- 6.6. **boat ramp** means a facility constructed, maintained and operated for the launching and retrieval of a boat;
- 6.7. **camp** includes setting up a camp, or causing a tent, swag and/or similar bedding, a 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;
- 6.8. **Council** means the District Council of Streaky Bay;
- 6.9. **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;
- 6.10. **effective control** means a person exercising effective control of an animal either:
 - 6.10.1. by means of a physical restraint; or
 - 6.10.2. by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.11. **emergency worker** has the same meaning as in the *Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.12. **foreshore** means land (regardless of whether or not it is Local Government land) extending from the low water mark on the seashore to the nearest road or section boundary, or to a distance of 50 metres from high water mark (whichever is the lesser distance);
- 6.13. **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.14. **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 6.15. **Local Government land** means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.16. **low water mark** means the lowest meteorological tide;
- 6.17. **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.18. **open container** means a container which, after the contents of the container have been sealed at the time of manufacture:
 - 6.18.1. being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
 - 6.18.2. being a can, it has been opened or punctured;
 - 6.18.3. being a cask, it has had its tap placed in a position to allow it to be used;
 - 6.18.4. 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
 - 6.18.5. is a flask, glass, mug or other container able to contain liquid.

- 6.19. **personal watercraft** means a device that –
- 6.19.1. is propelled by a motor; and
 - 6.19.2. has a fully enclosed hull; and
 - 6.19.3. is designed not to retain water if capsized; and
 - 6.19.4. 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;
- 6.20. **razorshell** means an elongated marine mollusk of the family *Pinnidae*;
- 6.21. **tobacco product** has the same meaning as in the *Tobacco Products Regulation Act 1997*;
- 6.22. **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 6.23. **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 ocean waters;
- 6.24. **water source** means a source of water owned by the Council that is not naturally occurring and includes, but is not limited to, taps from which reticulated water is sourced and water tanks; and
- 6.25. **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 or, where stated, the foreshore.

- 9.1. **Advertising**
Display, paint or erect or cause to be displayed, painted or erected, on Local Government land or a structure, building or fixture on Local Government land any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose.
- 9.2. **Aircraft**
Subject to the *Civil Aviation Act 1988*, land any aircraft on, or take off any aircraft from the land.
- 9.3. **Alcohol**
Consume, carry or be in possession or in charge of any liquor on Local Government land comprising parks or reserves to which the Council has determined this paragraph applies.
- 9.4. **Amplification**
Use an amplifier or other mechanical or electrical device for the purpose of amplifying sound or broadcasting announcements or advertisements.
- 9.5. **Animals**
 - 9.5.1. Cause or allow an animal to stray onto, move over, graze or be left unattended on Local Government land.
 - 9.5.2. Cause or allow an animal to enter, swim, bathe or remain in any waters located on Local Government land.
 - 9.5.3. Lead, herd or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided that the animal or animals are under effective control.
- 9.6. **Annoyance**
Do anything likely to offend or unreasonably interfere with any other person:
 - 9.6.1. using that land; or
 - 9.6.2. occupying nearby premises, by making noise or creating a disturbance.
- 9.7. **Aquatic Life**
 - 9.7.1. Introduce any aquatic life to any waters located on Local Government land.
 - 9.7.2. Take, interfere with or disturb any aquatic life in any waters to which the Council has determined this subclause applies.
 - 9.7.3. Discard into any waters, the shell of a razorshell, any fish carcass or bait.
- 9.8. **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 on Local Government land.
- 9.9. **Bees**
Place a hive of bees on such land, or allow it to remain thereon.
- 9.10. **Boats & Mooring**
Subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:
 - 9.10.1. launch or retrieve a boat from or onto any Local Government land or foreshore to which the Council has determined this subclause applies;
 - 9.10.2. launch or retrieve a boat from or to the foreshore without using a boat ramp constructed and set aside by the Council for that purpose;
 - 9.10.3. propel, float or otherwise use a boat on or in any waters except:
 - (a) in an area to which the Council has determined this subclause applies; and
 - (b) in accordance with any conditions that the Council may have determined by resolution apply to that use.
 - 9.10.4. hire out a boat or otherwise use a boat for commercial purposes;
 - 9.10.5. moor any boat on or to Local Government land to which the Council has determined this subclause applies; or
 - 9.10.6. moor any boat on or to Local Government land or the foreshore other than in accordance with such time limits and other conditions determined by resolution of the Council and contained in any signage erected thereon.

