



# THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

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ADELAIDE, TUESDAY, 12 SEPTEMBER 2017

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

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Department of the Premier and Cabinet  
Adelaide, 12 September 2017

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Minister's Advisory Committee, pursuant to the provisions of the Return to Work Act 2014:

Member: (from 12 September 2017 until 30 November 2017)

Robert Bonner

By command,

JOHN ROBERT RAU, Acting Premier

MIR0025/17CS

Department of the Premier and Cabinet  
Adelaide, 12 September 2017

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Adelaide Festival Centre Trust, pursuant to the provisions of the Adelaide Festival Centre Trust Act 1971:

Member: (from 12 September 2017 until 11 September 2020)

Sandra Maaik Jayne Verschoor

By command,

JOHN ROBERT RAU, Acting Premier

ASACAB167-11

Department of the Premier and Cabinet  
Adelaide, 12 September 2017

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Ian Keith Hunter, MLC, Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray and Minister for Climate Change to be also Acting Minister for Agriculture, Food and Fisheries, Acting Minister for Forests, Acting Minister for Tourism, Acting Minister for Recreation and Sport and Acting Minister for Racing for the period from 24 October 2017 to 26 October 2017 inclusive, during the absence of the Honourable Leon William Kennedy Bignell, MP.

By command,

JOHN ROBERT RAU, Acting Premier

17MAFF0037

Department of the Premier and Cabinet  
Adelaide, 12 September 2017

HIS Excellency the Governor in Executive Council has been pleased to appoint Lynne Williams as a part-time Commissioner and Acting Chairperson of the Essential Services Commission of South Australia for a period commencing on 26 September 2017 and expiring on 30 June 2022 - pursuant to the provisions of the Essential Services Commission Act 2002.

By command,

JOHN ROBERT RAU, Acting Premier

T&F17/035CS

#### AQUACULTURE ACT 2001

##### *Grant of Aquaculture Lease*

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

LA00408  
LA00409  
LA00410  
LA00411

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

EMILY KAESE, Aquaculture Leasing & Licensing Officer

#### BUILDING WORK CONTRACTORS ACT 1995

##### *Exemption*

TAKE notice that, pursuant to section 45 of the Building Work Contractors Act 1995, I, Dini Soulio, Commissioner for Consumer Affairs, do hereby exempt the licensee named in Schedule 1 from the application of Division 3 of Part 5 of the above Act in relation to domestic building work described in Schedule 2 and subject to the conditions specified in Schedule 3.

##### SCHEDULE 1

MR MICHAEL CANNY (BLD 190673)

##### SCHEDULE 2

Alterations including modifications to a carport and a new roof to the kitchen annex to the dwelling situated at Allotment 150 in Deposited Plan 41111 being a portion of the land described in Certificate of Title Volume 5244 Folio 504, more commonly known as 2 Bedford Street, Kensington Park SA 5068.

## SCHEDULE 3

1. This exemption is limited to domestic building work personally performed by the licensee in relation to the building work described in Schedule 2.
2. This exemption does not apply to any domestic building work the licensee contracts to another building work contractor, for which that contractor is required by law to hold building indemnity insurance.
3. That the licensee does not transfer his interest in the land prior to five years from the date of completion of the building work the subject of this exemption, without the prior authorisation of the Commissioner for Consumer Affairs. Before giving such authorisation, the Commissioner for Consumer Affairs may require the licensee to take any reasonable steps to protect the future purchaser(s) of the property, including but not limited to:
  - Providing evidence that an adequate policy of building indemnity insurance is in force to cover the balance of the five-year period from the date of completion of the building work the subject of this exemption;
  - Providing evidence of an independent expert inspection of the building work the subject of this exemption;
  - Making an independent expert report available to prospective purchasers of the property;
  - Giving prospective purchasers of the property notice of the absence of a policy of building indemnity insurance.

Dated 1 September 2017.

DINI SOULIO, Commissioner for Consumer Affairs,  
Delegate for the Minister for Consumer and Business Services

## DEVELOPMENT ACT 1993: SECTION 28(1)

*Declaration of Interim Operation of City of Charles Sturt Heritage Places Development Plan Amendment*

PURSUANT to Section 28 (1) of the Development Act 1993, I, John Rau, Minister for Planning, am of the opinion that it is necessary in the interest of the orderly and proper development of the area affected by the City of Charles Sturt – Heritage Places Development Plan Amendment (the Amendment), that the Amendment should come into operation without delay.

I declare that the Amendment will come into operation on an interim basis on the day in which this notice is published in the Gazette.

Dated 10 August 2017.

JOHN RAU, Deputy Premier, Minister for Planning

## EDUCATION ACT 1972

*Notice Fixing Charges for Full Fee Paying Overseas Students*

PURSUANT to Section 106B of the Education Act 1972, I fix the following charges payable by a full fee paying overseas student (defined in Section 72I of the Education Act 1972) of a Government school commencing school year 2019:

- |                                                                                                                                                                                                                                                                                                                  |  |        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------|
| 1. Administration charge for application processing and school enrolment:                                                                                                                                                                                                                                        |  | \$     |
| (a) for a student holding a temporary visa under the Migration Act 1958, of the Commonwealth valid for a total period of 12 months or less and who is enrolled for the whole or part of school year.....                                                                                                         |  | 1 140  |
| (b) in any other case:                                                                                                                                                                                                                                                                                           |  |        |
| (i) for the first school year of enrolment.....                                                                                                                                                                                                                                                                  |  | 630    |
| (ii) for each subsequent school year of enrolment .....                                                                                                                                                                                                                                                          |  | 310    |
| 2. Tuition charge for student enrolled for whole school year:                                                                                                                                                                                                                                                    |  |        |
| (a) if the student is a dependant of a person who holds a temporary visa under the Migration Act 1958, of the Commonwealth and who is participating in tertiary education:                                                                                                                                       |  |        |
| (i) for tuition in primary courses.....                                                                                                                                                                                                                                                                          |  | 5 400  |
| (ii) for tuition in secondary courses or in an intensive English course at secondary level .....                                                                                                                                                                                                                 |  | 6 600  |
| (b) in any other case:                                                                                                                                                                                                                                                                                           |  |        |
| (i) for tuition in primary courses or in an intensive English course at primary level .....                                                                                                                                                                                                                      |  | 10 000 |
| (ii) for tuition in secondary courses or in an intensive English course at secondary level:                                                                                                                                                                                                                      |  |        |
| (A) for years 8 to 10.....                                                                                                                                                                                                                                                                                       |  | 12 000 |
| (B) for years 11 to 12.....                                                                                                                                                                                                                                                                                      |  | 13 200 |
| 3. Tuition charge for student enrolled for part of school year—if a student is enrolled at a Government school for part of a school year, the tuition charge is:                                                                                                                                                 |  |        |
| (a) a proportion of the tuition charge that would be payable if the student were enrolled for the full school year, being the proportion that the number of school terms for the whole or part of which the student is enrolled bears to 4;                                                                      |  |        |
| (b) If the student is enrolled in primary/secondary courses for a period of less than 9 weeks and the student is not a dependant of a person who holds a temporary visa under the Migration Act 1958, of the Commonwealth and who is participating in tertiary education, the following tuition fees will apply: |  |        |

Weeks	Primary	Junior Secondary (Years 8-10)	Senior Secondary (Years 11-12)
1 to 5	\$1,500.00	\$1,750.00	\$1,900.00
6	\$1,800.00	\$2,100.00	\$2,280.00
7	\$2,100.00	\$2,450.00	\$2,660.00
8	\$2,400.00	\$2,800.00	\$3,040.00

Dated 12 September 2017.

R. PERSSE, Chief Executive, DECD

## EDUCATION ACT 1972

*Notice Fixing Charges for Full Fee Paying Overseas Students*

PURSUANT to Section 106B of the Education Act 1972, I fix the following charges payable by a full fee paying overseas student (defined in Section 72I of the Education Act 1972) of a Government school commencing school year 2020:

- |                                                                                                                                                                                                                                                                                                                  |        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 1. Administration charge for application processing and school enrolment:                                                                                                                                                                                                                                        | \$     |
| (a) for a student holding a temporary visa under the Migration Act 1958, of the Commonwealth valid for a total period of 12 months or less and who is enrolled for the whole or part of school year.....                                                                                                         | 1 180  |
| (b) in any other case:                                                                                                                                                                                                                                                                                           |        |
| (i) for the first school year of enrolment.....                                                                                                                                                                                                                                                                  | 660    |
| (ii) for each subsequent school year of enrolment .....                                                                                                                                                                                                                                                          | 320    |
| 2. Tuition charge for student enrolled for whole school year:                                                                                                                                                                                                                                                    |        |
| (a) if the student is a dependant of a person who holds a temporary visa under the Migration Act 1958, of the Commonwealth and who is participating in tertiary education:                                                                                                                                       |        |
| (i) for tuition in primary courses.....                                                                                                                                                                                                                                                                          | 6 000  |
| (ii) for tuition in secondary courses or in an intensive English course at secondary level .....                                                                                                                                                                                                                 | 7 200  |
| (b) in any other case:                                                                                                                                                                                                                                                                                           |        |
| (i) for tuition in primary courses or in an intensive English course at primary level .....                                                                                                                                                                                                                      | 10 800 |
| (ii) for tuition in secondary courses or in an intensive English course at secondary level:                                                                                                                                                                                                                      |        |
| (A) for years 8 to 10.....                                                                                                                                                                                                                                                                                       | 13 000 |
| (B) for years 11 to 12.....                                                                                                                                                                                                                                                                                      | 14 200 |
| 3. Tuition charge for student enrolled for part of school year—if a student is enrolled at a Government school for part of a school year, the tuition charge is:                                                                                                                                                 |        |
| (a) a proportion of the tuition charge that would be payable if the student were enrolled for the full school year, being the proportion that the number of school terms for the whole or part of which the student is enrolled bears to 4;                                                                      |        |
| (b) If the student is enrolled in primary/secondary courses for a period of less than 9 weeks and the student is not a dependant of a person who holds a temporary visa under the Migration Act 1958, of the Commonwealth and who is participating in tertiary education, the following tuition fees will apply: |        |

Weeks	Primary	Junior Secondary (Years 8-10)	Senior Secondary (Years 11-12)
1 to 5	\$1,600.00	\$1,875.00	\$2,025.00
6	\$1,920.00	\$2,250.00	\$2,430.00
7	\$2,240.00	\$2,625.00	\$2,835.00
8	\$2,560.00	\$3,000.00	\$3,240.00

Dated 12 September 2017.

R. PERSSE, Chief Executive, DECD

## FISHERIES MANAGEMENT ACT 2007: SECTION 115

*Ministerial Exemption ME9902953*

TAKE NOTICE that pursuant to section 115 of the Fisheries Management Act 2007, Benjamin Smith of Department of Environment, Water & Natural Resources (DEWNR), 86 Tasman Terrace, PORT LINCOLN SA 5606 (the 'exemption holder'), or persons acting as an agent, are exempt from Section 70 of the Fisheries Management Act 2007 and Regulations 7 and 10 and clauses 41 and 72 of schedule 6 of the Fisheries Management (General) Regulations 2007, but only insofar as the exemption holder may take fish species required for survey from waters specified in Schedule 1 using the gear specified in Schedule 2 (the 'exempted activity'), subject to the conditions specified in Schedule 3, from 7 September 2017 until 7 September 2018, unless varied or revoked earlier.

## SCHEDULE 1

Inland waters of Eyre Peninsula, South Australia, which is contained below a straight line from Yorkey Crossing to the northern most point of Denial Bay.

## SCHEDULE 2

- 10 x bait traps
- 1 x seine net (3 m x 1.8 x 3mm mesh)
- 1 x seine net (5 m x 1.8 x 3mm mesh)
- 2 x large 2 wing fyke nets (3 compartments 6mm mesh)
- 2 x small 1 wing fyke nets (2 compartments 3mm mesh)
- 2 x large 1 wing fyke nets (3 compartments 5mm mesh)

## SCHEDULE 3

1. Fish specimens collected by the exemption holders are for scientific and research purposes and must not be sold.
2. Species that may be retained:
  - Common Galaxias (*Galaxias Maculatus*)
  - Western bluespot goby (*Pseudogobius olorum*)
  - Climbing galaxias (*Galaxias brevipinnis*)
3. All native fish that are not being retained must be immediately returned alive to the water on completion of scientific evaluation. Any native fish that are taken pursuant to this notice must not be released in any waters of the state if they have been kept separate to their natural environment.
4. A maximum of 20 Common Galaxias, 20 Western bluespot gobys and five Climbing galaxia may be retained over the period of this exemption.

5. All non-native fish must be destroyed and disposed of appropriately.
6. All gear under Schedule 2 must be clearly marked with the exemption holders' name and exemption number.
7. Agents authorised to undertake the exempted activity on behalf of the exemption holder are Sebastian Drewer, Gregory Kerr and Ben Tucker of 86 Tasman Terrace, Port Lincoln, South Australia, 5606.
8. Before conducting the exempted activity, the exemption holder must contact PIRSA Fishwatch on 1800 065 522 and answer a series of questions about the exempted activity. The exemption holder will need to have a copy of this exemption at the time of making the call, and be able to provide information about the area and time of the exempted activity, the vehicles and/or boats involved, the number of agents undertaking the exempted activity and other related issues.
9. The exemption holder must provide a report in writing detailing the outcomes of the research and the collection of organisms pursuant to this notice to PIRSA Fisheries and Aquaculture, (GPO Box 1625, ADELAIDE SA 5001) within 1 month of the expiry of this notice, giving the following details:
  - the date, soak time and location of collection;
  - the number of nets used;
  - the description of all species collected (fish, invertebrates, turtles);
  - the number of each species collected; and
  - any other information regarding size, breeding or anything deemed relevant or of interest that is able to be volunteered.
10. While engaging in the exempted activity, the exemption holder or the nominated agents must be in possession of a copy of this notice. Such notice must be produced to a Fisheries Officer if requested.
11. The exemption holder must not contravene or fail to comply with the Fisheries Management Act 2007 or any regulations made under that Act, except where specifically exempted by this notice.

Dated 6 September 2017.

SEAN SLOAN, A/Executive Director, Fisheries and Aquaculture,  
Delegate of the Minister for Agriculture, Food and Fisheries

#### FISHERIES MANAGEMENT ACT 2007: SECTION 115

##### *Ministerial Exemption ME9902954*

TAKE NOTICE that pursuant to section 115 of the Fisheries Management Act 2007 (the Act), Ms Leslie Morrison (the 'exemption holder'), or current university staff or post graduate students of the School of Biological Sciences at Flinders University, Sturt Road, Bedford Park acting as her agent, are exempt from Sections 70 of the Fisheries Management Act 2007, Regulation 7 and clauses 38(b), 39, 40, 72, 96, 100, 114 and 118 of Schedule 6 of the Fisheries Management (General) Regulations 2007 but only insofar as they may engage in the activities specified in Schedule 1, using the gear specified in Schedule 2, (the 'exempted activity'), subject to the conditions specified in Schedule 3, from 7 September 2017 until 7 September 2018, unless varied or revoked earlier.

##### SCHEDULE 1

For the purposes of teaching appropriate scientific sampling techniques, the collection of aquatic organisms and research from all waters of South Australia, including the River Murray Protection Area, excluding aquatic reserves (unless otherwise authorised under the Act), sanctuary and restricted access areas of marine parks (unless otherwise authorised under the Marine Parks Act 2007) and the Adelaide Dolphin Sanctuary.

##### SCHEDULE 2

###### **Research Activities**

1. 1 x Longline per person (maximum length 2.2km, maximum 1.7mm leaders with a maximum of 200 hooks and a maximum 14/0 hooks)
2. Plastic corer (10cm diameter, 20cm length)
3. 10 x standard Baited opera style traps\
4. 10 x Emergence traps
5. 1 x Wildco box corer
6. 10 x Small fyke nets (3m leader, 2m funnel, 3mm mesh) and small double wing fyke (2 x 5m wings, 3m funnel, 3mm mesh)

###### **Teaching Activities**

1. 24 x Sweep/dip nets
2. 8 x Plankton nets (maximum 1m diameter, 1.6m length and maximum 38mm mesh)
3. 2 - 4 x Paint scrapers and buckets
4. 2 x seine net with a maximum mesh of 5 mm and maximum length of 20 m .

##### SCHEDULE 3

- 1 Any equipment used to collect and hold fish during the exempted activity must be decontaminated prior to and after undertaking the research activities.
- 2 The Ministerial Exemption holder or agent must ensure that the fyke nets have floats attached and must comply with regulation 13 of the *Fisheries Management (General) Regulations 2007* and marked with exemption holder or Ministerial exemption number.
- 3 Subject to condition 5 the Ministerial exemption holder or agent is permitted to remove European Green Crab from intertidal reef areas.
- 4 All species caught pursuant to this notice that are not being collected for scientific, education and research purposes must be returned to the water as soon as practicable, except for species declared as noxious under the Act. Noxious species must not be returned to the water and must be disposed of appropriately.
- 5 The Ministerial exemption holder or agent must ensure when taking or in possession and/or control of Green Shore Crab that the Permit No: **MP0072** is used in conjunction with this Ministerial exemption.

- 6 All protected species incidentally taken while undertaking the exempted activity may be measured and recorded and must be returned to the water as soon as reasonably practicable. Protected species must not be retained.
- 7 The specimens collected by the exemption holder are for scientific, education and research purposes only and must not be used for any commercial purpose.
- 8 The exemption holder must not collect specimens for aquaculture research purposes pursuant to this notice.
- 9 Organisms collected pursuant to this notice must not be released into waters of the State once they have been kept separate to their natural environment.
- 10 At least 1 hour before conducting an exempted activity, the exemption holder must contact PIRSA Fishwatch on **1800 065 522** and answer a series of questions about the exempted activity. The exemption holder will need to have a copy of this notice in their possession at the time of making the call, and be able to provide information about the area and time of the exempted activity, the specific gear to be used, vehicles and/or boats involved, the number of permit holders undertaking the exempted activity and other related questions.
- 11 The exemption holder must provide a report in writing detailing the activities carried out pursuant to this notice to PIRSA, Fisheries and Aquaculture (GPO Box 1625, ADELAIDE SA 5001) within 14 days of the activity being completed with the following details:
  - the date and location of sampling;
  - the gear used;
  - the number and description of all species caught and their fate;
  - the number and description of any samples/biopsies collected;
  - any interactions with protected species and their fate; and
  - any other information regarding size, breeding or anything deemed relevant or of interest that is able to be volunteered.
- 12 While engaging in the exempted activity, the exemption holder and agents must be in possession of a signed copy of this notice and carry their identification card issued by Flinders University. Such notice and identification must be produced to a PIRSA Fisheries Officer if requested.
- 13 A person acting as an agent of the exemption holder must possess a copy of a signed letter from the exemption holder stating that they are acting as an agent during the exempted activity and carry their identification card issued by Flinders University.
- 14 The exemption holder, or agent must not contravene or fail to comply with the Act or any regulations made under the Act, except where specifically exempted by this notice.

This notice does not purport to override the provisions or operation of any other Act including, but not limited to, the *Marine Parks Act 2007* and the *River Murray Act 2003*. The exemption holder and her agents must comply with any relevant regulations, permits, requirements and directions from the Department of Environment, Water and Natural Resources when undertaking activities within a marine park.

Dated 6 September 2017.

SEAN SLOAN, A/Executive Director, Fisheries and Aquaculture,  
Delegate of the Minister for Agriculture, Food and Fisheries

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#### GEOGRAPHICAL NAMES ACT 1991

##### FOR PUBLIC CONSULTATION

##### *Notice of Intention to Alter and Assign a Name to a Place*

NOTICE is hereby given pursuant to the provisions of the above Act, that the Minister for Transport and Infrastructure seeks public comment on a proposal to alter and assign names in reference to the Flinders Link Railway Extension Project.

It is proposed that the following names be assigned;

Rename the current Tonsley Line to FLINDERS LINE to be consistent with the naming standards for naming a railway line after the terminus station.

Rename the existing Clovelly Park Railway Station to TONSLEY RAILWAY STATION in line with the recent suburb name change from Clovelly Park to Tonsley.

Name the proposed railway station at Flinders Medical Centre as FLINDERS RAILWAY STATION.

Submissions in writing regarding this proposal may be lodged with the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001, within one month of the publication of this notice.

The plan for this naming proposal can be viewed on the Land Services website at [www.sa.gov.au/landservices/namingproposals](http://www.sa.gov.au/landservices/namingproposals)

Dated 12 September 2017.

MICHAEL BURDETT, Surveyor-General,  
Department of Planning, Transport and Infrastructure

DPTI. 2017/11495/01

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## 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
7 Sea View Road, Para Hills SA 5096	Allotment 105 Deposited Plan 7472 Hundred of Yatala	CT5122/953

Dated 12 September 2017.