- 9.11. **Boat Ramps**
- 9.11.1. Allow any vehicle or boat to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat.
- 9.11.2. Launch or retrieve a boat (or boat of a specified class) from or on to any boat ramp on the foreshore or on Local Government land to which the Council has determined this subclause applies.
- 9.11.3. Launch or retrieve a boat (or boat of a specified class) from or on to any boat ramp on the foreshore or on Local Government land as determined by the Council under subclause 9.11.2, other than in accordance with the conditions determined by the Council, including any conditions specified on a sign displayed on or in the vicinity of the boat ramp.
- 9.12. **Bridge Jumping**
Jump or dive from a bridge on Local Government land.
- 9.13. **Buildings**
Use a building, or structure on Local Government land for a purpose other than its intended purpose.
- 9.14. **Burials and Memorials**
- 9.14.1. Bury, inter or spread the ashes of any human or animal remains.
- 9.14.2. Erect any memorial.
- 9.15. **Camping and Tents**
- 9.15.1. Erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation on Local Government land to which the Council has determined this subclause applies.
- 9.15.2. Camp or sleep overnight on Local Government land except:
- (a) in a caravan park on Local Government land, the proprietor of which has been given permission to operate the caravan park on that land; or
- (b) other than on an area which has been designated by resolution of the Council for that purpose and only then, in accordance with such time limits and other conditions determined by resolution of the Council and contained in any signage erected thereon.
- 9.16. **Canvassing**
Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other.
- 9.17. **Defacing Property**
Deface, remove, paint, spray, write upon, cut names, letters or make marks on any tree, rock, gate, fence, object, monument, building, sign, bridge or property of the Council.
- 9.18. **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.
- 9.19. **Donations**
Ask for or receive or indicate that he or she desires a donation of money or any other thing.
- 9.20. **Entertainment and Busking**
- 9.20.1. Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.
- 9.20.2. Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 9.21. **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.
- 9.22. **Fires**
Subject to the *Fire and Emergency Services Act 2005* light a fire except:
- 9.22.1. in a place provided by the Council for that purpose; or
- 9.22.2. 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 (4) metres.
- 9.23. **Fireworks**
Ignite or discharge any fireworks.
- 9.24. **Flora and Fauna**
Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
- 9.24.1. plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;
- 9.24.2. cause or allow an animal to stand or walk on any flower bed or garden plot;
- deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 9.24.3. take, interfere with, tease, harm or disturb any animal, bird or aquatic life or the eggs or young of any animal, bird or aquatic life;
- 9.24.4. pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.24.5. disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 9.24.6. use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or
- 9.24.7. burn any timber or dead wood.
- 9.25. **Foreshore**
- 9.25.1. Drive or propel a vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or set aside by the Council for that purpose.
- 9.25.2. Drive or propel a vehicle on the foreshore except on an area or road that is constructed or set aside by the Council for that purpose.
- 9.25.3. Hire out a boat on or from the foreshore.
- 9.26. **Games & Sport**
- 9.26.1. Participate in, promote or organise any organised competition or sport, as distinct from organised social play on Local Government land to which the Council has resolved this subclause applies.
- 9.26.2. Play or practise 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.
- 9.26.3. Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
- 9.26.4. Play or practise the game of golf on Local Government land to other than on a properly constructed golf course or practice fairway and in accordance with any conditions determined by the Council (or its agent) that apply to such play or practice.