TIM 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 26 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—Beachport Area 1**

### **1—Extent of prohibition**

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

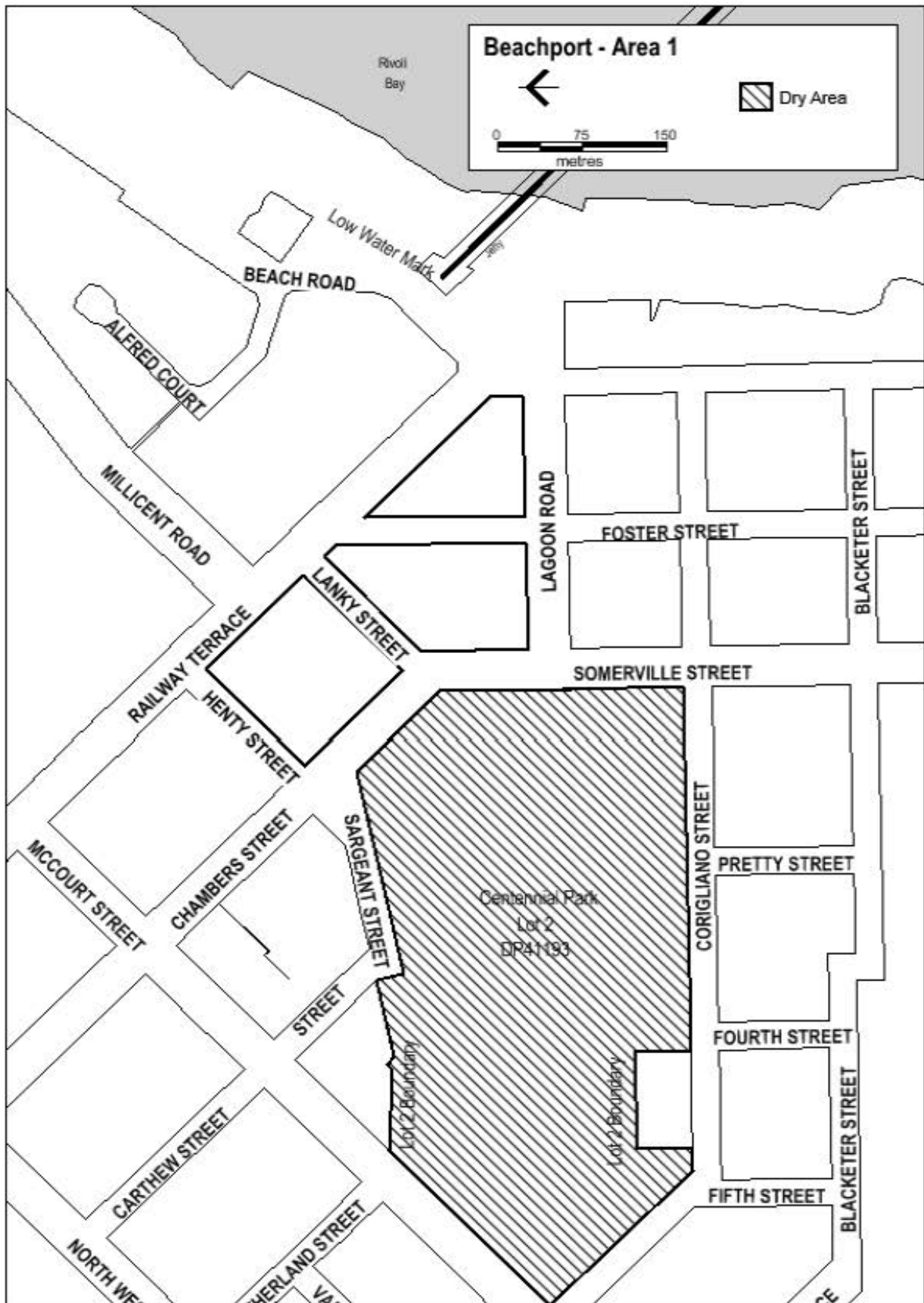
### **2—Period of prohibition**

- (a) From 12.01 am to 7 am on each day, from 26 December 2017 to 31 December 2017 (inclusive);
- (b) From 12 noon on 31 December 2017 to 12 noon on 2 January 2018.

### **3—Description of area**

The area in Beachport, generally known as Centennial Park, comprising Lot 2 DP 41193.





## **Schedule—Beachport Area 2**

### **1—Extent of prohibition**

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

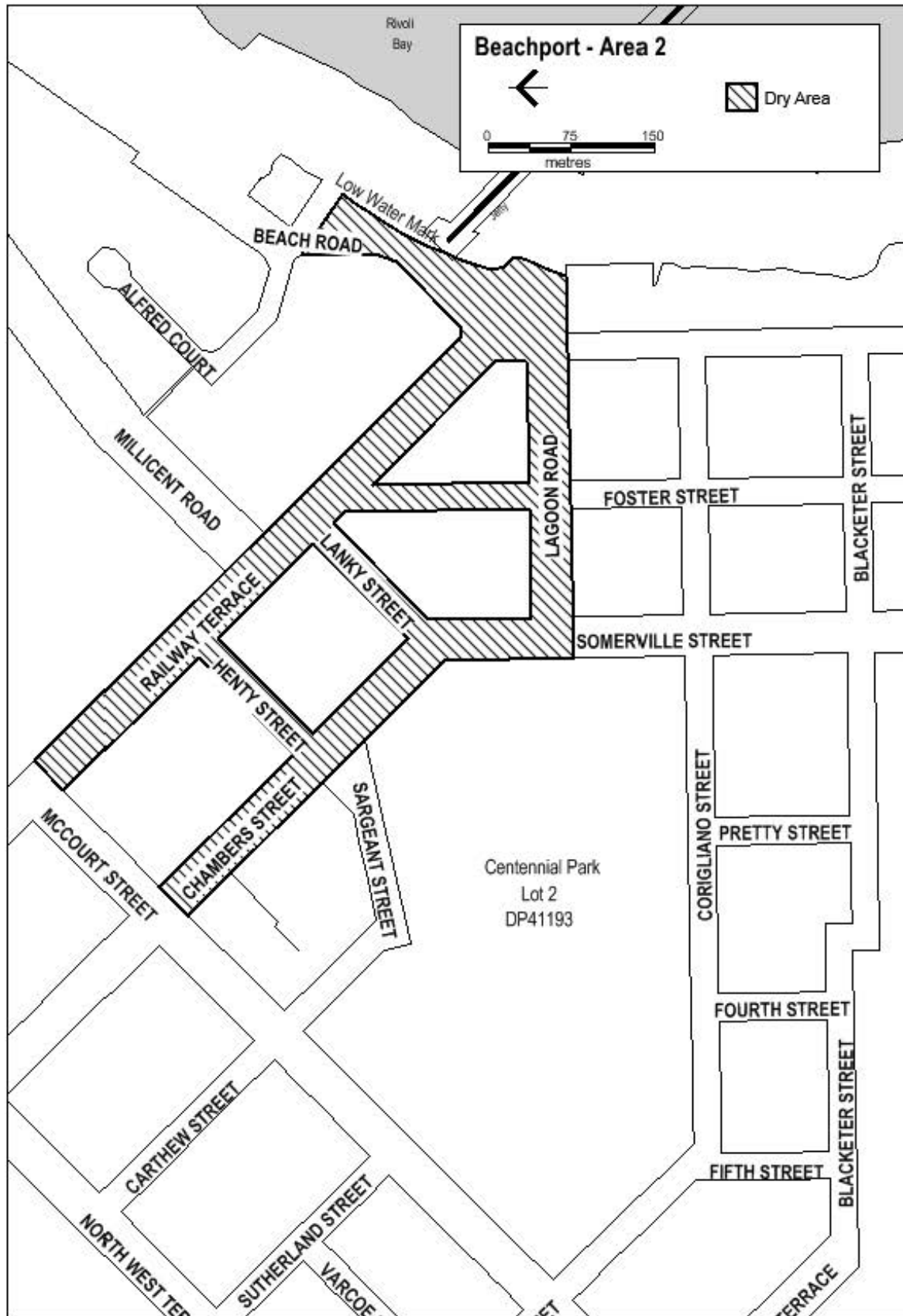
### **2—Period of prohibition**

From 12 noon on 26 December 2017 to 12 noon on 2 January 2018.

### **3—Description of area**

The area in and adjacent to Beachport comprising the following roads and other areas:

- (a) Railway Terrace between the south-eastern boundary of McCourt Street and the north-western boundary of Beach Road;
- (b) Chambers Street and Somerville Street between the south-eastern boundary of McCourt Street and the southern boundary of Lagoon Road;
- (c) Lagoon Road between the eastern boundary of Somerville Street and the western boundary of Beach Road;
- (d) Henty Street;
- (e) Lanky Street;
- (f) Foster Street between Railway Terrace and the southern boundary of Lagoon Road;
- (g) the area commencing at the point at which the prolongation in a straight line of the southern boundary of Lagoon Road intersects the low water mark on the western side of Rivoli Bay, then westerly along that prolongation to the western boundary of Beach Road, then generally northerly, north-easterly and northerly along that boundary of Beach Road to the southern boundary of Alfred Court, then along the prolongation in a straight line of that southern boundary of Alfred Court to the low water mark on the western side of Rivoli Bay, then generally south-westerly along the low water mark to the point of commencement.



**Made by the Liquor and Gambling Commissioner**  
on 5 September 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 31 December 2017.

### 3—Interpretation

(1) In this notice—

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

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

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

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

## **Schedule—Smoky Bay Area A (follows onto Area B)**

### **1—Extent of prohibition**

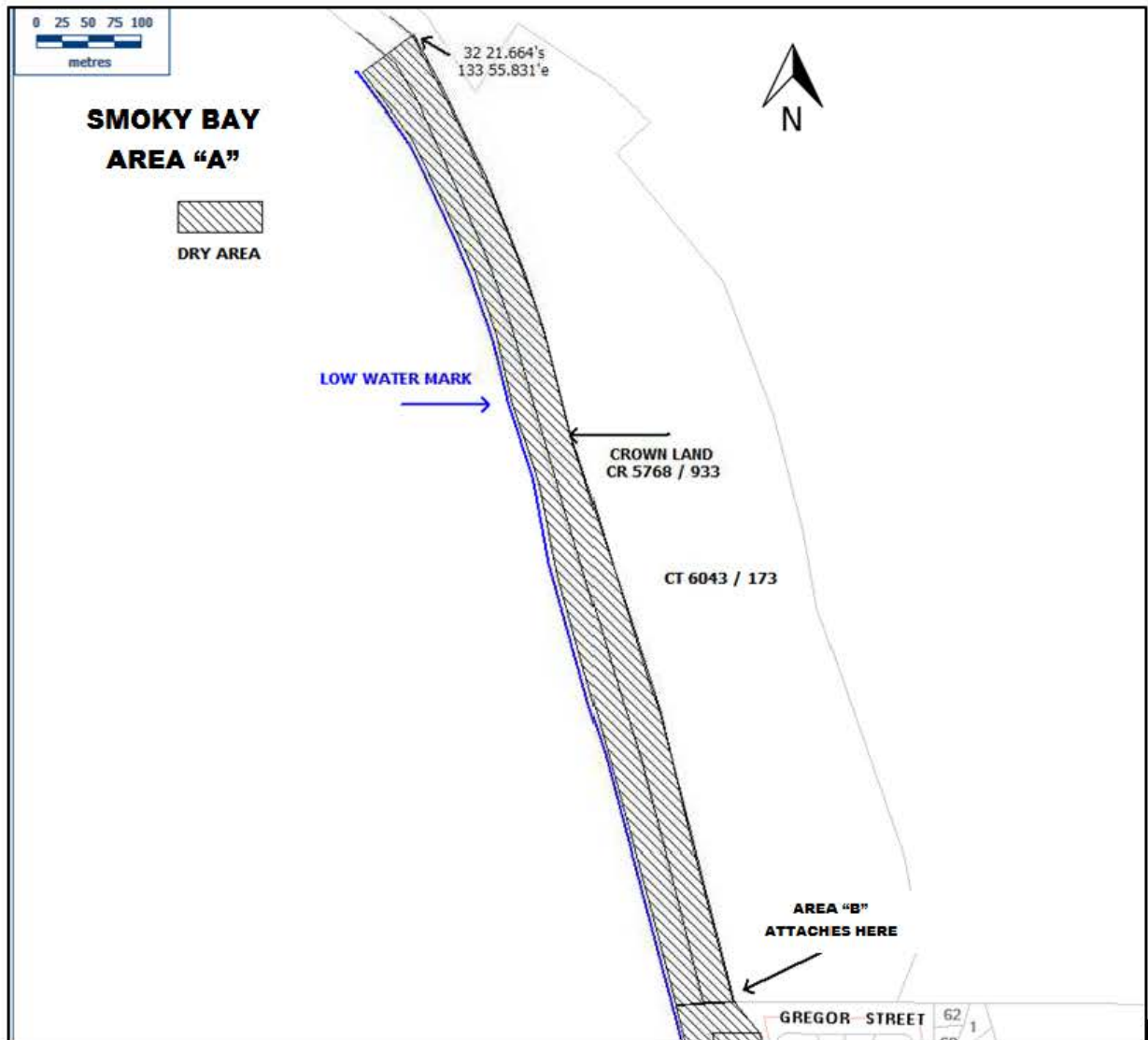
The consumption of liquor is prohibited and the possession of liquor is prohibited.

### **2—Period of prohibition**

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

### **3—Description of area**

The Dry Area commences at the Northern end of Smoky Bay at the direction change of the fence line between the parcel of land belonging to the Crown (CR5768/933) and the privately owned parcel of land (CT6043/173) (Coordinates 32 21.664'S & 133 55.831' E), 980 meters north of the southern boundary fence of both parcels of land identified above and the intersect of Gregor Street Smoky Bay, in a westerly align across the parcel of land identified as CR5768/933, the beach to the low water mark, turning in a southerly direction following the low water mark to the point of align being the extension of the line of the southern boundary fences of CR5768/933 and CT6043/173, turning east to the corner intersect of CR5768/933 abutting CT6043/173, then north following the fence line between both properties to the point of commencement.



## **Schedule— Smoky Bay Area B (follows onto Area C)**

### **1—Extent of prohibition**

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

### **2—Period of prohibition**

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

### **3—Description of area**

Commencing at the South Western corner of CT6043/173 abutting Gregor Street following the line in a westerly direction over the beach to the low water mark, then in a southerly direction following the low water mark to the point of align of the northern boundary fence of the Smoky Bay Caravan Park, then in an easterly direction along the northern boundary of the Smoky Bay Caravan Park to the western gate post of the main entrance to the caravan park, then in a northerly direction crossing South Terrace following the align of the northern side of the medium strip parks and encompassing the car parking area on the western side of Beach Esplanade to the western front of lots 1-13 Bayside Court, abutting and including Council reserve CR5772/92, turning east at the northern boundary of Lot 13 Bayside Court, following the northern boundary of Lot 13 across Bayside Court to the point of intersect with the western boundary of Crown Land CR 5556/602, turning north following the western boundary of CR5556/602 in a straight line across Thomas Street following the align of the eastern boundary on Reserve CR5772/92 and the western Boundary of Lloyd Street through to the starting point of the south western corner of CT 6043/173 crossing over the portion of Gregor Street between the reserve CR5772/92 and Crown Land CR5768/933.





## **Schedule— Smoky Bay Area C**

### **1—Extent of prohibition**

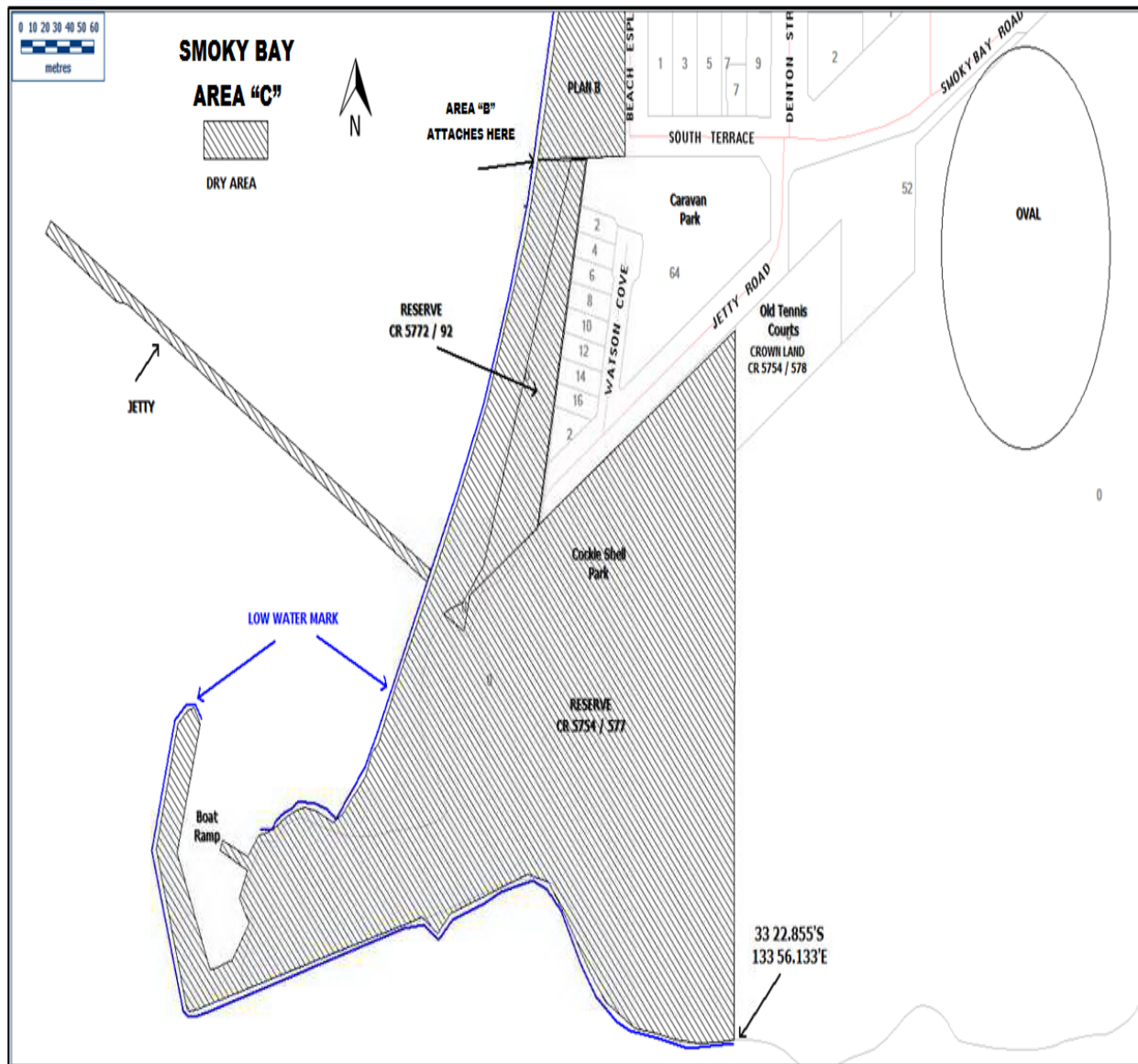
The consumption of liquor is prohibited and the possession of liquor is prohibited.

### **2—Period of prohibition**

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

### **3—Description of area**

Commencing at the North West corner of the Smoky Bay Caravan Park following the align of the northern boundary of the Smoky Bay Caravan Park in a Westerly direction to the low water mark, then in a southerly direction following the low water mark all the way around the coastline to the point in align with the western boundary of the old tennis courts and the southern coastline, coordinates 32 22.855'S 133 56.133'E, then north to the north western boundary corner of the old tennis courts CR 5754 / 578 being on the southern side of Jetty Road, turning west following the southern side of Jetty Road to the intersect of the western boundary line of the property located at 2 Jetty Road, turning north following the western boundaries of lots 2 - 16 Watson Cove and 2 Jetty Road to the north west corner of the Caravan Park allotment. The dry area also includes the entire Smoky Bay Jetty structure and the pontoons at the Boat Ramp.



Made by the Liquor and Gambling Commissioner

on 1 September 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 31 December 2017.

### 3—Interpretation

(1) In this notice—

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

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

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

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

## **Schedule 1—Streaky Bay Area 1**

### **1—Extent of prohibition**

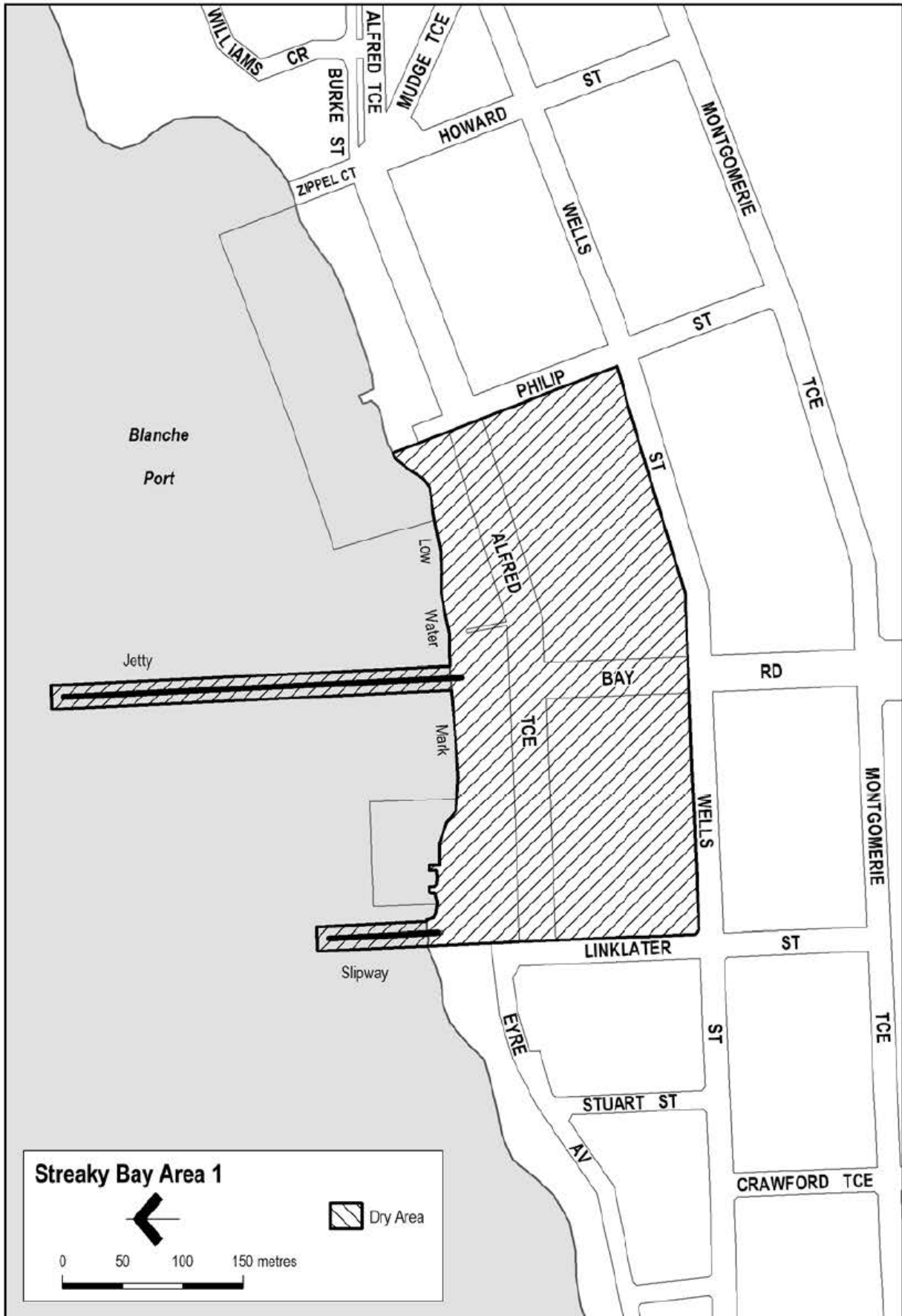
The consumption of liquor is prohibited and the possession of liquor is prohibited.

### **2—Period of prohibition**

From 6.00pm on Sunday 31 December 2017 to 8.00am on Monday 1 January 2018.

### **3—Description of area**

The area in and adjacent to the town of Streaky Bay bounded as follows: commencing at the point at which the prolongation in a straight line of the eastern boundary of Linklater Street intersects the low water mark on the southern side of Blanche Port, then generally easterly along the low water mark to the point at which it is intersected by the prolongation in a straight line of the western boundary of Philip Street, then south-easterly along that prolongation and boundary of Philip Street to the northern boundary of Wells Street, then south-westerly and westerly along that boundary of Wells Street to the eastern boundary of Linklater Street, then northerly along that boundary of Linklater Street and the prolongation in a straight line of that boundary to the point of commencement. The area includes the whole of any jetty, boat ramp, slipway or other structure that projects below the low water mark from within the area described (as well as any area beneath such a structure).



## Schedule 2—Streaky Bay Area 2

### 1—Extent of prohibition

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

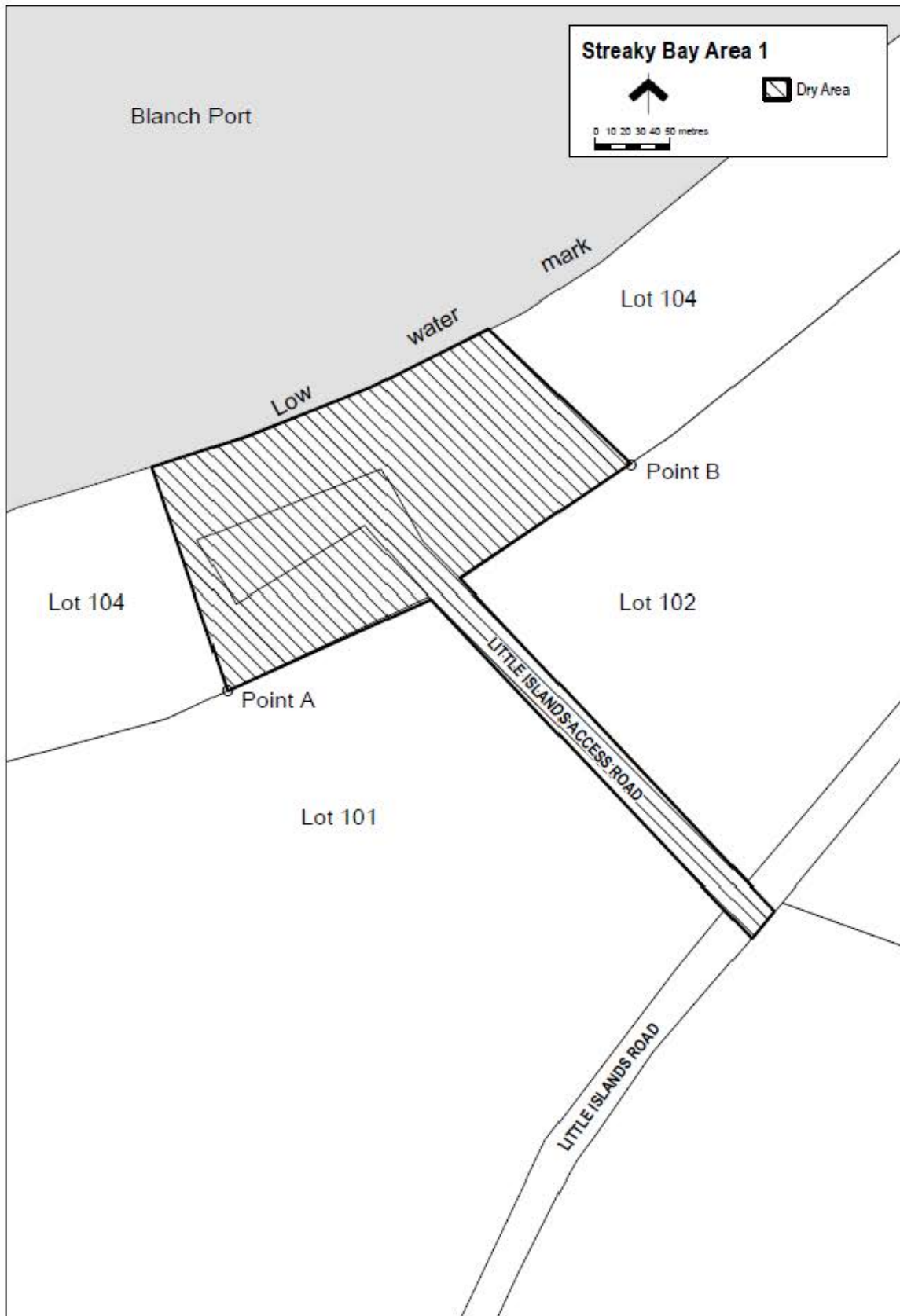
### 2—Period of prohibition

From 6.00pm on Sunday 31 December 2017 to 8.00am on Monday 1 January 2018.

### 3—Description of area

The area adjacent to Streaky Bay, generally known as the Little Islands car park and access road (together with adjoining land), comprising—

- (a) the whole of that part of the Government road (the access road between Little Islands Road and the Little Islands car park) that lies between the north-eastern boundary of Lot 101 DP 70670 and the south-western boundary of Lot 102 DP 70670; and
- (b) the area at the north-western end of that part of the Government road (including a car park and other land) bounded on the south-east by the south-eastern boundary of Lot 104 DP 70670 from a point 140 metres south-west of the north-eastern boundary of Lot 101 DP 70670 ("*point A*") to a point 140 metres north-east of the south-western boundary of Lot 102 DP 70670 ("*point B*"), on the north-east by a straight line along the shortest route from point B to the low water mark of Blanche Port, on the north-west by the low water mark of Blanche Port and on the south-west by a straight line along the shortest route from the low water mark of Blanche Port to point A.



**Made by the Liquor and Gambling Commissioner**

on 6 September 2017

## MINING ACT 1971

*Notice pursuant to Section 29 (1a) and 29 (5) (b) (ii) of the Mining Act 1971*

NOTICE is hereby given that the notice under the Mining Act 1971 (the Act) published on 10th November 2016 in the South Australian Government Gazette at page 4364, is varied in respect of land referred to in the Schedule.

Notice is further hereby given that:

- (1) Pursuant to subsection 29 (1a) of the Act no applications may be made for corresponding licences over land identified in Columns 1, 2, 3 and 6 of the Schedule during the succeeding period listed in Column 4 of the Schedule.
- (2) Applications for corresponding licences may be made during the period listed in Column 5 of the Schedule and during that period, pursuant to subsection 29 (5) (b) (ii) of the Act, subsection 29 (4) of the Act will not apply in relation to any such applications. (See Note 1).
- (3) Plans and coordinates for the land identified in Columns 1, 2, 3 and 6 of the Schedule can be obtained at the Department of the Premier and Cabinet (DPC) Minerals website [http://www.minerals.dpc.sa.gov.au/exploration/public\\_notices](http://www.minerals.dpc.sa.gov.au/exploration/public_notices) or by phoning Mineral Tenements on (08) 8463 3103.
- (4) This Notice becomes effective on 12th September 2017.

## THE SCHEDULE

Column 1 ERA No	Column 2 Locality	Column 3 Area (km <sup>2</sup> )	Column 4 Moratorium Period	Column 5 Application Open Dates	Column 6 Specific criteria
922	Moonabie area - Approx 60km WSW of Whyalla	171	13/03/2017 to 03/12/2017	04/12/2017 to 08/12/2017	Nil

NOTE 1: The effect of this notice is that:

- No applications for a corresponding licence may be made during the succeeding period.
- The succeeding period will always expire on a Sunday. From the immediately following Monday to the immediately following Friday, applications for a corresponding licence may be made (the application week).
- Applications made in the application week will not be dealt with under subsection 29(4) i.e., on a first come first served basis, but under subsection 29(6) i.e., on a merits basis.
- If no applications are made in the application week, the land in question will cease to be subject to the notice and any applications for an exploration licence made after that time will be dealt with under subsection 29(4).

Dated 12 September 2017.

M. SPIKIN, A/General Manager Mineral Tenements,  
A/Mining Registrar, Mineral Resources, Department of the Premier and Cabinet,  
Delegate of the Minister for Mineral Resources and Energy

## 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: Magnetite Mines Limited

Location: Bimbowrie Area – approx. 15 km north-northwest of Olary

Pastoral Lease: Outalpa, Abminga, Bulloo Creek

Term: Two years

Area in km<sup>2</sup>: 32

Reference number: 2017/00097

Plan and co-ordinates can be found on the Department of the Premier and Cabinet website:  
[http://www.minerals.dpc.sa.gov.au/exploration/public\\_notices](http://www.minerals.dpc.sa.gov.au/exploration/public_notices) or by contacting Mineral Tenements on 08 8463 3103.

Community information on mineral exploration licence processes and requirements under the *Mining Act 1971* is available from:  
[http://www.minerals.dpc.sa.gov.au/land\\_access/community\\_information](http://www.minerals.dpc.sa.gov.au/land_access/community_information) or hard copy on request to Mineral Tenements.

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

## 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: Olary Magnetite Pty Ltd

Location: Devonborough Downs Area – approx. 20 km southeast of Olary

Pastoral Lease: Devonborough Downs, Mutooroo, Oulnina, Wadnaminga

Term: Two years

Area in km<sup>2</sup>: 359

Reference number: 2017/00145



Plan and co-ordinates can be found on the Department of the Premier and Cabinet website:  
[http://www.minerals.dpc.sa.gov.au/exploration/public\\_notices](http://www.minerals.dpc.sa.gov.au/exploration/public_notices) or by contacting Mineral Tenements on 08 8463 3103.

Community information on mineral exploration licence processes and requirements under the *Mining Act 1971* is available from:  
[http://www.minerals.dpc.sa.gov.au/land\\_access/community\\_information](http://www.minerals.dpc.sa.gov.au/land_access/community_information) or hard copy on request to Mineral Tenements.

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

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#### 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: Musgrave Minerals Limited  
Location: Echo Hill Area – approx. 100 km northwest of Marla  
Term: Two years  
Area in km<sup>2</sup>: 1908  
Reference number: 2017/00160

Plan and co-ordinates can be found on the Department of the Premier and Cabinet website:  
[http://www.minerals.dpc.sa.gov.au/exploration/public\\_notices](http://www.minerals.dpc.sa.gov.au/exploration/public_notices) or by contacting Mineral Tenements on 08 8463 3103.

Community information on mineral exploration licence processes and requirements under the *Mining Act 1971* is available from:  
[http://www.minerals.dpc.sa.gov.au/land\\_access/community\\_information](http://www.minerals.dpc.sa.gov.au/land_access/community_information) or hard copy on request to Mineral Tenements.

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

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#### 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: Marmota Limited  
Location: Indooroopilly Outstation Area – approx. 150 km northwest of Tarcoola  
Pastoral Lease: Mobella  
Term: Two years  
Area in km<sup>2</sup>: 959  
Reference number: 2017/00162

Plan and co-ordinates can be found on the Department of the Premier and Cabinet website:  
[http://www.minerals.dpc.sa.gov.au/exploration/public\\_notices](http://www.minerals.dpc.sa.gov.au/exploration/public_notices) or by contacting Mineral Tenements on 08 8463 3103.

Community information on mineral exploration licence processes and requirements under the *Mining Act 1971* is available from:  
[http://www.minerals.dpc.sa.gov.au/land\\_access/community\\_information](http://www.minerals.dpc.sa.gov.au/land_access/community_information) or hard copy on request to Mineral Tenements.

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

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#### NATIONAL ELECTRICITY LAW

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

Under s 107, the time for making the final determination on the *Generating system model guidelines* (Ref. ERC0219) proposal has been extended to **19 September 2017**.

Under s 102, the making of the final determination on the *Non-scheduled generation and load in central dispatch* (Ref. ERC0203) proposal.

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

Dated 12 September 2017.

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## NATIONAL ENERGY RETAIL LAW

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

Under s 251, The Hon. Josh Frydenberg MP, Minister for the Environment and Energy on behalf of the Australian Government has requested the *Notification of end of fixed benefit period* (Ref. RRC0010) proposal. The proposal seeks to require authorised energy retailers to contact retail market contract customers in writing of the end of a fixed benefit period. The AEMC intends to expedite the proposal under s 252 as it considers the proposed Rule is non-controversial, subject to requests not to do so. Written requests not to expedite the proposal must be received by **26 September 2017**. Submissions must be received by **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](mailto: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](http://www.aemc.gov.au)

Dated 12 September 2017.

## NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS) REGULATIONS 2016

*Closure of the Dutchmans Stern Conservation Park and Mount Brown Conservation Park*

PURSUANT to Regulations 7(3) (a) and 7(3) (d) of the National Parks and Wildlife (National Parks) Regulations 2016, I, Grant Anthony Pelton, Director Regional Programs, Parks and Regions Group, authorised delegate of the Director of National Parks and Wildlife, close to the public, the whole of Dutchmans Stern Conservation Park and Mount Brown Conservation Park from:

6am on Thursday, 9 November 2017 until 6pm on Thursday, 16 November 2017

The purpose of the closure is to ensure the safety of the public during a pest control program within the reserves during the period indicated.

Dated 1 September 2017.

G. A. PELTON, Director, Regional Programs, Parks and Regions,  
Department of Environment, Water and Natural Resources

## NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS) REGULATIONS 2016

*Closure of Granite Island Recreation Park*

PURSUANT to Regulations 7(3) (a) and 7(3) (d) of the National Parks and Wildlife (National Parks) Regulations 2016, I, Grant Anthony Pelton, Director, Regional Programs, authorised delegate of the Director of National Parks and Wildlife, close to the public, the whole of Granite Island Recreation Park from:

- 10.30 p.m. on Friday, 24 November 2017 until 5.30 a.m. on Saturday, 25 November 2017.
- 10.30 p.m. on Saturday, 25 November 2017 until 5.30 a.m. on Sunday, 26 November 2017.
- 10.30 p.m. on Sunday, 26 November 2017 until 5.30 a.m. on Monday, 27 November 2017.
- 10.30 p.m. on Monday, 27 November 2017 until 5.30 a.m. on Tuesday, 28 November 2017.
- 10.30 p.m. on Tuesday, 28 November 2017 until 5.30 a.m. on Wednesday, 29 November 2017.

The purpose of the closure is for the proper management of the reserve and in the interest of public safety.

*Permission to Enter and Remain in the Reserve*

Pursuant to Regulations 7 (4) and 40 of the National Parks and Wildlife (National Parks) Regulations 2016, I, Grant Anthony Pelton, Director, Regional Programs, authorised delegate of the Director of National Parks and Wildlife, grant permission to persons undertaking bona fide recreational and commercial fishing activities to enter Granite Island Recreation Park between the causeway and the screw-pile jetty for the purpose of accessing the screw-pile jetty for these fishing activities, during the abovementioned closure periods.

Pursuant to Regulations 7 (4) and 40 of the National Parks and Wildlife (National Parks) Regulations 2016, I, Grant Anthony Pelton, Director, Regional Programs, authorised delegate of the Director of National Parks and Wildlife, grant permission to the agents and employees of The City of Victor Harbor to enter and remain in Granite Island Recreation Park during the abovementioned closure periods for the purposes of undertaking activities associated with the operation of licences held by the City of Victor Harbor for activities on Granite Island.

Pursuant to Regulations 7 (4) and 40 of the National Parks and Wildlife (National Parks) Regulations 2016, I, Grant Anthony Pelton, Director, Regional Programs, authorised delegate of the Director of National Parks and Wildlife, grant permission to the agents and employees of Oceanic Victor to enter and remain in Granite Island Recreation Park during the abovementioned closure periods for the purposes of undertaking activities associated with the operation of leases held by the Oceanic Victor Harbor for activities on Granite Island.

These permissions are conditional upon the observance by each of those persons, of the requirements of the National Parks and Wildlife Act 1972, National Parks and Wildlife (National Parks) Regulations 2016, including those requiring compliance with the Director's requests, requirements and orders of a Warden.

Dated 1 September 2017.

G. A. PELTON, Director, Regional Programs, Parks and Regions,  
Department of Environment, Water and Natural Resources

## NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS) REGULATIONS 2016

*Closure of the Telowie Gorge Conservation Park and the Napperby Block of Mt Remarkable National Park*

PURSUANT to Regulations 7(3) (a) and 7(3) (d) of the National Parks and Wildlife (National Parks) Regulations 2016, I, Grant Anthony Pelton, Director, Regional Programs, Parks and Regions Group, authorised delegate of the Director of National Parks and Wildlife, close to the public, the whole of Telowie Gorge Conservation Park and the Napperby Block of Mt Remarkable National Park from:

6am on Thursday, 2 November 2017 until 6pm on Thursday, 9 November 2017

The purpose of the closure is to ensure the safety of the public during a pest control program within the reserves during the period indicated.

Dated 1 September 2017.

G. A. PELTON, Director, Regional Programs, Parks and Regions,  
Department of Environment, Water and Natural Resources

South Australia

**Passenger Transport (Exemption for Small Passenger Vehicles) Notice 2017**

under section 54 of the *Passenger Transport Act 1994*

**1. SHORT TITLE**

This Notice may be cited as the *Passenger Transport (Exemption for Small Passenger Vehicles) Notice 2017*.

**2. COMMENCEMENT**

This Notice will come into operation on the day on which it is published in the Government Gazette.

**3. INTERPRETATION**

In this Notice:

*Act* means the *Passenger Transport Act 1994*;

*date of manufacture* means:

- (a) if the vehicle is fitted with a compliance plate—the last calendar day of the month of manufacture shown on the compliance plate;
- (b) if the vehicle is fitted with 2 or more compliance plates—the last calendar day of the earliest month of manufacture shown on any of the compliance plates;
- (c) in any other case—the last calendar day of the month of manufacture or, if that is not reasonably practicable to ascertain, the last calendar day of the year of manufacture.

*equipment* is taken to include (without limitation) a despatch or electronic booking system, security camera system (including fixed brackets for holding such equipment) but does not include a mobile phone or hands-free adaptor;

*new motor vehicle* means a motor vehicle not previously registered in South Australia or elsewhere;

*passenger transport service* has the same meaning attributed to it under Section 4 of the *Passenger Transport Act 1994*;

*small passenger vehicle* has the same meaning attributed to it under Regulation 3 of the *Passenger Transport Regulations 2009*.

**4. EXEMPTION**

I STEPHEN MULLIGHAN, MINISTER FOR TRANSPORT AND INFRASTRUCTURE, in accordance with subsection 54(3) and subsection 54(4) of the Act hereby exempt, the following specified class of vehicles being each:

**small passenger vehicle**

for a period of 12 calendar months from its date of manufacture from section 54 of the Act on condition that the small passenger vehicle must :

1. be a new motor vehicle;
2. not be a Small Passenger Vehicle (Metropolitan) accreditation which does not bear “Chauffeured Vehicle plates” number plates;
3. remain unmodified; and
4. not have any equipment fitted for the purpose of the provision of a passenger transport service.

**5. AUTHORISATION**

Dated 4 September 2017.

HON STEPHEN MULLIGHAN MP,  
Minister for Transport and Infrastructure

## PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Grant of Petroleum Exploration Licence PEL 160*

NOTICE is hereby given that the undermentioned Petroleum Exploration Licence has been granted under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 31 March 2017.

No of Licence	Licensee	Locality	Expiry
PEL 160	Tri-Star Energy Company	Simpson Desert	31 August 2022

*Description of Area*

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

Commencing at a point being the intersection of latitude 26°30'00"S GDA94 and longitude 137°15'00"E GDA94, thence west to longitude 137°05'00"E GDA94, south to latitude 26°50'00"S GDA94, west to longitude 136°50'00"E GDA94, south to latitude 27°00'00"S GDA94, west to longitude 136°30'00"E GDA94, north to latitude 26°55'00"S GDA94, west to longitude 136°25'00"E GDA94, north to latitude 26°50'00"S GDA94, west to longitude 136°20'00"E GDA94, north to latitude 26°45'00"S GDA94, west to the western boundary of National Native Title Tribunal Claimant Application File Number SC97/3 (Registered 22/08/1997), thence generally northerly along the boundary of the said Claimant Application to the northern border of the State of South Australia, thence easterly along the border of the said State to longitude 137°15'00"E GDA94, and south to the point of commencement.