- 9.26.5. 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 a sign on or in the vicinity of the land.
- 9.27. **Interference with Land**
Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
- 9.27.1. altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 9.27.2. erecting or installing a structure in, on, across, under or over the land;
- 9.27.3. changing or interfering with the construction, arrangement or materials of the land;
- 9.27.4. planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.27.5. otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 9.28. **Model Aircraft, Boats and Cars**
Subject to the *Civil Aviation Safety Regulations 1998*:
- 9.28.1. fly or operate a model or drone aircraft, boat or model or remote control vehicle in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or
- 9.28.2. fly or operate a model or drone aircraft, boat or model or remote control vehicle on any Local Government land to which the Council has resolved this subclause applies.
- 9.29. **Overhanging Articles or Displaying Personal Items**
Suspend or hang an article or object from a building, veranda, pergola, post or other structure on Local Government land where it might present a nuisance or danger to a person using the land or be of an unsightly nature.
- 9.30. **Playing Area**
Use or occupy a playing area:
- 9.30.1. 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);
in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 9.30.2. contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.
- 9.31. **Pontoons**
Install or maintain a pontoon or jetty or similar structure in any waters.
- 9.32. **Preaching**
Preach, harangue or solicit for religious purposes.
- 9.33. **Ropes**
Place a buoy, cable, chain, hawser, rope or net in or across any waters.
- 9.34. **Rubbish and Rubbish Dumps**
- 9.34.1. Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land.
- 9.34.2. Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin on any Local Government land, or placed on Local Government land for collection by the Council (or its agent).
- 9.35. **Swimming**
Subject to the provisions of the *Harbors and Navigation Act 1993* enter, swim or bathe in any waters on Local Government land except:
- 9.35.1. in an area which the Council has designated and set aside for such purposes; and
- 9.35.2. in accordance with any conditions that the Council may have determined by resolution apply to such use, which are exhibited on any signage on land adjoining the body of water.
- 9.36. **Trading**
- 9.36.1. Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing;
- 9.36.2. Carry on any business or promote or advertise the same.
- 9.36.3. 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.
- 9.37. **Use of a Water Source**
- 9.37.1. Use a water source on Local Government land contrary to its intended purpose or contrary to information included on signage on or in the vicinity of the water source.
- 9.37.2. Connect a hose to a water source on Local Government land.
- 9.37.3. Take water obtained from a water source on Local Government land.
- 9.38. **Vehicles**
- 9.38.1. Drive or propel a vehicle except on an area or road constructed and set aside by the Council for that purpose.
- 9.38.2. Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose.
- 9.38.3. Repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.39. **Weddings, Functions and Special events**
- 9.39.1. Hold, conduct or participate in a marriage ceremony, funeral service or special event.
- 9.39.2. Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral service or special event.
- 9.39.3. Hold or conduct any filming where the filming is for a commercial purpose.
- 9.40. **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. **Animals**
- 10.1.1. Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.
- 10.1.2. Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.
- 10.1.3. Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.
- 10.2. **Equipment**
Use any item of equipment, facilities or property belonging to the Council other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it.

- 10.3. **Fishing**
Fish in any waters to which the Council has determined this subclause applies.
- 10.4. **Glass**
Willfully break any glass, china or other brittle material.
- 10.5. **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.
- 10.6. **Nuisance**
Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.
- 10.7. **Playing games**
Play or practise 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. **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.
- 10.9. **Solicitation**
Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.
- 10.10. **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.
- 10.11. **Toilets**
In any public convenience on Local Government land:
10.11.1. urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
10.11.2. deposit anything in a pan, urinal or drain which is likely to cause a blockage;
10.11.3. use it for a purpose for which it was not designed or constructed;
10.11.4. 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 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.
- 10.12. **Waste**
10.12.1. deposit or leave thereon anything obnoxious or offensive.
10.12.2. 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 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 or in accordance with a direction from a Council officer.
- 14.2. The restrictions in subclauses 9.16 and 9.18 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 District Council of Streaky Bay held on the 20 July 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.

JOY HENTSCHKE
Chief Executive Officer

**DISTRICT COUNCIL OF STREAKY BAY
DOGS BY-LAW 2017
By-law No. 5 OF 2017**

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 District Council of Streaky Bay.