AREA: 9839 square kilometres approximately.

Dated 1 September 2017.

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

## PRICES ACT 1948, SECTION 12 (2)

## RECORDS REQUIRED TO BE KEPT IN RELATION TO RECOVERY, TOWING, STORAGE AND QUOTATION FOR REPAIR OF MOTOR VEHICLES DAMAGED IN ACCIDENTS WITHIN THE DECLARED AREA

*Notice of the Commissioner for Prices*

PURSUANT to Section 12 (2) of the Prices Act 1948, I, Dini Soulio, Commissioner for Prices, require persons who in the course of a business supply a declared service to which Prices Order No. 1138 (S.A.) applies to keep, in respect of each service so supplied, a record setting out:

- (a) the time and date when the service was ordered;
- (b) the name of the person who ordered the service or other information sufficient to identify that person;
- (c) the number of running kilometres travelled for the purposes of supplying the service;
- (d) the time and date of arrival at the place of storage or repair of the vehicle to which the service relates and of return to the registered premises of the person supplying the service;
- (e) if the work involved in supplying the service was carried out partly during normal hours and partly outside normal hours—details of the work carried out during normal hours and outside normal hours;
- (f) if more than one tow truck was used in supplying the service or more than one person was engaged in supplying the service—the number of tow trucks used or persons engaged; and
- (g) how the total charge for supplying the service was calculated.

Words and expressions used in this notice have the same meaning as in Prices Order No. 1138 (S.A.).

This notice will take effect on the day on which Prices Order No. 1138 (S.A.) comes into operation.

Dated 1 September 2017.

D. SOULIO, Commissioner for Prices

## PRICES ACT 1948, SECTION 24

## DECLARATION OF MAXIMUM PRICES FOR RECOVERY, TOWING, STORAGE AND QUOTATION FOR REPAIR OF MOTOR VEHICLES DAMAGED IN ACCIDENTS WITHIN THE DECLARED AREA

*Order by the Minister for Consumer and Business Services*

PURSUANT to Section 24 of the Prices Act 1948, I, Hon Jack Snelling MP, Acting Minister for Consumer and Business Services, do hereby make the following order.

*Citation*

1. This order may be cited as Prices Order No. 1138 (S.A.).

*Commencement*

2. This order will come into operation on the 12 September 2017.

*Order No. 1137 (S.A.) Superseded*

3. This order supersedes Prices Order No. 1137 (S.A.) (see Gazette No. 40 7 July 2016 pp. 2849–2850).

*Interpretation*

4. (1) In this order:

‘GST’ means the tax payable under the GST law;

‘GST law’ means:

- (a) A New Tax System (Goods and Services Tax) Act 1999 (Commonwealth); and

(b) the related legislation of the Commonwealth dealing with the imposition of a tax on the supply of goods, services and other things;

‘motor car’ means a motor vehicle (as defined in Section 5 of the Motor Vehicles Act 1959):

(a) designed for the principal purpose of carrying passengers; and

(b) designed to carry not more than 8 adult persons (including the driver),

and includes a motor vehicle of the type commonly known as a utility, station sedan or panel van;

‘normal hours’ means the hours between 7.30 a.m. and 5.00 p.m. on any day other than a Saturday, Sunday or public holiday;

‘prescribed motor vehicle’ means a motor car, motor bike, caravan or trailer;

‘running kilometres’, in relation to the distance travelled for the purposes of supplying a service to which this order applies, means the number of kilometres travelled from the registered premises of the person supplying the service to the scene of the accident, from the scene of the accident to the place of repair or storage of the prescribed motor vehicle to which the services relate and from the place of repair or storage of the vehicle to those registered premises.

- (2) In this order the expressions ‘accident’, ‘caravan’, ‘declared area’, ‘motor bike’, ‘quotation for repair’, ‘registered premises’, ‘tow’, ‘tow truck’ and ‘trailer’ have the same meaning as in the Motor Vehicles Act 1959.

*Services to Which Order Applies*

5. This order applies to the following services:

- (a) the recovery and towing at or from the scene of an accident occurring within the declared area of a prescribed motor vehicle damaged in the accident;
- (b) the storage of a prescribed motor vehicle damaged in an accident occurring within the declared area;
- (c) the quotation for repair of a prescribed motor vehicle damaged in an accident occurring within the declared area.

*Declaration of Maximum Prices*

6. (1) Subject to this clause, I declare that the maximum price (inclusive of GST component) at which a service specified in the first column of the table in the Schedule may be supplied is—

(a) in the case of a service provided during normal hours—the amount specified opposite in the second column of the table;

(b) in the case of a service provided outside normal hours—the amount specified opposite in the third column of the table.

- (2) If the work involved in supplying a service to which this order applies is carried out partly during normal hours and partly outside normal hours, the maximum price that may be charged for providing the service must be calculated according to the maximum price specified in the Schedule for providing the service during the time of the day at which the work is actually carried out.

- (3) The maximum price that may be charged for supplying a service for which the Schedule specifies a maximum price per hour is to be calculated in accordance with the following formula:

$$A = \frac{B}{20} \times C$$

where—

A is the maximum amount that may be charged for the service;

B is the maximum price per hour for the service specified in the Schedule;

C is the number of complete 6 minute periods spent in providing the service.

- (4) If the use of more than one tow truck is necessary to supply a service to which this order applies, the maximum price specified in the Schedule may be charged in respect of each tow truck used in supplying the service.

*Order Not to Apply to Supply of Services by Certain Persons*

7. This order does not apply in relation to a person who supplies a service referred to in Clause 5 while there is in force an order under Section 24 of the Prices Act 1948 fixing a maximum price for the supply of that service by that particular person.

I hereby recommend that the following Schedule of Recommended Fees be published in the Government Gazette to come into effect as from 1 August 2017 or from the date of publication of this notice, whichever occurs last, in accordance with the Prices Act 1948.

SCHEDULE OF RECOMMENDED FEES FOR CHARGES FOR TOWING, RECOVERY, STORAGE & QUOTATION FOR REPAIR OF MOTOR VEHICLES (ACCIDENT TOWING ROSTER SCHEME)

Service	Maximum price (normal hours)	Maximum price (outside normal hours)
1. Recovery of a prescribed motor vehicle at the scene of an accident and towing the vehicle: <ul style="list-style-type: none"> <li>from the scene of the accident to a place of repair or storage; or</li> <li>from a place of storage to a place of repair: <ul style="list-style-type: none"> <li>for a distance not exceeding 20 running kilometres</li> <li>for each running kilometre in excess of 20 running kilometres</li> </ul> </li> </ul>	\$345.00 \$3.00	\$402.00 \$4.00
Note: The above charge includes: <ul style="list-style-type: none"> <li>(a) 30 minutes of waiting time or working time at the scene of the accident; and</li> <li>(b) The use of a power winch, trailer and any other specialised equipment necessary to recover and tow the vehicle.</li> </ul>		
Waiting time or working time at the scene of the accident in excess of 30 minutes	\$49.00 per hour or part of an hour	\$75.00 per hour or part of an hour
Waiting or working time at the scene of the accident where more than one person is engaged to recover the vehicle – for each additional person so engaged	\$38.00 per hour or part of an hour	\$64.00 per hour or part of an hour
2. Storage of a prescribed motor vehicle: <ul style="list-style-type: none"> <li>in open locked storage</li> <li>in covered locked storage</li> </ul>	\$15.00 per day \$25.00 per day	\$15.00 per day \$25.00 per day
3. Quotation for repair of a prescribed motor vehicle where the estimated cost of repairs: <ul style="list-style-type: none"> <li>does not exceed \$1 000</li> <li>exceeds \$1 000 but does not exceed \$2 000</li> <li>exceeds \$2 000</li> </ul>	\$3.08 per each \$100 of the estimated cost or part of \$100 \$31.02 plus \$2.34 per each \$100 of the estimated cost or part of \$100 \$54.64 plus \$7.83 per each \$1 000 of the estimated cost or part of \$1 000 up to an additional maximum charge of \$86.83	\$3.08 per each \$100 of the estimated cost or part of \$100 \$31.02 plus \$2.34 per each \$100 of the estimated cost or part of \$100 \$54.64 plus \$7.83 per each \$1 000 of the estimated cost or part of \$1 000 up to an additional maximum charge of \$86.83

Dated 5 September 2017.

HON JACK SNELLING MP, Acting Minister for Consumer and Business Services

ROADS (OPENING AND CLOSING) ACT 1991: SECTION 24

NOTICE OF CONFIRMATION OF ROAD PROCESS ORDER

*Road Closure – Portion of Public Road & Betts Road, Wellington East*

BY Road Process Order made on 3 August 2017, the Coorong District Council ordered that:

- Portion of Public Road situated between adjoining Allotments 715, 716, 717, 718 and 811, 812, 813 & 814 in the Township of Wellington, Hundred of Seymour, more particularly delineated and lettered "A, B, C & D" in Preliminary Plan 16/0042 be closed and retained.
- Portion of Betts Road situated between adjoining Allotments 843, 844, 845, & 846 in the Township of Wellington, Hundred of Seymour, more particularly delineated and lettered "E & F" in Preliminary Plan 16/0042 be closed and retained.

On 7/9/2017 that order was confirmed by the Minister for Transport and Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 116490 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 12 September 2017.

M. P. BURDETT, Surveyor-General

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

## NOTICE OF CONFIRMATION OF ROAD PROCESS ORDER

*Road Closure – Public Road, Sampson Flat*

BY Road Process Order made on 1 May 2017, the City of Playford ordered that:

1. Portion of Public Road situated between Allotment 9 in File Plan 101947 and Section 261 Hundred of Para Wirra, more particularly delineated and lettered 'A' on Preliminary Plan 16/0019 be closed.
2. Transfer the whole of the land subject to closure lettered 'A' to Natale Maiolo in accordance with the agreement for transfer dated 28 March 2017 entered into between the City of Playford and Natale Maiolo.

On 5/9/2017 that order was confirmed by the Minister for Transport and Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 115810 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 12 September 2017.

M. P. BURDETT, Surveyor-General

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South Australia

## **Supreme Court (Listing Fee) Variation Regulations 2017**

under the *Supreme Court Act 1935*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Supreme Court Regulations 2005***

- 4 Variation of regulation 5—Fees in general jurisdiction
  - 5 Variation of Schedule 1—Fees in general jurisdiction
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Supreme Court (Listing Fee) Variation Regulations 2017*.

#### **2—Commencement**

These regulations will come into operation on 1 October 2017.

#### **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 *Supreme Court Regulations 2005***

#### **4—Variation of regulation 5—Fees in general jurisdiction**

Regulation 5—after subregulation (1) insert:

- (1a) The following provisions apply to the listing fees set out in clause 7A of Schedule 1:
  - (a) except where the court or a registrar directs otherwise, the fee—
    - (i) is payable by the plaintiff; and
    - (ii) must be paid within the period of 14 days before the date fixed for trial;



- (b) the trial will not proceed on the day fixed for that purpose unless the fee has been paid in accordance with paragraph (a).
- (1b) The following provisions apply to the trial fees set out in clause 16 of Schedule 1:
- (a) the fee for a trial is the fee prescribed under clause 16 of the Schedule as in force on the day on which the trial commences;
  - (b) the fee is not payable for the first day of trial if the listing fee set out in clause 7A of the Schedule has been paid;
  - (c) subject to paragraph (d), the fee is payable by the plaintiff or appellant in the proceedings;
  - (d) if the court or a registrar so directs, the fee is payable by another party to the proceedings or by the parties to the proceedings in the proportions directed.

### **5—Variation of Schedule 1—Fees in general jurisdiction**

- (1) Schedule 1—after clause 7 insert:

7A On fixing a date for trial

- |                                  |            |
|----------------------------------|------------|
| (a) for a prescribed corporation | \$3 489.00 |
| (b) for any other person         | \$2 472.00 |

- (2) Schedule 1, clause 16 (Trial fee), Note—delete the note

**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 12 September 2017

No 269 of 2017

AGO0003/17CS

South Australia

## **District Court (Fees) (Listing Fee) Variation Regulations 2017**

under the *District Court Act 1991*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *District Court (Fees) Regulations 2004***

- 4 Variation of regulation 4—Fees
  - 5 Variation of Schedule 1—Fees in civil division
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *District Court (Fees) (Listing Fee) Variation Regulations 2017*.

#### **2—Commencement**

These regulations will come into operation on 1 October 2017.

#### **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 *District Court (Fees) Regulations 2004***

#### **4—Variation of regulation 4—Fees**

Regulation 4—after subregulation (1) insert:

- (1a) The following provisions apply to the listing fees set out in clause 7A of Schedule 1:
  - (a) except where the Court or a registrar directs otherwise, the fee—
    - (i) is payable by the plaintiff; and
    - (ii) must be paid within the period of 14 days before the date fixed for trial;

- (b) the trial will not proceed on the day fixed for that purpose unless the fee has been paid in accordance with paragraph (a).
- (1b) The following provisions apply to the trial fees set out in clause 16 of Schedule 1:
- (a) the fee for a trial is the fee prescribed under clause 16 of the Schedule as in force on the day on which the trial commences;
  - (b) the fee is not payable for the first day of trial if the listing fee set out in clause 7A of the Schedule has been paid;
  - (c) subject to paragraph (d), the fee is payable by the plaintiff or appellant in the proceedings;
  - (d) if the Court or a registrar so directs, the fee is payable by another party to the proceedings or by the parties to the proceedings in the proportions directed.

### **5—Variation of Schedule 1—Fees in civil division**

- (1) Schedule 1—after clause 7 insert:

7A On fixing a date for trial

- |                                  |            |
|----------------------------------|------------|
| (a) for a prescribed corporation | \$1 746.00 |
| (b) for any other person         | \$1 239.00 |

- (2) Schedule 1, clause 16 (Trial fee), Note—delete the note

**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 12 September 2017

No 270 of 2017

AGO0003/17CS

South Australia

# **Education and Early Childhood Services (Registration and Standards) (Amendment of Education and Care Services National Law Text) Regulations 2017**

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

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## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Amendment of Education and Care Services National Law text

### **Part 2—Amendment of Education and Care Services National Law text**

- 5 Definitions
- 6 Matters to be taken into account in assessing whether fit and proper person
- 7 Regulatory Authority may seek further information
- 8 Decision to suspend after show cause process
- 9 Death of approved provider
- 10 Decision on application
- 11 Application for service approval
- 12 Form of application
- 13 Determination of application
- 14 New section 50A inserted
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- 15 Conditions on service approval
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- 18 New section 55A inserted
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- 19 Notice of change to nominated supervisor
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- 21 Transfer may be subject to intervention by Regulatory Authority
- 22 Decision in relation to suspension
- 23 Notice to parents of suspension or cancellation
- 24 Powers of Regulatory Authority in considering application
- 25 Decision on application
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- 27 Decision on application
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  - 103A Offence relating to places where education and care is provided as part of a family day care service
- 29 Part 4 repealed
- 30 Process for review
- 31 Application for highest rating
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- 33 Offence to operate education and care service without nominated supervisor

- 34 New section 161A inserted  
161A Offence for nominated supervisor not to meet prescribed minimum requirements
- 35 Offence to operate education and care service unless responsible person is present
- 36 New section 162A inserted  
162A Persons in day-to-day charge and nominated supervisors to have child protection training
- 37 Offence relating to appointment or engagement of family day care co-ordinators
- 38 Offence relating to assistance to family day care educators
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164A Offence relating to the education and care of children by family day care service
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- 44 Offence to fail to notify certain information to Regulatory Authority
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188A False or misleading information about prohibition notice
- 54 References to supervisors and supervisor certificates
- 55 Powers of entry for investigating approved education and care service
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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Education and Early Childhood Services (Registration and Standards) (Amendment of Education and Care Services National Law Text) Regulations 2017*.

### 2—Commencement

These regulations will come into operation on the day on which Part 2 of the *Education and Care Services National Law Amendment Act 2017* of Victoria comes into operation.

### 3—Interpretation

In these regulations—

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

*National Law* means the Education and Care Services National Law text.

### 4—Amendment of Education and Care Services National Law text

- (1) Pursuant to section 11 of the Act, the Education and Care Services National Law text is amended as set out in Part 2 of these regulations.
- (2) In these regulations, a provision referring to the amendment of a specified provision amends the provision of the Education and Care Services National Law text so specified.

## Part 2—Amendment of Education and Care Services National Law text

### 5—Definitions

In section 5(1) of the National Law—

- (a) insert the following definitions—

*family day care educator assistant* means a person engaged by or registered with a family day care service to assist family day care educators;

*person in day-to-day charge*, in relation to an education and care service, means a person who is placed in day-to-day charge of the service in accordance with the national regulations;

*prohibition notice* means a prohibition notice given under section 182(1) or 182(3);

***serious incident*** means an incident or class of incidents prescribed by the national regulations as a serious incident;

- (b) for the definition of ***approved family day care venue*** substitute—

***approved family day care venue*** means a place (other than a residence) approved under section 50A or 54(8A) as a family day care venue for an approved family day care service;

- (c) for the definition of ***family day care service*** substitute—

***family day care service*** means an education and care service that—

- (a) is delivered through the use of 2 or more educators to provide education and care to children; and
- (b) operates from 2 or more residences;

**Note—**

A family day care service that is an approved family day care service may provide education and care to children from a family day care residence or an approved family day care venue.

- (d) for the definition of ***Ministerial Council*** substitute—

***Ministerial Council*** means the Ministerial Council which—

- (a) is constituted from time to time by Ministers of the Crown of the Commonwealth, State and Territory Governments; and
- (b) is responsible for early childhood education and care matters;

- (e) for the definition of ***nominated supervisor*** substitute—

***nominated supervisor***, in relation to an education and care service, means an individual who—

- (a) is nominated by the approved provider of the service under Part 3 to be a nominated supervisor of that service; and
- (b) unless the individual is the approved provider, has provided written consent to that nomination;

**Note—**

An individual may be both a nominated supervisor of a family day care service and a family day care co ordinator for that service if the individual meets the criteria for each role.

- (f) for the definition of ***office*** substitute—

***office***, in relation to a family day care service, means—

- (a) the principal office of the service; or
- (b) the principal office of the approved provider of the service; or
- (c) any other business office of the approved provider of the service; or
- (d) any premises of the service from which the service's family day care educators are co-ordinated;

- (g) in the definition of ***staff member***, for "the nominated supervisor" substitute "a nominated supervisor"

- (h) the definitions of ***certified supervisor*** and ***supervisor certificate*** are repealed

## **6—Matters to be taken into account in assessing whether fit and proper person**

In section 13(2) of the National Law—

- (a) in paragraph (b), for "Law." substitute "Law; and";
- (b) after paragraph (b) insert—
  - (c) whether the person has the management capability to operate an education and care service in accordance with this Law; and
  - (d) any of the following actions taken under the A New Tax System (Family Assistance) (Administration) Act 1999 of the Commonwealth in relation to a child care service approved under that Act, operated by the person or in relation to which the person was a person with management or control—
    - (i) any sanction imposed under section 200 of that Act;
    - (ii) any suspension imposed under section 201A of that Act;
    - (iii) any infringement notice given under section 219TSI of that Act.

## **7—Regulatory Authority may seek further information**

In section 14(2) of the National Law, for "request and" substitute "request until"

## **8—Decision to suspend after show cause process**

For section 27(a) and (b) of the National Law substitute—

- (a) if the suspension was proposed on a ground referred to in section 25(a), accept an undertaking from the approved provider under section 179A; or
- (b) in any case—
  - (i) suspend the provider approval for a period not more than the prescribed period; or
  - (ii) decide not to suspend the provider approval.

## **9—Death of approved provider**

- (1) For section 39(2) of the National Law substitute—
  - (2) A nominated supervisor or a person in day to-day charge of an education and care service of the approved provider must notify the Regulatory Authority of the approved provider's death within 7 days after that death.
- (2) In section 39(3) of the National Law—
  - (a) for "the nominated supervisor or any certified supervisor" substitute "that at least one nominated supervisor";
  - (b) for "day to day" substitute "day-to-day"

## **10—Decision on application**

For section 41(4)(b) of the National Law substitute—

- (b) may be extended or further extended for periods of not more than 6 months—



## 11—Application for service approval

In section 43(2) of the National Law, for "supervisor" substitute "supervisors"

## 12—Form of application

- (1) For section 44(1)(d) of the National Law substitute—
  - (d) nominate one or more individuals to be nominated supervisors of the service; and
  - (da) include from each nominated individual (other than the approved provider) the written consent to the nomination; and
- (2) For section 44(3) of the National Law substitute—
  - (3) An application for a service approval for a family day care service may include a request for approval of a place (other than a residence) as a family day care venue for that service.

### Note—

This approval is granted under section 50A only if exceptional circumstances exist.

## 13—Determination of application

For section 47(1)(e) of the National Law substitute—

- (e) except in the case of a nominated supervisor who is the approved provider, whether each nominated supervisor has consented in writing to the nomination; and

## 14—New section 50A inserted

After section 50 of the National Law insert—

### 50A—Approval of a place as a family day care venue

The Regulatory Authority may, at the time of granting the service approval for a family day care service, approve a place (other than a residence) as a family day care venue for that service if the Regulatory Authority considers exceptional circumstances exist.

## 15—Conditions on service approval

- (1) For section 51(2) of the National Law substitute—
  - (2) A service approval for a family day care service is granted subject to a condition that the approved provider must ensure that each family day care educator engaged by or registered with the service is adequately monitored and supported by a family day care co-ordinator.
  - (2A) A service approval for a family day care service is granted subject to a condition that each family day care residence, and any approved family day care venue of the service, are to be located within this jurisdiction.

(2) After section 51(4) of the National Law insert—

- (4A) A service approval for an education and care service other than a family day care service is granted subject to a condition that the approved provider must ensure that the number of children educated and cared for by the service at any one time does not exceed the maximum number of children specified in the service approval.
- (4B) An approved provider is not required to comply with subsection (4A) if—
- (a) the maximum number of children is exceeded because a child is, or 2 or more children from the same family are, being educated and cared for by the education and care service in an emergency; and
  - (b) the approved provider is satisfied on reasonable grounds that this will not affect the health, safety and wellbeing of any other child who is attending the education and care service.

**Example—**

An emergency under this subsection would include circumstances where a child is in need of protection under a child protection order or where the parent of a child needs urgent health care that prevents that parent caring for the child.

## **16—Copy of service approval to be provided**

In section 52(b) of the National Law, after "principal office" insert "of the service"

## **17—Amendment of service approval on application**

(1) After section 54(1) of the National Law insert—

- (1A) An application under subsection (1) may include a request for the approval of a place (other than a residence) as a family day care venue for a family day care service.

(2) In section 54(4) of the National Law, for "request and" substitute "request until"

(3) For section 54(8) of the National Law substitute—

- (8) Subject to subsection (8A), an amendment cannot change a location of an education and care service.
- (8A) The Regulatory Authority may approve a place (other than a residence) as a family day care venue for a family day care service if the Regulatory Authority considers exceptional circumstances exist.

## **18—New section 55A inserted**

After section 55 of the National Law insert—

### **55A—Condition relating to family day care co ordinators**

- (1) Without limiting section 55, an amendment under that section may impose a condition on the service approval for a family day care service requiring the approved provider to ensure that there is a minimum of one qualified person employed or engaged as a family day care co-ordinator for each 15 family day care educators engaged by or registered with that service.

- (2) A condition may only be imposed under subsection (1) if—
  - (a) the family day care service has been operating for more than 12 months; and
  - (b) the Regulatory Authority—
    - (i) has taken into account the approved provider's capability and compliance with this Law in respect of the family day care service; and
    - (ii) considers that family day care educators are not adequately monitored and supported by a family day care co-ordinator.
- (3) Section 163 does not apply if a condition is imposed under subsection (1) in respect of a family day care service.
- (4) A person is a qualified person under this section if the person has the qualifications prescribed by the national regulations.

### **19—Notice of change to nominated supervisor**

For section 56 of the National Law substitute—

### **56—Notice of addition of nominated supervisor**

- (1) The approved provider of an education and care service must give written notice to the Regulatory Authority in accordance with this section if the approved provider wishes to add a new nominated supervisor of the education and care service.
- (2) The notice must—
  - (a) nominate one or more individuals to be nominated supervisors of the service and, unless the individual nominated is the approved provider, include from each nominated individual the written consent to the nomination; and
  - (b) include the prescribed information; and
  - (c) be given—
    - (i) at least 7 days before the individual is to commence work as a nominated supervisor; or
    - (ii) if that period of notice is not possible in the circumstances, as soon as practicable but not more than 14 days after the individual commences work as a nominated supervisor.

**Note—**

Section 173(2)(b) requires an approved provider to notify the Regulatory Authority of the removal of a nominated supervisor.

**20—New section 56A inserted**

After section 56 of the National Law insert—

**56A—Notice of change of a nominated supervisor's name or contact details**

The approved provider of an education and care service must give written notice to the Regulatory Authority of any change to the name or contact details of any nominated supervisor of the education and care service.

**21—Transfer may be subject to intervention by Regulatory Authority**

- (1) In section 62(3) of the National Law, for "The notice" substitute "Subject to subsection (5), the notice"
- (2) After section 62(4) of the National Law insert—
  - (5) The period within which notice must be given under subsection (3) does not apply where the Regulatory Authority has not been notified of the intended transfer of a service approval in accordance with section 59.

**22—Decision in relation to suspension**

For section 72(a) and (b) of the National Law substitute—

- (a) if the suspension was proposed on the ground referred to in section 70(a), (c) or (d), accept an undertaking from the approved provider under section 179A; or
- (b) in any case—
  - (i) suspend the service approval for a period not more than the prescribed period; or
  - (ii) decide not to suspend the service approval.

**23—Notice to parents of suspension or cancellation**

In section 84(1) of the National Law, for "or 81" substitute "or 82"

**24—Powers of Regulatory Authority in considering application**

At the end of section 89 of the National Law insert—

- (2) If the Regulatory Authority asks the applicant for further information under this section, the period from the making of that request until the provision of further information is not included in the period referred to in section 91(2) for the Regulatory Authority to make a decision on the application.

**25—Decision on application**

For section 91(4) of the National Law substitute—

- (4) If a service waiver is granted, the Regulatory Authority may place any conditions on the service waiver, including any condition limiting the use of the service waiver.
- (5) The Regulatory Authority may, at any time remove, add to or vary any conditions placed on a service waiver under subsection (4).

- (6) If a service waiver is granted or its conditions are amended under subsection (5), the Regulatory Authority must issue or reissue the service approval specifying—
  - (a) the element or elements of the National Quality Standard and the national regulations that have been waived; and
  - (b) any conditions placed on the waiver.

## **26—Regulatory Authority may seek further information**

At the end of section 96 of the National Law insert—

- (2) If the Regulatory Authority asks the applicant for further information under this section, the period from the making of that request until the provision of further information is not included in the period referred to in section 98(1) for the Regulatory Authority to make a decision on the application.

## **27—Decision on application**

For section 98(4) of the National Law substitute—

- (4) An application under subsection (3) must include payment of the prescribed fee.
- (5) If a temporary waiver is granted, the Regulatory Authority may place any conditions on the temporary waiver, including any condition limiting the use of the temporary waiver.
- (6) The Regulatory Authority may, at any time remove, add to or vary any conditions placed on a temporary waiver under subsection (5).
- (7) If a temporary waiver is granted or its conditions are amended under subsection (6), the Regulatory Authority must issue or reissue the service approval specifying—
  - (a) the element or elements of the National Quality Standard and the national regulations that have been temporarily waived; and
  - (b) the period of the waiver; and
  - (c) any conditions placed on the waiver.

## **28—New section 103A inserted**

After section 103 of the National Law insert—

### **103A—Offence relating to places where education and care is provided as part of a family day care service**

An approved provider of a family day care service must ensure that education and care is not provided to children, as part of the service, from a place that is not a family day care residence or an approved family day care venue unless otherwise permitted by this Law.

Penalty:

- (a) \$20 000, in the case of an individual.
- (b) \$100 000, in any other case.

**29—Part 4 repealed**

Part 4 of the National Law is repealed

**30—Process for review**

For section 142(4) of the National Law substitute—

- (4) The Regulatory Authority may extend the 30 day review period under subsection (3) in one of the following circumstances—
  - (a) for an additional period of up to 30 days, if a request for further information is made under subsection (2);
  - (b) for an additional period of up to 30 days, by agreement between the approved provider and the Regulatory Authority;
  - (c) for an additional period of up to 60 days, where the Regulatory Authority considers there are special circumstances that warrant an extension of time to conduct the review.

**31—Application for highest rating**

For section 152(5) of the National Law substitute—

- (5) An application may be made for the highest rating level only if the approved education and care service holds the rating levels prescribed for the purposes of this section.

**32—Revocation of highest rating level**

For section 158(b) of the National Law substitute—

- (b) the Regulatory Authority advises the Board that the service no longer meets the requirements for the rating levels prescribed for the purposes of section 152(5).

**33—Offence to operate education and care service without nominated supervisor**

In section 161 of the National Law, for "a nominated supervisor" substitute "at least one nominated supervisor"

**34—New section 161A inserted**

After section 161 of the National Law insert—

**161A—Offence for nominated supervisor not to meet prescribed minimum requirements**

The approved provider of an education and care service must not nominate an individual to be a nominated supervisor of that service unless that individual meets the prescribed minimum requirements for nomination as a nominated supervisor.

Penalty:

- (a) \$5 000, in the case of an individual.
- (b) \$25 000, in any other case.

**35—Offence to operate education and care service unless responsible person is present**

For section 162(1)(b) and (c) of the National Law substitute—

- (b) a nominated supervisor of the service;
- (c) a person in day-to-day charge of the service.

**36—New section 162A inserted**

After section 162 of the National Law insert—

**162A—Persons in day-to-day charge and nominated supervisors to have child protection training**

The approved provider of an education and care service must ensure that each nominated supervisor and each person in day-to-day charge of the service has successfully completed the child protection training (if any) required by or under the law of this jurisdiction, a Government protocol applying to the approved provider in this jurisdiction or otherwise required by this jurisdiction.

**37—Offence relating to appointment or engagement of family day care coordinators**

In section 163(1) of the National Law, for "one or more" substitute "the prescribed minimum number of"

**38—Offence relating to assistance to family day care educators**

For section 164(1)(b) and (c) of the National Law substitute—

- (b) a nominated supervisor of the service;
- (c) a person in day-to-day charge of the service.

**39—New section 164A inserted**

After section 164 of the National Law insert—

**164A—Offence relating to the education and care of children by family day care service**

- (1) The approved provider of a family day care service must ensure that any child being educated and cared for as part of the service is not educated and cared for by a person other than a family day care educator, except in the circumstances prescribed by the national regulations.

Penalty:

- (a) \$10 000, in the case of an individual.
  - (b) \$50 000, in any other case.
- (2) A family day care educator must ensure that any child being educated and cared for by the educator as part of a family day care service is not educated or cared for by any other person at the family day care residence or approved family day care venue, except in the circumstances prescribed by the national regulations.

Penalty: \$2 000.

**40—References to nominated supervisor**

- (1) In sections 165(2) and 166(2) of the National Law, for "The nominated" substitute "A nominated"
- (2) In section 178(1)(a) of the National Law, for "the nominated" substitute "a nominated"

**41—Offence relating to unauthorised persons on education and care service premises**

- (1) For section 170(2), (3) and (4) of the National Law substitute—
  - (2) The approved provider of the education and care service must ensure that a person does not remain at the education and care service premises while children are being educated and cared for at the premises, unless—
    - (a) the person is an authorised person; or
    - (b) the person is under the direct supervision of an educator or other staff member of the service.

Penalty:

- (a) \$1 000, in the case of an individual.
  - (b) \$5 000, in any other case.
- (3) A nominated supervisor of the education and care service must ensure that a person does not remain at the education and care service premises while children are being educated and cared for at the premises, unless—
    - (a) the person is an authorised person; or
    - (b) the person is under the direct supervision of an educator or other staff member of the service.

Penalty: \$1 000.

- (4) A family day care educator must ensure that a person does not remain at the family day care residence or approved family day care venue at which the educator is educating and caring for children, unless—
  - (a) the person is an authorised person; or
  - (b) the person is under the direct supervision of the educator.

Penalty: \$1 000.

- (2) In section 170(5) of the National Law, in the definition of *unauthorised person*, for "unauthorised person means a person who is not" substitute "authorised person means a person who is"

**42—Offence to fail to display prescribed information**

For section 172(c) of the National Law substitute—

- (c) each nominated supervisor of the service;

**43—Offence to fail to notify certain circumstances to Regulatory Authority**

- (1) In section 173(2) of the National Law—
  - (a) in paragraph (a) omit "or certified supervisor"
  - (b) for paragraph (b) substitute—



- (b) if a nominated supervisor of an approved education and care service—
    - (i) ceases to be employed or engaged by the service; or
    - (ii) is removed from the role of nominated supervisor; or
    - (iii) withdraws consent to the nomination;
  - (c) in paragraph (d), for "ceasing" substitute "if the approved provider ceases"
- (2) For section 173(3) and (4) of the National Law substitute—
- (3) A notice under subsection (1) or (2) must—
    - (a) be in writing; and
    - (b) include any prescribed information.
  - (4) A notice under subsection (1) must be provided within the relevant prescribed time to the Regulatory Authority that granted the provider approval to which the notice relates.
  - (5) A notice under subsection (2) must be provided within the relevant prescribed time to the Regulatory Authority that granted the service approval for the education and care service to which the notice relates.

#### **44—Offence to fail to notify certain information to Regulatory Authority**

- (1) For section 174(2)(b) of the National Law substitute—
- (b) any complaints alleging—
    - (i) that a serious incident has occurred or is occurring while a child was or is being educated and cared for by the approved education and care service; or
    - (ii) that this Law has been contravened;
- (2) Section 174(5) of the National Law is repealed.

#### **45—New section 174A inserted**

After section 174 of the National Law insert—

##### **174A—Family day care educator to notify certain information to approved provider**

A family day care educator who educates and cares for children as part of a family day care service must notify the approved provider of the service of the following information—

- (a) any serious incident that occurs while a child is being educated and cared for by the educator as part of the service;
- (b) any complaints alleging—
  - (i) that a serious incident has occurred or is occurring while a child was or is being educated and cared for by the educator; or
  - (ii) that this Law has been contravened;
- (c) information in respect of any other prescribed matters.

Penalty: \$2 000.

**46—Division 2 of Part 7 substituted**

For Division 2 of Part 7 of the National Law substitute—

**Division 2—Enforceable undertakings****179A—Enforceable undertakings**

- (1) This section applies—
  - (a) if a person has contravened, or if the Regulatory Authority alleges a person has contravened, a provision of this Law; or
  - (b) in the circumstances set out in section 27(a), 72(a) or 184(3).
- (2) If subsection (1)(a) applies, the Regulatory Authority may accept a written undertaking from the person, under which the person undertakes to take certain actions, or refrain from taking certain actions, to comply with this Law.
- (3) If subsection (1)(b) applies in relation to the approved provider of an education and care service, the Regulatory Authority may accept a written undertaking from the approved provider, under which the approved provider undertakes to take certain actions, or refrain from taking certain actions in relation to the education and care service.
- (4) If subsection (1)(b) applies in relation to a person other than the approved provider of an education and care service, the Regulatory Authority may accept a written undertaking from the person, under which the person undertakes to take certain actions, or refrain from taking certain actions in relation to an education and care service.
- (5) A person may, with the consent of the Regulatory Authority, withdraw or amend an undertaking.
- (6) The Regulatory Authority may withdraw its acceptance of the undertaking at any time and the undertaking ceases to be in force on that withdrawal.
- (7) The Regulatory Authority may publish on the Regulatory Authority's website an undertaking accepted under this section.

**179B—Certain actions prohibited while undertaking is in force**

- (1) While an undertaking is in force under section 179A(2), proceedings may not be brought for any offence constituted by the contravention or alleged contravention in respect of which the undertaking is given.
- (2) While an undertaking is in force under section 179A(3), the Regulatory Authority must not (as the case requires)—
  - (a) suspend the provider approval under section 27 in relation to a matter that is the subject of the undertaking; or
  - (b) suspend the service approval under section 72 in relation to a matter that is the subject of the undertaking; or
  - (c) give a prohibition notice under section 182 in relation to a matter that is the subject of the undertaking.

- (3) While an undertaking is in force under section 179A(4), the Regulatory Authority must not give a prohibition notice under section 182 in relation to a matter that is the subject of the undertaking.

### **180—Certain actions prohibited if undertaking is complied with**

- (1) If a person complies with the requirements of an undertaking under section 179A(2), no further proceedings may be brought for any offence constituted by the contravention or alleged contravention in respect of which the undertaking was given.
- (2) If an approved provider complies with the requirements of an undertaking under section 179A(3), the Regulatory Authority must not (as the case requires)—
  - (a) suspend the provider approval under section 27 in relation to a matter that is the subject of the undertaking; or
  - (b) suspend the service approval under section 72 in relation to a matter that is the subject of the undertaking; or
  - (c) give a prohibition notice under section 182 in relation to a matter that is the subject of the undertaking.
- (3) If a person complies with the requirements of an undertaking under section 179A(4), the Regulatory Authority must not give a prohibition notice under section 182 in relation to a matter that is the subject of the undertaking.

### **181—Failure to comply with enforceable undertakings**

- (1) If the Regulatory Authority considers that a person who gave an undertaking under section 179A has failed to comply with any of its terms, the Regulatory Authority may apply to the relevant tribunal or court for an order under subsection (2) to enforce the undertaking.
- (2) If the relevant tribunal or court is satisfied that the person has failed to comply with a term of the undertaking, the relevant tribunal or court may make any of the following orders—
  - (a) an order directing the person to comply with the term of the undertaking;
  - (b) an order that the person take any specified action for the purpose of complying with the undertaking;
  - (c) any other order that the relevant tribunal or court considers appropriate in the circumstances.
- (3) If the relevant tribunal or court determines that the person has failed to comply with a term of an undertaking under section 179A(2), proceedings may be brought for any offence constituted by the contravention or alleged contravention in respect of which the undertaking was given.
- (4) If the relevant tribunal or court determines that an approved provider has failed to comply with a term of an undertaking under section 179A(3), the Regulatory Authority may without further notice—
  - (a) if the undertaking was given in circumstances set out in section 27(a), suspend the provider approval under section 27; or

- (b) if the undertaking was given in circumstances set out in section 72(a), suspend the service approval under section 72; or
  - (c) if the undertaking was given in circumstances set out in section 184(3), give a prohibition notice under section 182 in relation to a matter that is the subject of the undertaking.
- (5) If the relevant tribunal or court determines that a person has failed to comply with a term of an undertaking under section 179A(4), the Regulatory Authority may, without further notice, give a prohibition notice under section 182 in relation to a matter that is the subject of the undertaking.
- (6) Proceedings referred to in subsection (3) may be brought within 6 months of the determination or within 2 years of the date of the alleged offence, whichever occurs last.

#### **47—Grounds for issuing prohibition notice**

- (1) In section 182(2) of the National Law—
- (a) for paragraph (b) substitute—
    - (b) a nominated supervisor;
  - (b) for paragraph (g) substitute—
    - (g) a volunteer;
    - (h) a person who was formerly a person referred to in paragraphs (a) to (g) in relation to the approved education and care service—
- (2) After section 182(2) of the National Law insert—
- (3) The Regulatory Authority may give a prohibition notice to a person to—
- (a) prohibit the person from being nominated as a nominated supervisor if the Regulatory Authority considers the person is not a fit and proper person to be nominated as a nominated supervisor of a service; or
  - (b) impose one or more conditions on the nomination of the person as a nominated supervisor that the Regulatory Authority considers appropriate, if the Regulatory Authority considers the person is a fit and proper person to be nominated as a nominated supervisor of a service subject to those conditions.
- (3) The heading to section 182 is to read: Grounds for giving prohibition notice

#### **48—Deciding whether to issue prohibition notice**

- (1) After section 184(2) of the National Law insert—
- (3) The Regulatory Authority may accept an undertaking from a person under section 179A instead of giving a prohibition notice under this Division.
- (2) The heading to section 184 is to read: Deciding whether to give prohibition notice

**49—New section 185 substituted**

For section 185 of the National Law substitute—

**185—Content of prohibition notice**

- (1) A prohibition notice given to a person under section 182(1) must state that the person is prohibited from doing one or more of the following—
  - (a) providing education and care to children for an education and care service;
  - (b) being engaged as an educator, family day care educator, employee, contractor or staff member of, or being a volunteer at, an education and care service;
  - (c) carrying out any other activity relating to an education and care service.
- (2) A prohibition notice given to a person under section 182(3) must state that either—
  - (a) the person is prohibited from being nominated as a nominated supervisor of an education and care service; or
  - (b) the person may only be nominated as a nominated supervisor of an education and care service on the condition or conditions specified by the Regulatory Authority in the notice.
- (3) A prohibition notice given to a person under section 182(1) or (3) must state—
  - (a) that the person may apply for cancellation of the notice; and
  - (b) how an application for cancellation must be made.

**50—Cancellation of prohibition notice**

After section 186(4) of the National Law insert—

- (4A) The person may state in the application anything the person considers relevant to the Regulatory Authority's decision about whether the person is a fit and proper person to be nominated as a nominated supervisor with or without conditions.

**51—Person must not contravene prohibition notice**

- (1) In section 187 of the National Law—
  - (a) after "notice" insert "under section 182(1)";
  - (b) in paragraph (b), for "a supervisor, educator" substitute "an educator"
- (2) At the end of section 187 of the National Law insert—
  - (2) While a prohibition notice under section 182(3) is in force under this Law as applying in any participating jurisdiction for a person, the person must not—
    - (a) in the case of a prohibition notice under section 182(3)(a), consent to a nomination of that person as a nominated supervisor of an education and care service; or

- (b) in the case of a prohibition notice under section 182(3)(b), consent to a nomination of that person as a nominated supervisor of an education and care service in contravention of a condition or conditions stated in the prohibition notice.

Penalty: \$20 000.

## **52—Offence to engage person to whom prohibition notice applies**

- (1) In section 188 of the National Law, for "a supervisor, educator" substitute "an educator".
- (2) At the end of section 188 of the National Law insert—
  - (2) An approved provider must not nominate a person as a nominated supervisor of an education and care service if the approved provider knows, or ought reasonably to know, that a prohibition notice is in force under this Law as applying in any participating jurisdiction prohibiting the nomination of that person as a nominated supervisor of an education and care service.

Penalty:

- (a) \$20 000, in the case of an individual.
- (b) \$100 000, in any other case.
- (3) An approved provider must not nominate a person as a nominated supervisor of an education and care service if the approved provider knows, or ought reasonably to know, that the nomination would place the person in contravention of a condition of a prohibition notice in force under this Law as applying in any participating jurisdiction.

Penalty:

- (a) \$20 000, in the case of an individual.
- (b) \$100 000, in any other case.

## **53—New section 188A inserted**

In Division 3 of Part 7, after section 188 of the National Law insert—

### **188A—False or misleading information about prohibition notice**

A person who is subject to a prohibition notice under this Law as applying in any participating jurisdiction must not give an approved provider any information about the content or existence of the prohibition notice that is false or misleading in any material particular.

Penalty: \$6 000.