2. Authorising law

This By-law is made under section 90(5) 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 operation¹

4.1.1 By-Law No. 5 – Dogs 2010.²

4.2 This By-law will expire on 1 January 2025.³

Note-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1 this By-law operates subject to the Council's *Permits and Penalties By-law 2017*.
- 5.2 subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 subclauses 9.1 and 10.2, of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **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 **children's playground** means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);
- 6.5 **Council** means the District Council of Streaky Bay;
- 6.6 **dog** (except for in clause 7) has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.7 **effective control** means a person exercising effective control of a dog either:
 - 6.7.1 by means of physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
 - 6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.8 **keep** includes the provision of food or shelter;
- 6.9 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.10 **premises** includes land, whether used or occupied for domestic or non-domestic purposes;
- 6.11 **small dwelling** means a self-contained residence that is:
 - 6.11.1 a residential flat building;
 - 6.11.2 contained in a separate strata unit or community title;
 - 6.11.3 on an allotment less than 400 square metres in area; or
 - 6.11.4 without a secure yard of at least 100 square metres in area;
- 6.12 **working dog** means a dog-
 - 6.12.1 usually kept, proposed to be kept or worked on rural land by a person who is—
 - (a) a primary producer; or
 - (b) engaged or employed by a primary producer; and
 - 6.12.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.
- 6.13 For the purposes of clause 9 of the 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 *Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.

PART 2 – LIMITS ON DOG NUMBERS

7. Limits on dog numbers in private premises

- 7.1 Subject to subclauses 7.3 and 7.5, a person must not, without the Council's permission keep or cause, suffer or permit to be kept:
 - 7.1.1 in a township, more than one dog in a small dwelling; or
 - 7.1.2 in a township, more than two dogs in any premises other than a small dwelling; or
 - 7.1.3 outside of a township, more than three dogs (other than working dogs) on any premises;
- 7.2 For the purposes of subclause 7.1, 'dog' means a dog that is three (3) months of age or older or, a dog that has lost its juvenile teeth.
- 7.3 Subclause 7.1 does not apply to:
 - 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or
 - 7.3.2 any business involving 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.

- 7.4 The Council may require that premises which are the subject of an application for permission to keep additional dogs, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 7.5 No dog is to be kept on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

PART 3 – DOG CONTROLS

8. Dog exercise areas

Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council area for the purpose of exercising a dog under his or her effective control.

Note –

If a person is exercising a dog in a park as permitted under this clause and the dog is not under effective control as that term is defined by the *Dog and Cat Management Act 1995*, 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.

9. Dog on leash areas

A person must not allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain:

- 9.1 on Local Government land or a public place to which the Council has resolved that this subclause applies; and
- 9.2 on any park or reserve during times when organised sport is being played; unless the dog is under effective control by means of a leash.

10. Dog prohibited areas

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

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

11. Dog faeces

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

PART 4 – ENFORCEMENT

12. Orders

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

Note –

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

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

This By-law was duly made and passed at a meeting of the District Council of Streaky Bay held on **20 July 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.

JOY HENTSCHKE
Chief Executive Officer

**DISTRICT COUNCIL OF STREAKY BAY
CATS BY-LAW 2017
By-law No. 6 of 2017**

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.

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 District Council of Streaky Bay.

2. Authorising law

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

3. Purpose

The objectives of this By-law are to control and manage cats in the Council's area:

- 3.1. to promote responsible cat ownership;
- 3.2. to reduce the incidence of the public and environmental nuisance caused by cats;
- 3.3. to protect the comfort and safety of members of the public; and
- 3.4. for the good rule and government of the Council'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 operation¹:
- 4.1.1. By-law No 5 – Dogs 2004.²
- 4.2. This By-law will expire on 1 January 2025.³

Note:

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1. this By-law operates subject to the Council's *Permits and Penalties By-law 2017*.
- 5.2. this By-law applies throughout the Council's area.

6. Interpretation

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

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. except for in clauses 8 and 9, **cat** means an animal of the species *felis catus* which is three months of age or has lost its juvenile canine teeth;
- 6.3. **Council** means the District Council of Streaky Bay;
- 6.4. **keep** includes the provision of food or shelter;

6.5. **nuisance** means:

- 6.5.1. unreasonably interfering with the peace, comfort or convenience of a person, including but not limited to a cat(s) displaying aggressive nature or creating unpleasant noise or odour;
- 6.5.2. acting in a manner that is injurious to a person's real or personal property, offensive or hazardous to health; or
- 6.5.3. wandering and/or defecating onto land without the consent of the owner or occupier of the land.