## **54—References to supervisors and supervisor certificates**

- (1) In section 190 of the National Law—
  - (a) for ", a service approval or a supervisor certificate" (wherever occurring) substitute "or a service approval";
  - (b) paragraph (d)(iii) is repealed
- (2) Section 192(b)(v) of the National Law is repealed
- (3) In section 206(4) of the National Law, in the definition of specified person, for "a certified supervisor" substitute "a nominated supervisor"

- (4) For section 261(2)(b) and (c) of the National Law substitute—
- (b) subject to the Privacy Act 1988 of the Commonwealth, to collect, hold and use information about providers of education and care services, family day care educators and nominated supervisors;
  - (c) to maintain and publish registers of approved providers and approved education and care services;
- (5) In section 292 of the National Law—
- (a) paragraph (a)(iii) is repealed;
  - (b) in paragraph (d) omit "or a certified supervisor";
  - (c) in paragraph (g) omit "or supervisor certificate"
- (6) In section 301(3)(a) of the National Law omit "and certificates"

### **55—Powers of entry for investigating approved education and care service**

For section 199(4)(a) of the National Law substitute—

- (a) the authorised officer reasonably believes that an approved education and care service is operating at the residence at the time of entry; or
- (ab) the register of family day care educators records that the approved education and care service operates at the residence at the time of entry; or

### **56—Powers of entry to business premises**

In section 200(1) of the National Law, for "principal office or any other business premises of an approved provider" substitute "principal office of the approved provider of the service or any other business office of the approved provider of the service"

### **57—New section 200A inserted**

After section 200 of the National Law insert—

#### **200A—Entry to premises without search warrant**

- (1) An authorised officer may enter any premises (including residential or business premises) for the purpose of determining whether an education and care service is operating without a service approval at or from the premises, if—
  - (a) the authorised officer reasonably believes that a person is operating an education and care service in contravention of section 103 at the premises; and
  - (b) the occupier of the premises has consented in writing to the entry and inspection.
- (2) An authorised officer must not enter and search the premises under this section unless, before the occupier consents to the entry, the authorised officer has—
  - (a) produced the authorised officer's identity card for inspection; and
  - (b) informed the occupier—
    - (i) of the purpose of the search and the powers that may be exercised; and

- (ii) that the occupier may refuse to consent to the entry and search or the taking of anything found during the search; and
  - (iii) that the occupier may refuse to consent to the taking of any copy or extract from a document found on the premises during the search.
- (3) An authorised officer who exercises a power of entry under this section may for the purposes of the investigation do any of the things referred to in clause 5(2)(a) to (e) of Schedule 2 as if a reference to that Schedule included a reference to this section.

### **58—Entry to premises with search warrant**

In section 201(3) of the National Law, for "principal office or any other business premises of an approved provider" substitute "principal office of the approved provider of the service or any other business office of the approved provider of the service"

### **59—Seized items**

In section 202 of the National Law, for "section 199 or 200" (wherever occurring) substitute "section 199, 200 or 200A"

### **60—Functions of National Authority**

In section 225(1) of the National Law—

- (a) for paragraph (g) substitute—
  - (g) to establish and maintain national registers of approved providers and approved education and care services and to publish those registers;
- (b) for paragraph (o) substitute—
  - (o) to provide support and training for staff of Regulatory Authorities;

### **61—Functions of chief executive officer**

In section 249(1) of the National Law, for "day to day" substitute "day-to-day"

### **62—Section 268 repealed**

Section 268 of the National Law is repealed

### **63—Section 269 substituted**

For section 269 of the National Law substitute—

#### **269—Register of family day care educators, co ordinators and assistants**

- (1) The approved provider of a family day care service must keep a register at the principal office of the service that contains the prescribed information in respect of the following persons—
  - (a) each family day care educator engaged by or registered with the service;
  - (b) each family day care co-ordinator employed or engaged by the service;



- (c) each family day care educator assistant engaged by or registered with the service.

Penalty:

- (a) \$4 000, in the case of an individual.
  - (b) \$20 000, in any other case.
- (2) The approved provider must take reasonable steps to ensure that the information contained in the register is accurate.  
Penalty: \$2 000.
- (3) The approved provider must provide any information on the register and any changes to the information on the register to the Regulatory Authority on request within 24 hours of the Regulatory Authority's request.  
Penalty:
- (a) \$4 000, in the case of an individual.
  - (b) \$20 000, in any other case.

#### **64—Publication of information**

- (1) In section 270(1) of the National Law, for "certified" substitute "nominated"
- (2) For section 270(2)(a) of the National Law substitute—
  - (a) must publish on its website the register of approved providers; and
- (3) In section 270(5)(a) of the National Law omit "or certificates"
- (4) In section 270(6) of the National Law—
  - (a) in paragraph (a), for "certified" substitute "nominated";
  - (b) in paragraph (b), for "Law." substitute "Law; or";
  - (c) after paragraph (b) insert—
    - (c) if the Regulatory Authority is satisfied that it is in the public interest to do so, a person with management or control of an education and care service.

#### **65—Sections 271 and 272 substituted**

For sections 271 and 272 of the National Law substitute—

##### **271—Disclosure of information to other authorities**

- (1) The National Authority may disclose information in respect of an education and care service for a purpose listed in subsection (4), to—
  - (a) a relevant Commonwealth Government Department; or
  - (b) any State or Territory Government Department; or
  - (c) any Commonwealth, State or Territory public authority; or
  - (d) any State or Territory local authority; or
  - (e) a Regulatory Authority of a participating jurisdiction.

- (2) The Regulatory Authority may disclose information in respect of an education and care service for a purpose listed in subsection (4), to—
  - (a) a relevant Commonwealth Government Department; or
  - (b) any State or Territory Government Department; or
  - (c) any Commonwealth, State or Territory public authority; or
  - (d) any State or Territory local authority; or
  - (e) a Regulatory Authority of another participating jurisdiction.
- (3) The National Authority, the Regulatory Authority and any Government Department, public authority or local authority may disclose information to each other in respect of an education and care service for a purpose listed in subsection (4).
- (4) The purposes for disclosure of information under this section are—
  - (a) the disclosure is reasonably necessary to promote the objectives of the national education and care services quality framework; or
  - (b) the disclosure is for the purposes of enabling or assisting the other entity to perform or exercise any of its functions or powers under this Law; or
  - (c) the disclosure is for the purposes of research or the development of National, State or Territory policy with respect to education and care services; or
  - (d) the disclosure is for a purpose relating to the funding of education and care services; or
  - (e) the disclosure is for a purpose relating to the payment of benefits or allowances to persons using education and care services, provided the disclosure of information is not otherwise prohibited by law.
- (5) The Regulatory Authority must disclose to the Regulatory Authorities of other participating jurisdictions the suspension or cancellation of a working with children check, working with children card or teacher registration of a nominated supervisor of which it is notified under this Law.
- (6) The Regulatory Authority may disclose to the head of the government department responsible for the administration of a working with children law, any prohibition notice given under this Law as applying in any participating jurisdiction in respect of the person.
- (7) A disclosure of information under this section is subject to Division 1 and any protocol agreed for the purposes of this section by—
  - (a) the National Authority, all participating jurisdictions and the Commonwealth; and
  - (b) subject to any protocol referred to in paragraph (a), the National Authority and the Regulatory Authority, or the National Authority, the Regulatory Authority and any Regulatory Authority of another participating jurisdiction.

- (8) Information disclosed under this section for the purpose of research or the development of National, State or Territory policy with respect to education and care services must not include information that could identify or lead to the identification of an individual other than—
- (a) an approved provider or a nominated supervisor; or
  - (b) a family day care educator who has been suspended from providing education and care to children as part of a family day care service; or
  - (c) a person to whom a prohibition notice applies; or
  - (d) a person who is being prosecuted for an offence against this Law.

### **272—Disclosure of information to education and care services**

- (1) At the request of an approved provider, the National Authority or the Regulatory Authority may disclose the following information to the provider, if the National Authority or Regulatory Authority considers on reasonable grounds that the provider requires the information to comply with the provider's obligations under this Law—
- (a) whether a person named in the request is subject to a prohibition notice given under section 182;
  - (b) whether a family day care educator named in the request has been suspended from providing education and care to children as part of a family day care service under section 178.
- (2) A disclosure of information under this section is subject to Division 1 and any protocol agreed for the purposes of this section by—
- (a) the National Authority, all participating jurisdictions and the Commonwealth; and
  - (b) subject to any protocol referred to in paragraph (a), the National Authority and the Regulatory Authority, or the National Authority, the Regulatory Authority and any Regulatory Authority of another participating jurisdiction.

### **66—When proceedings may be brought**

In section 284 of the National Law, for "Proceedings" substitute "Subject to section 181(6), proceedings"

### **67—Infringement offences**

In section 291(1)(a) of the National Law, for "173 or 176" substitute "173, 176 or 269"

**68—New Division 5 inserted in Part 15**

After Division 4 of Part 15 of the National Law insert—

**Division 5—Transitional provisions—Education and Care Services National Law Amendment Act 2017****325—Definitions**

In this Division—

*2017 Act* means the Education and Care Services National Law Amendment Act 2017;

*commencement day*, in relation to a participating jurisdiction, means the date of commencement of this Division in that jurisdiction.

**326—Approved family day care venues**

(1) In this section—

*appointed day* means the day that is 6 months after the commencement day;

*formerly approved family day care venue* means a family day care venue that, immediately before the commencement day, was an approved family day care venue.

- (2) Subject to subsection (3), a formerly approved family day care venue ceases to be an approved family day care venue on the appointed day unless, before the appointed day the Regulatory Authority, on application by the approved provider under section 54 (as amended by the 2017 Act), approves the venue as a family day care venue.
- (3) If, before the appointed day, the Regulatory Authority had not determined an application by an approved provider under section 54 (as amended by the 2017 Act) for approval of the venue, the formerly approved family day care venue continues to be an approved family day care venue until the application is determined.
- (4) Despite section 54(5), the Regulatory Authority must make a decision on an application made under section 54 for approval of a formerly approved family day care venue within 6 months of receiving the application.

**327—Declared approved family day care venues continue to be approved**

Despite section 326, a declared approved family day care venue that was taken under section 308 to be an approved family day care venue continues, on and after the commencement day, to be an approved family day care venue for the purposes of this Law.

**328—Service approval condition requiring sufficient family day care co-ordinators**

(1) In this section—

*appointed day* means the day that is 12 months after the commencement day.

- (2) This section applies to a family day care service if, immediately before the commencement day—
  - (a) the service was an approved family day care service; and
  - (b) the service approval included a condition referred to in section 51(2).
- (3) Despite the commencement of the 2017 Act, sections 51(2) and 163, as in force immediately before the commencement day, continue to apply to the approved family day care service until the appointed day, unless the Regulatory Authority earlier amends the service approval to impose a condition under section 55A.

### **329—Service approval condition requiring minimum number of family day care co ordinators**

- (1) This section applies to a family day care service if, immediately before the commencement day—
  - (a) the service was an approved family day care service; and
  - (b) the service approval included a condition requiring the service provide a specified minimum number of family day care co-ordinators.
- (2) Despite the commencement of the 2017 Act, section 163, as in force immediately before the commencement day, and the condition requiring the service provide a specified minimum number of family day care co ordinators continue to apply to the approved family day care service until the condition is amended under section 54 or 55.

### **330—Publication of information about certified supervisors**

- (1) The National Authority may publish information about any enforcement action taken under this Law before the commencement day in relation to any person who was a certified supervisor before that day, including—
  - (a) the prosecution of any offence; and
  - (b) the acceptance of an undertaking; and
  - (c) the suspension or cancellation of a supervisor certificate.
- (2) This section expires on 31 December 2021.

### **331—Evidentiary certificates**

- (1) Despite the amendment of section 292 by the 2017 Act, a Regulatory Authority or the National Authority may continue to certify matters relating to any person who was a certified supervisor before the commencement day as if that section had not been amended.
- (2) This section expires on 31 December 2021.

**69—New Division 6 inserted in Part 15**

After Division 5 of Part 15 of the National Law insert—

**Division 6—Further transitional provisions—Education and Care Services National Law Amendment Act 2017****332—Definitions**

In this Division—

*2017 Act* means the Education and Care Services National Law Amendment Act 2017;

*commencement day*, in relation to a participating jurisdiction, means the date of commencement of this Division in that jurisdiction.

**333—Partial assessment and re-rating**

- (1) This section applies to an approved education and care service that has been assessed and rated against the National Quality Standard, as in force immediately before the commencement day, whether that assessment and rating occurred before, on or after the commencement day.
- (2) Despite section 138, the Regulatory Authority may only reassess an aspect or element of the approved education and care service after the relevant day if the approved education and care service has been reassessed against the National Quality Standard as in force on and after the commencement day.
- (3) Despite section 139(1), an approved provider may only apply for reassessment and re-rating of an aspect or element of the approved education and care service after the relevant day if the approved education and care service has been reassessed against the National Quality Standard, as in force on and after the commencement day.
- (4) In this section—

*relevant day* means—

  - (a) in relation to an approved education and care service that was assessed and rated before the commencement day, the day that is 6 months after the commencement day; or
  - (b) in relation to an approved education and care service that was assessed and rated after the commencement day, the day that is 6 months after the day on which the rating for the service is published under section 160.

**334—Application for highest rating level made before commencement day**

- (1) This section applies if before the commencement day—
  - (a) an approved provider had applied for an education and care service to be assessed for the highest rating level under section 152; and
  - (b) the application had not been determined.
- (2) Despite its substitution by the 2017 Act, section 152(5), as in force immediately before the commencement day, continues to apply in respect of the application.

- (3) Section 153(2) applies for the purposes of the assessment of the approved education and care service, as if a reference—
  - (a) to the criteria published under subsection (1) were a reference to the criteria published under subsection (1) immediately before the commencement day; and
  - (b) to the National Quality Standard and the national regulations were a reference to the National Quality Standard and the national regulations as in force immediately before the commencement day.

**335—Highest rating level awarded before, or on application made before, commencement day**

- (1) This section applies in relation to an approved education and care service that was awarded the highest rating level—
  - (a) before the commencement day; or
  - (b) after the commencement day on an application referred to in section 334.
- (2) Section 153(2) applies for the purposes of a reassessment under section 157 of the approved education and care service, as if a reference—
  - (a) to the criteria published under subsection (1) were a reference to the criteria published under subsection (1) immediately before the commencement day; and
  - (b) to the National Quality Standard and the requirements of the national regulations were a reference to the National Quality Standard and the national regulations as in force immediately before the commencement day.
- (3) Despite its amendment by the 2017 Act, section 158 as in force immediately before the commencement day continues to apply to the revocation of the highest rating level and for the purposes of that section—
  - (a) the criteria to be met are the criteria published under section 153(1) immediately before the commencement day; and
  - (b) the overall rating level is to be determined in accordance with the National Quality Standard as in force immediately before the commencement day.

**Note—**

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

**Made by the Governor**

being satisfied that the amendments made by these regulations correspond, or substantially correspond, to amendments made by the Parliament of Victoria to the *Education and Care Services National Law* set out in the Schedule to the *Education and Care Services National Law Act 2010* of Victoria and that such amendments should be made to the *Education and Care Services National Law (South Australia)* and the with the advice and consent of the Executive Council on 12 September 2017

No 271 of 2017

MECD17/045



South Australia

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

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

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Education and Early Childhood Services (Registration and Standards) Regulations 2011***

- 4 Revocation of Part 3
  - 5 Revocation of regulation 14
  - 6 Revocation of regulation 15
  - 7 Revocation of regulation 18
  - 8 Revocation of Part 4 Division 3 Subdivision 4
  - 9 Variation of Schedule 1—Fees
- 

### **Part 1—Preliminary**

#### **1—Short title**

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

#### **2—Commencement**

These regulations will come into operation on the day on which Part 2 of the *Education and Care Services National Law Amendment Act 2017* of Victoria comes into operation.

#### **3—Variation provisions**

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

### **Part 2—Variation of *Education and Early Childhood Services (Registration and Standards) Regulations 2011***

#### **4—Revocation of Part 3**

Part 3—delete the Part

#### **5—Revocation of regulation 14**

Regulation 14—delete the regulation

**6—Revocation of regulation 15**

Regulation 15—delete the regulation

**7—Revocation of regulation 18**

Regulation 18—delete the regulation

**8—Revocation of Part 4 Division 3 Subdivision 4**

Part 4 Division 3 Subdivision 4—delete Subdivision 4

**9—Variation of Schedule 1—Fees**

Schedule 1, table, row relating to application fee for supervisor certificate—delete the row

**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 12 September 2017

No 272 of 2017

MECD17/045

## CITY OF CHARLES STURT

## PUBLIC CONSULTATION

*Heritage Places Development Plan Amendment (DPA)*

NOTICE is hereby given that the City of Charles Sturt has prepared a draft Heritage Places Development Plan Amendment (DPA) to amend the Charles Sturt (City) Development Plan.

The draft DPA has Interim Effect and is proposed to amend the Development Plan by:

- The listing of 64 additional Local Heritage Places.
- The removal of 1 currently listed Local Heritage Place and 82 Contributory Items from the Development Plan following demolitions resulting from the Torrens to Torrens (T2T) South Road upgrade project.
- Removal of a total of 213 Contributory Items from the Development Plan for various reasons (eg 26 items proposed to be elevated to Local Heritage Places, 82 items demolished as a result of the T2T project, other demolitions, and based on the advice of consultants).
- Changes to various Heritage Overlay Maps to reflect the above changes.

The draft DPA is available for public inspection during the consultation period: **from Tuesday 12 September 2017 to Friday 10 November 2017**. Copies of the draft DPA can be viewed online by visiting [www.yoursaycharlessturt.com.au](http://www.yoursaycharlessturt.com.au) or in hard copy at the following locations:

- Civic Centre & Library – 72 Woodville Road, Woodville
- Hindmarsh Library – 139 Port Road, Hindmarsh
- Findon Library, Findon Shopping Centre, Cnr. Findon and Grange Roads, Findon
- Henley Beach Library – 378 Seaview Road, Henley Beach
- West Lakes Library - Cnr. West Lakes Boulevard and Brebner Drive, West Lakes

Copies can also be purchased at the Civic Centre, Woodville (\$20 for a hard copy or \$5 for a CD).

Submissions can be made:

- Online: [www.yoursaycharlessturt.com.au](http://www.yoursaycharlessturt.com.au)
- Email: [jtagliaferri@charlessturt.sa.gov.au](mailto:jtagliaferri@charlessturt.sa.gov.au)
- Post: To Chief Executive Officer at the City of Charles Sturt, PO Box 1, Woodville SA 5011.

All submissions must be received by **5.00pm Friday 10 November 2017**. Copies of all submissions received will be available for inspection at the Civic Centre from Monday 13 November 2017 to Monday 19 February 2018.

To enable interested persons to make verbal submissions to Council in relation to the draft DPA or the submissions, a Public Meeting will be held on Monday 19 February 2018 at 6pm at the Civic Centre, Woodville. If you wish to be heard at this meeting, please indicate this in your submission.

For further information please contact John Tagliaferri, Senior Policy Planner on (08) 8408 1827.

Dated 12 September 2017.

P. SUTTON, Chief Executive Officer

## CITY OF ONKAPARINGA

*Naming of Private Road*

NOTICE is hereby given that under delegation and in accordance with section 219 (1) of the Local Government Act 1999 the following road has been named 'Community Drive':

- the portion of road (private road carriageway), between Alexander Kelly Drive and Goldsmith Drive, Noarlunga Centre

A plan showing the road which has been named is available for inspection at Council's Principal Office, Ramsay Place, Noarlunga Centre, during business hours.

IAN HAWKINS, Manager or Customer Relations & Community Safety

## CITY OF WHYALLA

## PUBLIC CONSULTATION

*Review of Elector Representation*

NOTICE is hereby given that the Council has undertaken a review to determine whether alterations are required in respect to elector representation, including ward boundaries and the composition of Council.

As an outcome of this review Council proposes the following.

1. The principal member of Council will be a mayor, elected by the community.
2. The Council area will not be divided into wards (i.e. the existing "no ward" structure is to be retained).
3. The future elected body of Council will comprise the mayor and nine (9) area councillors.

*Report*

Council has prepared a Representation Review Report which details the review process, the public consultation undertaken and the proposal Council considers should be carried into effect. A copy of the Representation Review Report is available on the Council's website ([www.whyalla.sa.gov.au](http://www.whyalla.sa.gov.au)), or a copy can be inspected and/or purchased at the Civic Building, Darling Terrace, Whyalla.

*Written Submissions*

Written submissions are invited from interested persons and should be directed to the Chief Executive Officer, PO Box 126, Whyalla 5600, or emailed to [customer.service@whyalla.sa.gov.au](mailto:customer.service@whyalla.sa.gov.au) by the close of business on Friday 6th October 2017.

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

CHRIS COWLEY, Chief Executive Officer

## ADELAIDE HILLS COUNCIL

## PUBLIC CONSULTATION

*Review of Elector Representation*

NOTICE is hereby given that the Council has undertaken a review to determine whether alterations are required in respect to elector representation, including ward boundaries and the composition of Council. Please note that due to a technical failure, Council resolved to restart the review process in May 2017.

**Report**

Council has prepared a Representation Review Report (dated September 2017) which details the review process, the public consultation undertaken and the proposal Council considers should be carried into effect. A copy of this report is available from the Council offices at 26 Onkaparinga Valley Road, Woodside, 63 Mount Barker Road, Stirling, and 45 Albert Street, Gumeracha, or at the Summit Community Centre, 4 The Crescent Drive, Norton Summit, or the Mobile Library (schedule on [ahc.sa.gov.au](http://ahc.sa.gov.au)) during office hours or on [ahc.sa.gov.au](http://ahc.sa.gov.au).

**Public Drop-In Meeting**

Council will conduct drop-in meetings to allow members of the public to come and hear about Council's proposal, speak with Council Members about the proposal, obtain copies of the Representation Review Report and submission forms, and lodge submissions.

Details of these meetings will be available on [ahc.sa.gov.au](http://ahc.sa.gov.au).

**Written Submissions**

Written submissions are invited from interested persons and should be directed to the Chief Executive Officer, PO Box 44, Woodside 5244, or [mail@ahc.sa.gov.au](mailto:mail@ahc.sa.gov.au) to be **received by close of business on Friday 6 October 2017**.

Please note that previous submissions received in relation to the Elector Representation Review will not be considered in this consultation period. Persons seeking to have their views considered must lodge a written submission during this consultation period.

Any person(s) making a written submission is invited to appear before a Special Council meeting on 10 October 2017 to be heard in respect of their submission. Details of this meeting will be available on [ahc.sa.gov.au](http://ahc.sa.gov.au).

Information regarding the elector representation review can be obtained by contacting Lachlan Miller, Executive Manager Governance and Performance, on (08) 8408 0400 or [mail@ahc.sa.gov.au](mailto:mail@ahc.sa.gov.au).

ANDREW AITKEN, Chief Executive Officer

## ADELAIDE PLAINS COUNCIL

## CLOSE OF NOMINATIONS

*Supplementary Election of Councillor for Lewiston Ward***Nominations Received**

AT the close of nominations at 12 noon on Thursday 7 September 2017 the following people were accepted as candidates and are listed in the order in which they will appear on the ballot paper.

**Councillor for Lewiston Ward - 1 Vacancy**

PARSONS, David  
WASLEY, Mark N  
PANELLA, Margherita  
PARKER, Brian

**Postal Voting**

The election will be conducted by post. Ballot papers and pre-paid envelopes for each voting entitlement will be posted between Tuesday 19 September 2017 and Monday 25 September 2017 to every person, or designated person of a body corporate or group listed on the voters roll at roll close on Monday 31 July 2017. Voting is voluntary.

A person who has not received voting material by Monday 25 September 2017 and believes they are entitled to vote should contact the Deputy Returning Officer on 08 7424 7453.

Completed voting material must be returned to reach the Returning Officer no later than 12 noon on Monday 9 October 2017.

Ballot boxes will be provided at the Council's Principal Office, 2a Wasleys Road, Mallala, and the Two Wells Service Centre, Old Port Wakefield Road, Two Wells for electors wishing to hand deliver their completed voting material during office hours.

**Vote Counting Location**

The scrutiny and counting of votes will take place at the Mallala Council Chambers, Redbanks Road, Mallala as soon as practicable after 12 noon on Monday 9 October 2017. A provisional declaration will be made at the conclusion of the election count.

**Campaign Donations Return**

All candidates must forward a Campaign Donations Return to the Council Chief Executive Officer within 30 days after the conclusion of the election.

MICK SHERRY, Returning Officer

## DISTRICT COUNCIL OF COOBER PEDY

*Adoption of Valuations*

THAT pursuant to Section 167(2)(a) of the Local Government Act 1999, Council adopt the most recent valuations, 25th June 2017 of the Valuer-General available to Council of the Capital Value of land within the Council's area totalling \$174,067,700 for the rateable land being valued as at 25/06/2017.

**Declaration of General Rates**

That, having taken into account the general principles of rating contained in Section 150 of the Local Government Act 1999 and the requirements of Section 153(2) of the Local Government Act 1999, Council, pursuant to and in accordance with Sections 153(1)(b) and 156(1)(a) of the Local Government Act 1999 declares differential general rates on all rateable land within its area for the financial year ending 30th June 2018 varying according to the use of the land prescribed by Regulation 14(1) of the Local Government (General) Regulation 2013.

Land Use 1	Residential	0.3887 cents in the dollar
Land Use 2	Commercial – Shop	1.3089 cents in the dollar
Land Use 3	Commercial – Office	1.2761 cents in the dollar
Land Use 4	Commercial – Other	1.1979 cents in the dollar
Land Use 5	Industry Light	1.3218 cents in the dollar
Land Use 6	Industry – Other	1.0278 cents in the dollar
Land Use 8	Vacant Land	0.2396 cents in the dollar
Land Use 9	Other	1.2886 cents in the dollar

That Council, pursuant to Section 152(1)(c)(ii), and in accordance with Section 152(2), of the Local Government Act 1999, declares that a fixed charge of \$410.00 will apply to all rateable land within the Council's area for the financial year ending 30th June 2018.

**Adoption of NRM Levy**

That pursuant to and in accordance with Section 95 of the Natural Resources Management Act 2004 and Section 154 of the Local Government Act 1999, in order to reimburse the Council amounts contributed to the South Australian Arid Lands Natural Resource Management Board, the Council declares a separate rate based on a fixed charge of \$61 in respect of all rateable land within the area of the Council and of the Board for the year ending 30 June 2018

**Water Annual Service Charge**

That pursuant to Section 155 of the Local Government Act 1999, the Council declares an annual service charge for the financial year ending 30th June 2018 on land within the Council's area to which the Council provides or makes available the prescribed service of the provision of water based on the nature of the service and varying according to land use category as follows:

Land Use 1	Residential	\$214.00
Land Use 2	Commercial – Shop	\$803.00
Land Use 3	Commercial – Office	\$803.00
Land Use 4	Commercial – Other	\$803.00
Land Use 5	Industry – Light	\$803.00
Land Use 6	Industry – Other	\$803.00
Land Use 8	Vacant Land	\$170.00
Land Use 9	Other	\$214.00

**Adoption of Water Annual Service Charge Rebate**

That pursuant to Section 166(1)(m)(ii) of the Local Government Act 1999, Council grant a rebate of \$380.00 on the Water Annual Service Charge to all land attributed a land use category of 2, 3, 4, 5 or 6 and that used less than 300kl of water in the 2016/2017 financial year on the basis that it is considered by Council to be appropriate to provide relief in order to avoid what would otherwise constitute a liability that is unfair or unreasonable.

**Adoption of Aged Pensioner Access Separate Rate Rebate**

That pursuant to Section 166(1)(m)(ii) of the Local Government Act 1999, Council grant a rebate of \$104.00 on the Access Separate Rate for all aged pensioners on the basis that it is considered by Council to be appropriate to provide relief in order to avoid what would otherwise constitute a liability that is unfair or unreasonable

**Declaration of Sewerage Separate Rate**

That the area defined below be adopted as the Sewerage Scheme Area.

Top (northern) end of Hutchison Street commencing with Allotment 1637.  
 Allotments 1638, 1639, 1640, 480, 1154, 1428, 1365, 1364, 1363, 1362, 1361, 1360, 157 (in D30537), 715, 2000, 2001, 37, 36, 35, 1, 2 (In D35317), 333 Hutchison Street.  
 Allotments 629, 904, and 903 Stretton Road.  
 Allotments 634, 1303, 16, 15, 14/644, 13, 2/3/6/322 (In D32957), 1 (In F10087), 334, Hutchison Street.  
 Allotments 335, 336, 337, 2075, 110, 109, 108 Trow Place.  
 Allotments 17 and 18 Paxton Road.  
 Allotments 1, 2, 7, 3, 120, 119, 482, and Section 454 Hutchison Street.  
 Allotments 6, 20, 104 Wright Road.  
 Allotments 2126 and 2127 Malliotis Boulevard.  
 Allotments 420 and 419 Hutchison Street.  
 Allotments 367, 368, 1845 and 1138 Catacomb Road.  
 Allotments 1844 (In D30825), 1139, 1140, 1141, 1838, 1839, 1148, 1149 McKenzie Road.  
 Allotments 1844 (In D30270), 195, 1842 O'Neil Court.  
 Allotments 189 and 1417 McDougall Road.  
 Section 8 Umoona Road.  
 Allotment 100 Umoona Road.  
 Allotment 89 Hospital Road.  
 Allotments 39, 38, 33, 32, 1263, 4, 3, 2, 1, 7 (In D29215), 1,5, 6, 4 (In F10915), 27, 1, 2, 25, 24, 23, 22 Hutchison Street.  
 Allotments 5, 639, 328, 1049, 1048, 667, 100 Brewster Street.  
 Allotment 713 Naylor Place.

Allotments 732, 1028, 1029, 1030, 1031, 1033, 1037, 1038, 1039, 1040, 2153, and 2181 Oliver Street.  
 Allotments 171, 172, 817, 816, 100, 773, 1 (In D32949) Hutchison Street.  
 Allotment 102 (In D30876) St Nicholas Street..  
 Allotment 638, 655, 656, 1881, 1992, 1991, 2 Aylett Street.  
 Allotment 1603 Yanikas Drive

That pursuant to and in accordance with Section 154 of the Local Government Act 1999, the Council declares a separate rate in respect of all rateable land within the Sewerage Scheme Area and within the area of the Council for the financial year ending 30th June 2018 for the purposes of making available, supporting and maintaining the Coober Pedy Sewerage Scheme being a rate of 0.4300 cents in the dollar based on the capital value of the rateable land

#### Adoption of Sewerage Separate Rate Rebate

That pursuant to Section 166(1)(m)(ii) of the Local Government Act 1999, Council grant a rebate of 100% of the Sewerage Separate Rate in respect of all land that cannot be connected to the Sewerage Scheme on the basis that it is considered by Council to be appropriate to provide relief in order to avoid liability that is unfair or unreasonable.

#### Payment of Rates

That pursuant to Section 181 of the Local Government Act 1999 rates for the financial year ending 30th June 2018 is payable in four equal or approximately equal instalments to be received on or before the 12<sup>th</sup> October 2017, 15th December 2017, 16th March 2018 and 15th June 2018.

F. HOGAN, Chief Executive Officer

#### DISTRICT COUNCIL OF GRANT

##### DEVELOPMENT ACT 1993

##### *Port MacDonnell & Environs (Part 2)*

##### *Cape Northumberland Lighthouse Development Plan Amendment for Public Consultation*

NOTICE is hereby given that the District Council of Grant has prepared a draft Development Plan Amendment (DPA) to amend its Development Plan.

The Amendment will change the Development Plan by rezoning part of the Cape Northumberland Lighthouse site adjacent to the lighthouse and cottages from a Coastal Open Space Zone to a Residential Zone in order to facilitate public access to the lighthouse.

The DPA report will be on public consultation from Tuesday 12 September 2017 until Thursday 9 November 2017.

Copies of the DPA will be available for public inspection during normal office hours at the Council offices at 324 Commercial Street West, Mount Gambier and 5 Charles Street, Port MacDonnell and will be available on Council's website at [www.dcgrant.sa.gov.au](http://www.dcgrant.sa.gov.au).

Written submissions regarding the DPA should be submitted no later than 5.00 pm on Thursday 9 November 2017. All submissions should be addressed to the Chief Executive Officer, District Council of Grant, PO Box 724, Mount Gambier 5290 and should clearly indicate whether or not you wish to be heard in support of your submission at the public meeting. If you wish to lodge your submission electronically, please email it to [info@dcgrant.sa.gov.au](mailto:info@dcgrant.sa.gov.au).

Copies of all written submissions received will be available for inspection by interested persons at Council's offices from Friday 10 November 2017 until the public meeting.

A public meeting will be held at the Port MacDonnell Community Complex on Tuesday 14 November 2017, commencing at 5.30 pm. The public meeting will not be held if no submissions are received or if no submission makes a request to be heard.

If you would like more information about the DPA, please contact Leith McEvoy on 8721 0444 or by email at [info@dcgrant.sa.gov.au](mailto:info@dcgrant.sa.gov.au).

Dated 12 September 2017.

TREVOR SMART, Chief Executive Officer

#### DISTRICT COUNCIL OF MOUNT REMARKABLE

##### OPENING & CLOSING OF ROADS

IN accordance with section 10 of the Roads (Opening & Closing) Act, 1991, NOTICE is hereby given that the District Council of Mount Remarkable proposes to make a Road Process Order to CLOSE the following road: In the Hundred of Wongyarra, being a portion of White Park Road in the area named Bangor generally situate adjoining the north-eastern boundaries of Sections 220 and 399 and marked 'A' on Preliminary Plan 17/0050.

It is proposed that the piece of road to be closed marked 'A' be retained by the District Council of Mount Remarkable as a freehold title excluded from Community Land.

A preliminary plan of the proposal, and a statement, are available for public inspection at the District Council of Mount Remarkable offices, 5 Stuart Street Melrose SA 5483 between the hours of 9.00am and 5.00pm, Monday to Friday or at the Adelaide office of the Surveyor-General during normal office hours.

Any person may object to the proposal (and any adjoining landowner or other person substantially affected by the proposed road closure may apply for an easement relative to the closure). Such objection (or application for an easement) must be made in writing to the District Council of Mount Remarkable WITHIN 28 DAYS OF THE DATE OF THIS NOTICE. If a submission is made, the District Council of Mount Remarkable is required to give notice of a time and place at which a meeting will be held to consider the matter, so that the person making the submission (or a representative) may attend to support the submission, if desired. Any submission must set out the full name and address of the person making the submission, and must be fully supported by reasons (and any application for the grant of 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). A copy of the submission must be forwarded to the Surveyor – General at Adelaide.

WARNE HART, Chief Executive Officer

## MUNICIPAL COUNCIL OF ROXBY DOWNS

## ELECTRICITY ACT 1996

*Standard Contractual Terms and Conditions for the Sale or Supply of Electricity*

THE following Standard Contractual Terms and Conditions for the Sale or Supply of Electricity is published pursuant to Section 36 of the Electricity Act 1996.

R. D. BLIGHT, Chief Executive, Municipal Council of Roxby Downs

**INTRODUCTION**

This document sets out the terms and conditions under which *Council* supplies electricity to *customers* within the Roxby Downs Township.

**BACKGROUND**

*Council* operates electricity distribution and retail services within the Roxby Downs Township in its capacity as the Electricity Distribution Authority pursuant to Clause 18 of the Schedule to the *Roxby Downs (Indenture Ratification) Act 1982 (Indenture)*. *Roxby Power* is a business unit of *Council* that is responsible for performing these functions.

The supply and distribution of electricity is regulated by legislation including the *National Electricity Retail Law (South Australia) Act 2011* (the NERL Act) and the *Electricity Act 1996*. *Council* is exempt from holding a retailer authorisation under the NERL Act, but must comply with conditions imposed on it as an 'exempt seller'. The conditions with which *Council* must comply are specified in a *Notice of Exemption* and, to the extent that these conditions affect *customers*, these have been incorporated in these Terms and Conditions.

**1. General**

- 1.1. This document constitutes an *electricity retail Contract*.
- 1.2. The parties to this *Contract* are:
  - 1.2.1. *Council* (otherwise referred to herein as "we" "our" or "us"); and
  - 1.2.2. the *customer* (otherwise referred to herein as 'you' or 'your').
- 1.3. This *Contract* applies in respect of the supply of electricity to you at the *premises* by *Council*.
- 1.4. Words appearing throughout this *Contract* in italics are defined in Schedule 1.

**2. Term of Contract**

- 2.1. This *Contract* commences upon the date electricity is consumed by you at the *premises* or on the date that you make application to *Council* for the supply of electricity at the *premises* in the form required by *Council*.
- 2.2. This *Contract* terminates:
  - 2.2.1. on a date that is agreed between you and us; or
  - 2.2.2. 5 business days from the date of us receiving written notice of termination from you in the form required, or such other date as agreed; or
  - 2.2.3. the date that a different *customer* enters into an electricity retail *Contract* for the *premises*; or
  - 2.2.4. at the end of a period of 10 *business days* commencing on the day your *premises* are disconnected, where the conditions for reconnection have not been met, or
  - 2.2.5. on the day that we subsequently read the meter, if we become aware that you have vacated the *premises* without proper notice.
- 2.3. The termination of this *Contract* does not affect any rights or obligations that have already accrued under the *Contract*.
- 2.4. You are responsible for paying the charges for electricity supplied to the *premises* and any related charges until this *Contract* terminates in accordance with clause 2.2 of this *Contract*, even if you vacate the *premises* earlier.

**3. Your Obligations**

- 3.1. You must provide us with information that we reasonably require for the purposes of fulfilling our obligations under this *Contract*.
- 3.2. You must promptly notify us if information you have provided to us changes, including your billing address or the purpose for which you require an electricity supply.
- 3.3. You must pay the amounts billed by us under this *Contract* in accordance with a *billing notice*.
- 3.4. You must meet your obligations under this *Contract* and applicable legislation.

**4. Our Liability**

- 4.1. The supply of electricity by *Council* is subject to BHP supplying us with electricity for this purpose. The electricity supply may be subject to fluctuations and interruptions from time to time for a number of reasons beyond our control, including:
  - 4.1.1. Interruptions caused by BHP in respect of the electricity it supplies to *Council*;
  - 4.1.2. the location of the *premises*;
  - 4.1.3. whether the *premises* is served by underground or overhead mains;
  - 4.1.4. weather conditions;
  - 4.1.5. as a consequence of animals, vegetation and/or the unlawful actions of vandals or other persons;
  - 4.1.6. the existence of emergency or dangerous conditions;
  - 4.1.7. damage to an electricity network;
  - 4.1.8. the design and technical limitations of the electricity network; and
  - 4.1.9. the demand for electricity at any point in time.
- 4.2. To the extent permitted by the law, we give no condition, warranty or undertaking and we make no representation to you about the condition or suitability of electricity, its quality, fitness or safety, other than those set out in this *Contract*.

- 4.3. Unless we have acted in bad faith or negligently, we are not liable for any loss or damage you suffer as a result of or in connection with the partial or total failure by us to supply electricity to the *premises*. This includes loss or damage suffered as a result of:
  - 4.3.1. a failure of electricity supply, or a defect in the electricity supply; or
  - 4.3.2. a characteristic of the electricity supply (for example, voltage or frequency) being unsuitable for some purpose.
- 4.4. Unexpected fluctuations or interruptions may cause damage to your electrical equipment or cause it to malfunction. It is your responsibility to take out, as you see fit, insurance or to install devices to protect your equipment and/or property from any electricity fluctuations or interruptions.
- 4.5. To the extent permitted by law any liability that attaches to us under this *Contract* that cannot be excluded but that can be limited is (at our option) limited to:
  - 4.5.1. providing equivalent goods or services provided under this *Contract* to the *premises*; or
  - 4.5.2. paying you the cost of replacing the goods or services provided under this *Contract* to the *premises*, or acquiring equivalent goods or services.

## 5. Tariffs & Charges

- 5.1. Current tariffs and charges for the sale and supply of electricity and other services to you are set-out in the price list adopted by *Council* annually following preparation of *Council's* Budget and effective commencing from 1 January of each calendar year following the adoption of the budget.
- 5.2. We provide *customers* with information about current tariffs and charges by:
  - 5.2.1. Sending a copy of the current price list annually with the January *billing notice*,
  - 5.2.2. publishing the information on *Council's* website, and
  - 5.2.3. making copies of the current price list available at our administration office.
- 5.3. Tariffs and charges, which include special meter readings, account application fees and fixed charges for special purpose electricity supply, will be separately itemised on your *billing notice*.
- 5.4. Different tariffs and charges may apply to you depending on your circumstances. The current price list specifies the circumstances in which each tariff and charge applies.
- 5.5. We will assign a tariff to you at the commencement of this *Contract* based upon the information you provide to us. Details of the tariff assigned to you will be included on your *billing notice*.
- 5.6. If you think that you satisfy the eligibility criteria attaching to another tariff and can demonstrate this to us, you may request that we transfer you from your current tariff to another tariff. In this case, we will transfer you to the other tariff within 10 business days of you having satisfied us of your eligibility for that tariff.
- 5.7. If your circumstances change such that you are no longer eligible for the tariff assigned to you and you notify us of the change, we may require you to transfer to the tariff applicable to your circumstances with effect from the date on which we notify you of the new tariff.
- 5.8. If you do not notify us of a change in your use of the *premises* that affects your eligibility for a particular tariff, upon becoming aware of such change, we may upon giving notice to you, transfer you to the applicable tariff with effect from the date that we are reasonably satisfied that the change of use occurred.
- 5.9. If a tariff or charge applying to you changes during a *billing cycle*, your bill for that *billing cycle* will be calculated on a pro-rata basis using the old tariff or charge up to and including the date of change and the new tariff or charge from that date to the end of the *billing cycle*.
- 5.10. We reserve the right to change our tariffs and charges as necessary and you will be notified of any change that affects you.
- 5.11. Amounts stated in our price list or otherwise payable under this *Contract* may be stated to be either exclusive or inclusive of GST. Any amount that is payable by you under this *Contract* for a "taxable supply" as defined for GST purposes, to the extent permitted by law, will be increased so that the GST payable on the taxable supply is passed on to you as the recipient of that taxable supply.

## 6. Billing

- 6.1. Most *bills* are issued on a quarterly *billing cycle* in the months of January, April, July and October. A small number of high-use *customers* receive bills on a monthly *billing cycle*.
- 6.2. We will send a *bill* to you as soon as possible after the end of each *billing cycle*. The *bill* will be in a form and contain such information as is required by the *Notice of Exemption*. The *pay-by date* for the *bill* will be at least 13 business days from the date of issue of the *bill*.
- 6.3. The *bill* will be issued to you, or to a person whom you have authorised in writing to us to act on your behalf, at the *premises*, unless you nominate another billing address in writing. An alternate billing address may if agreed by us include an email address provided by you.
- 6.4. At the end of each *billing cycle* we will calculate:
  - 6.4.1. the charge for electricity supplied during that *billing cycle* (using information obtained from reading your meter or using an approved estimating system); and
  - 6.4.2. the amount for any other services supplied under this *Contract* during the *billing cycle*.
- 6.5. If your meter is unable to be read, or your metering data cannot reasonably be obtained by us (for example, if access to the meter is not provided, or the meter breaks down or is faulty), the amount of electricity that was supplied to us at the *premises* may be estimated.
- 6.6. If an estimation is used as the basis for your *bill*, you will be advised of this fact on your *bill*.
- 6.7. We must base the estimation on one of the following:
  - 6.7.1. your reading of the relevant meter; or
  - 6.7.2. historical meter data obtained (after the commencement of this *Contract*) in respect of the *premises*; or
  - 6.7.3. if the above information is not available, the average use of electricity by a comparable *customer* over the corresponding period.