6.6. **premises** includes land whether used or occupied for domestic or non-domestic purposes and any part thereof.**Note-**

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

PART 2 – LIMITS ON CAT NUMBERS**7. Limits on cat numbers**

- 7.1. Subject to this clause 7, a person must not, without the Council's permission keep, or cause suffer or permit to be kept more than 2 cats in any premises.
- 7.2. Subclause 7.1 does not apply to premises comprising a business involving the keeping of cats provided that the business is operating in accordance with all required approvals and consents.
- 7.3. Council may require that premises which are the subject of an application for permission to keep additional cats, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.
- 7.4. Permission under subclause 7.3 may be given if the Council is satisfied that:
 - 7.4.1. no insanitary condition exists or will arise on the premises as a result of the keeping of cats; and
 - 7.4.2. a nuisance is not or is not likely to be caused to any neighbour as a result of the keeping of cats on the premises.

PART 3 – CAT CONTROLS**8. Cats not to be a nuisance**

- 8.1. An owner or occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance.
- 8.2. For the purposes of subclause 8.1, **cat** means an animal of the species *felis catus*.

9. Registration of cats

- 9.1. Where the Council has resolved to adopt a registration scheme for cats, a person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.
- 9.2. An application for registration of a cat must:
 - 9.2.1. be made to the Council in the manner and form prescribed by Council (if any); and
 - 9.2.2. be accompanied by the fee (if any) prescribed by the Council; and
 - 9.2.3. nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name; and
 - 9.2.4. identify with reference to an address the premises at which the cat is kept.
- 9.3. Registration under this By-law 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.
- 9.4. Subclause 9.1 does not apply to premises comprising a business involving the keeping of cats provided that the business is operating in accordance with all required approvals and consents.
- 9.5. For the purposes of this clause 9, **cat** means an animal of the species *felis catus*.

PART 3 – ENFORCEMENT**10. Orders**

- 10.1. If a person engages in conduct that is a contravention of this By-law, an authorised person may order that person:
 - 10.1.1. if the conduct is still continuing – to stop the conduct; and
 - 10.1.2. whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 10.2. A person must comply with an order under this clause.
- 10.3. 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.
- 10.4. 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 howling cats.

This By-law was duly made and passed at a meeting of the District Council of Streaky Bay held on **20 July 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.

JOY HENTSCHKE
Chief Executive Officer

WATTLE RANGE COUNCIL

Naming of Road – Penola

Community Plan C40582 in the area named Penola, Hundred of Penola

Notice is hereby given to assign the name “Old Portland Road” to the private road that provides access from Julian Street, Penola, SA 5277 to the allotments comprising the development known as Old Portland Road Estate, to take effect from September 1, 2017.

MRS KATE HAGGERTY, Presiding Officer
Community Corporation No 40582

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

CAPPS Ellen Margaret late of 39 - 43 Finnis Street Marion of no occupation who died 8 April 2017.
HANSEN Karen Margaret late of 11 West Parkway Mount Barker of no occupation who died 15 March 2017.
HEWETT Yvonne Storer late of 16 - 24 Penneys Hill Road Hackham of no occupation who died 2 April 2017.
LIEBELT Doris Rita late of 1A Main Street Hahndorf of no occupation who died 19 February 2016.
LYNAGH Ignatius John late of 24 Elizabeth Street Mount Gambier Retired Carpenter who died 13 May 2017.
McCARTHY Donald late of 38 Nairne Road Woodside Retired Boilermaker who died 7 April 2017.
NEWSTEAD Norma late of 20 Halsey Road Elizabeth East of no occupation who died 6 April 2017.
OSOWSKI Emmi Freda Lina late of 19 Windsor Avenue Pennington of no occupation who died 22 April 2017.
RYAN Kingsley John late of 53 Vincent Street South Plympton Retired Industrial Engineering Analyst who died 5 May 2017.
WATTCHOW Mary Elizabeth late of 6 Ellis Street Enfield of no occupation who died 28 June 2017.

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 15 September 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 15 August 2017.

D A CONTALA, Public Trustee

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.

Notices for gazettal, along with enquiries, can be directed to:

EMAIL 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.