- 6.8. If you have been provided with an estimated *bill* and the meter is subsequently read, the *bill* will be adjusted for the difference between the estimate and the actual amount of electricity used, based on the meter reading.
- 6.9. If you have received an estimated *bill* due to the absence of metering data and a subsequent meter reading shows that you have been undercharged, we will offer you the option of paying for the amount undercharged under an instalment plan.
- 6.10. If the meter is unable to be read because you have not provided us with access to it and you subsequently request that we replace an estimated *bill* with a *bill* based on the meter reading, we will comply with your request but the costs we incur in arranging for a meter reading at the *premises* will be passed on to you.

## 7. Paying Your Bill

*Note: This clause does not affect our right to disconnect the electricity supply at your address under Clause 14.*

### Payment in Arrears

- 7.1. Unless otherwise agreed, you must pay the amount due as stated in a *bill* so that the funds are received by us on or before the *pay-by date*.
- 7.2. The method by which you make payment will be as agreed when made application for supply or such other method that we may have subsequently agreed with you.
- 7.3. If you do not pay in full by the *pay-by date* or make payments as otherwise agreed, we will send you a Reminder Notice showing the amount outstanding and give you a further *pay-by date* (not less than 6 business days from the date of the reminder notice) to pay the amount due. In this case, we may charge a late fee.
- 7.4. If you do not pay the amount on the Reminder Notice by the *pay-by date*, we may require you to pay our reasonable costs of recovering that amount from you.
- 7.5. If you are a *business customer*, you will be required to pay interest on the outstanding amount as set out in the price list.
- 7.6. If a payment you make is dishonoured or reversed (e.g. where a cheque or credit card payment is not honoured), and we incur a fee as a result, you must reimburse us the amount of that fee.

### Payment by instalments

- 7.7. You may choose to make payments in advance by instalments towards future bills. We will assist you to set an instalment amount that adequately covers your anticipated usage level.
- 7.8. We may require you to make payments in advance by instalments towards future bills if you have an unsatisfactory credit rating or a history of non-payment. In this case, the amount to be paid will be set by *Council*.
- 7.9. If we require you to pay on an instalment plan under Clause 7.8 but you refuse, we may either require a Security Deposit (see Clause 13) or refuse to connect supply to the premises.
- 7.10. All instalment payments in advance will be made on a monthly basis by direct debit or autopay (i.e. credit card) on a date determined by *Council*.

### Payment difficulties

- 7.11. If you have difficulties paying your bill, you should contact us as soon as possible. We will provide you with information about:
  - 7.11.1. payment by instalment plans offered by Council; and
  - 7.11.2. any relevant government or non-government electricity rebates, concessions and relief schemes; and
  - 7.11.3. where applicable, inform you of your right to have your bill redirected to a third person so long as that third person consents in writing to that redirection; and
  - 7.11.4. any accredited financial counselling services of which Council has knowledge.

## 8. Hardship Considerations

- 8.1. If –
  - 8.1.1. you have exhausted all of the above options under clause 7.11 to address your payment difficulties and are still unable to pay your bill; and
  - 8.1.2. you provide us with a report by an accredited financial counselling service providing details of your financial circumstances,we will consider the matter under *Council's Payments & Hardship Policy*, a copy of which is available on the *Council* web site.

## 9. Meters

- 9.1. You must allow safe and convenient access to the premises for the purposes of enabling any person acting on behalf of *Council* to read the meter.

## 10. Undercharging

- 10.1. Subject to this clause, we may recover from you any amount you have been undercharged.
- 10.2. If you have been undercharged other than as a result of your own fault or unlawful act or omission, we can only recover the amount undercharged in the 9 months prior to the date you are notified of the undercharging.
- 10.3. You will not be charged interest on any undercharged amount.
- 10.4. You will be given the opportunity to pay any undercharged amount that we seek to recover from you in instalments over a maximum 12 month period.

## 11. Overcharging

- 11.1. If you have been overcharged, we must notify you within 10 *business days* of becoming aware of this fact and we will repay the amount overcharged as follows:
  - 11.1.1. if the amount overcharged is \$50 or more we will refund the amount if requested. If no request is made we will credit the amount to your next *billing notice*;
  - 11.1.2. if the amount overcharged is less than \$50 we will credit the amount to your next *billing notice*;

11.1.3. if you no longer require electricity to be supplied by us, we will use our *best endeavours* to refund the amount to you within 10 *business days*;

11.2. We are not liable to pay interest on any overcharged amount.

## 12. Billing Disputes

12.1. If you disagree with the amount you have been charged, you can ask us to review your *bill*. Upon such request, we will undertake the review as soon as reasonably practicable but in any event, within 30 *business days*.

12.2. During such time as a review is being undertaken we may require you to pay:

12.2.1. the lesser of that portion of the bill under review or an amount equal to the average amount of your *bills* in the previous 12 months (excluding the bill in dispute); and

12.2.2. any other *bills* that are properly due.

12.3. If you request that the meter reading or metering data be checked or that the meter be tested, then we will arrange for this to occur. Unless the meter is found to be faulty, you will be liable for any costs incurred by us in checking or testing the meter. We may request that you pay the amount in advance.

12.4. If, after conducting a review of your *bill* the *bill* is found to be correct, you will be required to pay the outstanding amount of the *bill*. If the *bill* is incorrect, your *bill* will be adjusted in accordance with Clause 10 or 11 as the case may require.

12.5. If you remain dissatisfied with our response following a review, you have a right to refer the complaint to the South Australian Electricity Industry Ombudsman.

## 13. Security Deposits

13.1. If any of the following apply, you may be required to pay a *security deposit* before we supply electricity to you:

13.1.1. you have left a previous *premises* without settling an outstanding electricity debt owed to *Council*, the debt remains outstanding and you have refused to make arrangements that are satisfactory to *Council* to pay the debt;

13.1.2. you have fraudulently acquired or intentionally consumed electricity otherwise than in accordance with law within the past 2 years; or

13.1.3. you refuse or fail to provide *acceptable identification* to us; or

13.1.4. we reasonably consider that you have an unsatisfactory credit history; or

13.1.5. you are a *business customer* and you have no history of paying electricity accounts (in respect of the business) or you have an unsatisfactory record of paying electricity accounts; or

13.1.6. you refuse or fail to provide permission or other information requested to enable us to perform a check of your credit history, and

13.1.7. you have been offered an instalment payment arrangement but declined to accept the arrangement or failed to make an instalment payment having accepted an offer.

13.2. Subject to clause 13.3, the amount of a *security deposit* that may be sought by us is up to 37.5% of your estimated bills over a 12 month period, based on your billing history, or the average usage of electricity by a comparable *customer* over a comparable 12 month period.

13.3. If you are a business customer:

13.3.1. we may increase the *security deposit* payable under clause 13.2 where that deposit is insufficient to secure your current electricity usage; and

13.3.2. you can elect to provide a bank guarantee as an alternative to a cash *security deposit*.

13.4. If you pay a *security deposit*, the deposit will be kept by *Council* and accrue interest on a daily basis at the *bank bill rate*.

13.5. A *security deposit* and any interest accrued will be returned to you if:

13.5.1. you complete at least 24 months of paying your *billing notices* by the *pay-by dates* for those bills; or

13.5.2. you properly terminate the supply of electricity at the *premises* and you do not require us to supply electricity to you at a different address.

13.6. We may also use your *security deposit*, and any interest earned on the *security deposit*, to offset any amount you owe to us under this *Contract* if:

13.6.1. you fail to pay a *billing notice* and, as a result, we arrange for the disconnection of supply at the *premises*; or

13.6.2. in relation to the issue of a final *billing notice* where you vacate the *premises* and request disconnection of supply at the *premises*.

## 14. Disconnection and Reconnection of Supply

### Supply Disconnections

14.1. We may disconnect the supply of electricity to the *premises* where any of the following circumstances exist:

14.1.1. you have requested disconnection; or

14.1.2. continuity of supply to the *premises* would be unsafe – in this case we will use our *best endeavours* to notify you in person or by telephone prior to the disconnection and will arrange for reconnection as soon as practicable; or

14.1.3. you have failed to allow access to the *premises* to read the meter for 3 consecutive billing periods; or

14.1.4. you have not paid a *billing notice* following the issue of a Reminder Notice under Clause 7.3 or have not adhered to the terms of a *payment plan*.

### Obligations prior to disconnection

14.2. Prior to disconnecting your electricity supply we will:

14.2.1. use our *best endeavours* to advise you either by telephone, mail, email or by any other means as may have been previously agreed between us;

14.2.2. in the case of failure to pay (Clauses 14.1.4), serve you with a Disconnection Warning Notice specifying the date that disconnection is proposed to occur if the bill has not been paid by that time.

#### Reconnection of supply

- 14.3. Where we have disconnected the electricity supply at the *premises* due to your fault, and within 10 *business days* following the disconnection you have rectified any issue that led to the disconnection to our reasonable satisfaction and requested re-connection of supply, we will reconnect the *premises* as soon as practicable.
- 14.4. If you make a request for re-connection pursuant to clause 14.3:
- 14.4.1. before 4.00pm on a *business day*, we will use our *best endeavours* to arrange for the reconnection on the day of the request and, in any event, by the next *business day*.
- 14.4.2. after 4.00pm and before 9.00pm on a *business day* and you pay the charge for after-hours connection, we will use our *best endeavours* to arrange for the reconnection on the day of the request and, in any event, by the next *business day* in which case the after-hours charge will be refunded;
- 14.4.3. after 9.00pm on a *business day* we will arrange for the reconnection by the end of the next *business day*.

#### **15. Life Support Customers**

- 15.1. If a person who requires and uses *life support equipment* resides at the *premises* then you are required to provide us with written notice of this from a registered medical practitioner.
- 15.2. If you have advised us in accordance with Clause 15.1:
- 15.2.1. we will not, except in the case of a supply network failure or hazardous conditions, disconnect supply to the *premises*; and
- 15.2.2. we will provide you with a faults and emergencies telephone contact number.
- 15.3. If you have provided written notice under clause 15.1 and the person for whom the *life support equipment* is required vacates the *premises* or no longer requires the *life support equipment*, you must immediately inform us of that fact.

#### **16. Use and Illegal use of Electricity**

- 16.1. You must not:
- 16.1.1. use or allow electricity supplied by us to be used other than in accordance with this *Contract*; or
- 16.1.2. tamper with any meter or related electricity equipment or infrastructure or cause, suffer or permit any meter or equipment to be tampered with.
- 16.2. If you have unlawfully or fraudulently used electricity we may:
- 16.2.1. estimate the amount of the electricity so obtained and issue a *billing notice* to you or take debt recovery action against you for that amount; and
- 16.2.2. immediately and without notice, disconnect supply to the *premises*.

#### **17. Privacy and Confidentiality**

Unless otherwise required or permitted by law, we will ensure that any personal information in our possession about you is not disclosed to a third party without your prior written consent or as may otherwise be agreed in writing with you.

#### **18. Force Majeure Event**

- 18.1. If either party to this *Contract* cannot meet an obligation under this *Contract* because of a *force majeure event*:
- 18.1.1. the obligation, other than an obligation to pay money, is suspended to the extent that it is affected by the *force majeure event* for so long as the *force majeure event* continues; and
- 18.1.2. the affected party must use its *best endeavours* to give the other party prompt notice of that fact including full particulars of the *force majeure event*, an estimate of its likely duration, the extent to which the party's obligations are affected by it and the steps being taken to remove, overcome or minimise those effects.
- 18.2. If the effects of the *force majeure event* are widespread we will be deemed to have given you prompt notice if we make the necessary information available by way of a 24 hour telephone service within 30 minutes of being advised of the *force majeure event* or otherwise as soon as practicable.
- 18.3. A party claiming a *force majeure event* must use its *best endeavours* to remove, overcome or minimise the effects of that *force majeure event* as quickly as possible.
- 18.4. Nothing in this clause requires a party to settle an industrial dispute which constitutes a *force majeure event* in any manner other than in the manner preferred by that party.

#### **19. Amending these Terms and Conditions**

To the extent permitted by law, we may vary these terms and conditions from time to time. In this case, we will notify you that the terms and conditions have been amended, will ensure that the current version is available on our website and will provide you with a copy of the current terms and conditions upon request.

#### **20. Other**

The laws of South Australia govern this Contract.

#### **21. Further Information Queries and Complaints**

- 21.1. If you have a query or a complaint relating to the sale or supply of electricity by us to you, or this *Contract* generally, or require any other information you may contact us as follows:

By telephone	08 8671 0010
In writing	Roxby Power 6 Richardson Place PO Box 124 Roxby Downs SA 5725
By email	<a href="mailto:roxby@roxbycouncil.com.au">roxby@roxbycouncil.com.au</a>
After Hours Emergency	0418 892 870
Website	<a href="http://www.roxbydowns.sa.gov.au">www.roxbydowns.sa.gov.au</a>

- 21.2. A copy of our *customer* Complaint Handling Policy can be provided upon request.

**SCHEDULE 1 – DEFINITIONS**

<i>acceptable identification</i>	means in relation to: <ul style="list-style-type: none"> <li>(a) a <i>residential customer</i>, one or more of the following           <ul style="list-style-type: none"> <li>i a drivers licence, a current passport, or other form of photographic identification</li> <li>ii a Pensioner Concession Card or other entitlement card issued by the State or Commonwealth Government and</li> <li>iii a birth certificate</li> </ul> </li> <li>(b) a <i>business customer</i> which is a sole trader or partnership, one or more forms of identification for a <i>residential customer</i> for each of the individuals that conduct the business</li> <li>(c) a <i>business customer</i> which is a body corporate, the body corporate's Australian Company Number or Australian Business Number;</li> </ul>
<i>bank bill rate</i>	means a daily published rate no less than the pre-tax rate of return the retailer would earn over the period the retailer retains the <i>security deposit</i> if it were invested in bank bills that have a term of 90 days
<i>best endeavours</i>	means to act in good faith and use all reasonable efforts, skill and resources
<i>bill or billing notice</i>	means a demand for payment for the supply of electricity to you and any related charges
<i>billing cycle</i>	means the regular recurrent period for which you receive a <i>billing notice</i> from us.
<i>business customer</i>	means a <i>customer</i> who is not a <i>residential customer</i>
<i>business day</i>	means a day that is not a Saturday, a Sunday or a public holiday in the State of South Australia
<i>Contract</i>	see ' <i>Electricity Retail Contract</i> '
<i>Council</i>	means the Municipal Council of Roxby Downs of Richardson Place, Roxby Down SA 5725 (ABN 68 284130 046)
<i>customer</i>	means a person, business or organisation: <ul style="list-style-type: none"> <li>(a) that is supplied with electricity by us at the <i>premises</i>; or</li> <li>(b) that has applied to us to have electricity supplied at the <i>premises</i>.</li> </ul>
<i>Electricity Retail Contract</i>	means a <i>Contract</i> between a <i>customer</i> and <i>Council</i> for the sale or supply of electricity to the <i>customer</i> .
<i>force majeure event</i>	means an event outside the control of <i>Council</i> or a <i>customer</i> , the occurrence of which could not be reasonably foreseen or, if it could be reasonably foreseen, could not reasonably have been guarded against
<i>Indenture</i>	means the <i>Roxby Downs (Indenture Ratification Act) 1982</i>
<i>life support equipment</i>	means: <ul style="list-style-type: none"> <li>(a) an oxygen concentrator, an intermittent peritoneal dialysis machine, a kidney dialysis machine, a chronic positive airways pressure respirator, crigler najjar syndrome phototherapy equipment, a ventilator for life support; and</li> <li>(b) in relation to a particular <i>customer</i>, any other equipment that a registered medical practitioner certifies is required for a person residing at the <i>customer's premises</i> for life support</li> </ul>
<i>Notice of Exemption</i>	means the Notice of Exemption dated 23 January 2013 issued by the Minister for Mineral Resources and Electricity pursuant to section 34 of the NERL Act , which notice exempts <i>Council</i> from the requirement to hold a current retailer authorisation under Part 5 of the National Electricity Retail Law set out in the Schedule to the NERL Act subject to the conditions set out therein.
<i>residential customer</i>	means a <i>customer</i> who is supplied with electricity principally for personal, household or domestic use.
<i>pay-by date</i>	means the last day on which <i>Council</i> must receive payment for the supply of electricity to you and any related charges as specified on a <i>billing notice</i>
<i>payment plan</i>	means a plan for— <ul style="list-style-type: none"> <li>(a) a hardship <i>customer</i>, or</li> <li>(b) a <i>residential customer</i> who is not a hardship <i>customer</i> but who is experiencing payment difficulties,</li> </ul> to pay an outstanding debt by periodic instalments;
<i>premises</i>	means the <i>premises</i> to which <i>Council</i> supplies electricity under this <i>Contract</i>
<i>Roxby Power</i>	means <i>Council's</i> electricity retail and distribution business unit
<i>security deposit</i>	means an amount of money paid to us as security against non-payment of a bill

## DISTRICT COUNCIL OF TUMBY BAY

## DEVELOPMENT ACT 1993

*Tumby Bay Township Development Plan Amendment for Public Consultation*

NOTICE is hereby given that the District Council of Tumby Bay has prepared a draft Development Plan Amendment (DPA) to amend its Development Plan.

The Amendment will change the Development Plan by expanding and amending the Town Centre Zone, rezoning the existing Home Industry Zone to a Residential Zone, rezoning the waste depot site from Rural Living to Industry, expanding the Industry Zone for new employment lands and including the Commercial Zone, rezoning the existing Deferred Urban Zones west of Thuruna Road and south of the "Island" to a Residential Zone and associated minor amendments.

The DPA report will be on public consultation from Tuesday 12 September 2017 until Thursday 9 November 2017.

Copies of the DPA will be available for public inspection during normal office hours at the Council offices at West Terrace, Tumby Bay and will be available on Council's website at [www.tumbybay.sa.gov.au](http://www.tumbybay.sa.gov.au).

Written submissions regarding the DPA should be submitted no later than 5.00 pm Thursday 9 November 2017. All submissions should be addressed to the Chief Executive Officer, District Council of Tumby Bay, PO Box 61, Tumby Bay 5605 and should clearly indicate whether or not you wish to be heard in support of your submission at the public meeting. If you wish to lodge your submission electronically, please email it to [dtumby@tumbybay.sa.gov.au](mailto:dtumby@tumbybay.sa.gov.au).

Copies of all written submissions received will be available for inspection by interested persons at Council's offices from Friday 10 November 2017 until the public meeting.

A public meeting will be held at the District Council of Tumby Bay Council Chambers on Wednesday 15 November 2017, commencing at 7.30 pm. The public meeting will not be held if no submissions are received or if no submission makes a request to be heard.

If you would like more information about the DPA, please contact Emma McDonald on 8688 2101 or by email at [dtumby@tumbybay.sa.gov.au](mailto:dtumby@tumbybay.sa.gov.au).

Dated 12 September 2017.

TREVOR SMART, Chief Executive Officer

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

BATES Beatrice May late of 333 Marion Road North Plympton of no occupation who died 17 July 2017  
BOBRIDGE Jennifer Ann late of 9 Brenchley Grove Kingswood Retired Dental Assistant who died 13 July 2017  
DENTON Neville Donald late of 200 Fosters Road Oakden of no occupation who died 29 August 2016  
HEINZE Thelma June late of 7 Forrest Street Seaview Downs of no occupation who died 11 April 2017  
KLASSMANN Francis Herman late of Doolong Road Kawungan Queensland of no occupation who died 4 July 2017  
LONGMUIR Mary Rita late of 81 Tapleys Hill Road Hendon of no occupation who died 8 April 2013  
McDONALD Aida Lourdes late of 8 Auburn Court Morphett Vale Retired Nurse who died 29 March 2017  
PROSPERI-PORTA Maria Giovanna late of 6 Mumford Avenue St. Agnes of no occupation who died 2 January 2017  
WOOD Veronica Florence late of 333 Marion Road North Plympton of no occupation who died 9 May 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 at GPO Box 1338, Adelaide, 5001, full particulars and proof of such claims, on or before the 13 October 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 12 September 2017.

D. A. CONTALA, Public Trustee

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# NOTICE SUBMISSION

The weekly *South Australian Government Gazette* is issued on Tuesday afternoon, except where Executive Council meets on Wednesday, wherein publishing will occur on that day.

The next scheduled publication date is displayed on the website: [www.governmentgazette.sa.gov.au](http://www.governmentgazette.sa.gov.au).

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

EMAIL [governmentgazettesa@sa.gov.au](mailto:governmentgazettesa@sa.gov.au)  
PHONE (08) 8207 1045

## Notices for gazettal are to be emailed in the following formats:

- Notices as individual Word files (.doc)
- Maps, images, and diagrams as separate PDF files (.pdf)
- Content requiring official signature for authorisation—notices as Word files as well as signed documentation as PDF files

## Please provide the following information in your email:

- Date the notice is to be gazetted
- Notification of whether a proof, quote, or return email confirmation is required
- Email address and phone number of the person authorising the submission
- Name of the person and organisation to be charged for the notice, if applicable, and a purchase order if required
- Details that may impact on publication of the notice

Notices must be submitted before 4 p.m. Friday, the week preceding intended gazettal.

Proofs of formatted content are supplied upon request, with necessary alterations to be returned before 4 p.m. the day preceding publication.

Submitted notices will be gazetted unless notification is received before 10 a.m. the day of publication.