



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ADELAIDE, THURSDAY, 6 SEPTEMBER 2018

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

Department of the Premier and Cabinet
Adelaide, 6 September 2018

His Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Parole Board of South Australia, pursuant to the provisions of the Correctional Services Act 1982:

Member: from 10 September 2018 until 9 September 2021

Stephen Charles Ey
Maria Naso
Katherine Jane McLachlan
Denis George Edmonds

Deputy Member: from 10 September 2018 until 9 September 2021

Andrew Theodosios Kyprianou (Deputy to McLachlan)

Deputy Member: from 10 September 2018 until 17 December 2019

Kevin John Hill (Deputy to Bloor)

Second Deputy Presiding Member: from 10 September 2018 until 9 September 2021

Stephen Charles Ey

By command,

STEVEN SPENCE MARSHALL
Premier

18COR009CS

Department of the Premier and Cabinet
Adelaide, 6 September 2018

His Excellency the Governor in Executive Council has been pleased to appoint the Honourable Stephan Karl Knoll, MP, Minister for Transport, Infrastructure and Local Government and Minister for Planning to be also Acting Minister for Environment and Water for the period from 7 September 2018 to 16 September 2018 inclusive, during the absence of the Honourable David James Speirs, MP.

By command,

STEVEN SPENCE MARSHALL
Premier

18EWDEWCS0015

Department of the Premier and Cabinet
Adelaide, 6 September 2018

His Excellency the Governor in Executive Council has been pleased to appoint the people listed to the position of Community Visitor for a period of 1 year commencing on 6 September 2018 and expiring on 5 September 2019 - pursuant to the provisions of the Mental Health Act 2009:

- James Jeffrey Evans
- Angelikh Koutsidis
- Sultana Razia

By command,

STEVEN SPENCE MARSHALL
Premier

HEAC-2018-00054

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:

LA00429

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 or by contacting Aquaculture Leasing & Licensing on 8226 0900.

CORINA GIROLAMO
Aquaculture Leasing & Licensing Officer

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:

LA00431

LA00432

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 or by contacting Aquaculture Leasing & Licensing on 8226 0900.

CORINA GIROLAMO
Aquaculture Leasing & Licensing Officer

FISHERIES MANAGEMENT ACT 2007

SECTION 115

Ministerial Exemption: ME9903006

TAKE NOTICE that pursuant to section 115 of the *Fisheries Management Act 2007*, Kate Mason of the Department for Environment and Water, 110A Mannum Road, MURRAY BRIDGE SA 5253 (the 'exemption holder'), is exempt from section 70 and 71(1) and 71 (2) of the *Fisheries Management Act 2007* and regulations 5 and 10 and clauses 40, 44 of schedule 6 of the *Fisheries Management (General) Regulations 2017* but only insofar as the exemption holder or her agents may engage in the collection of fish from the waters described in schedule 1, using the gear specified in schedule 2 (the 'exempted activity'), subject to the conditions set out in schedule 3, from 31 August 2018 until 31 August 2019, unless varied or revoked earlier.

SCHEDULE 1

Disher Creek and Berri Basin in the South Australian River Murray wetlands.

SCHEDULE 2

- 18 x fyke nets (6mm mesh, 7m wing)
- 16 x fyke nets (4mm mesh, 7m and/or 4m wing)
- 6 x double wing fyke nets (4mm mesh, 5m wings)
- 1 x seine net (5m length, 2mm mesh)
- 1 x dip net

SCHEDULE 3

1. The specimens collected by the exemption holder are for scientific and research purposes only and must not be sold.
2. All native fish taken pursuant to the exempted activity other than Murray Hardyhead must be returned to the water except in the circumstance pursuant to part 3, schedule 3.
3. Up to 3000 Murray Hardyhead (*Craterocephalus fluviatillis*) may be retained for the purposes of translocation to Frenchman's Creek in New South Wales.
4. All non-native species of fish caught during the exempted activity must be destroyed and disposed of appropriately.
5. The exemption holder must notify PIRSA Fishwatch on 1800 065 522 at least 2 hours prior to conducting the exempted activity and answer a series of questions about the exempted activity. The exemption holder will need to have a copy of the exemption notice 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 boats involved, the number of agents undertaking the exempted activity and other related questions.
6. The exemption holder must provide a written report detailing the outcomes of the collection of organisms pursuant to this notice to PIRSA, Fisheries & Aquaculture, (PIRSA.Ministerialexemptionsandpermits@sa.gov.au) upon completion, giving the following details:
 - the date, soak time and location of collection;
 - the number of nets used;
 - the description of all species collected;
 - the number of each species collected; and
 - any other relevant information.
7. While engaging in the exempted activity, the exemption holder must be in possession of a copy of this notice. Such notice must be produced to a Fisheries Officer if requested.
8. The exemption holder must not contravene or fail to comply with the Fisheries Management Act 2007 or any regulations made under that Act, except where specifically exempted by this notice.

This notice does not purport to override the provisions or operation of any other Act including but not limited to the *River Murray Act 2003*.

Dated: 31 August 2018

SEAN SLOAN
Executive Director
Fisheries and Aquaculture
Delegate of the Minister for Primary Industries and Regional Development

FISHERIES MANAGEMENT (PRAWN FISHERIES) REGULATIONS 2017

Fishing Run for the West Coast Prawn Fishery

TAKE notice that pursuant to regulation 10 of the *Fisheries Management (Prawn Fisheries) Regulations 2017*, the notice dated 27 February 2018 on page 1092 of the South Australian Government Gazette of 6 March 2018 prohibiting fishing activities in the West Coast Prawn Fishery is HEREBY varied such that it will not be unlawful for a person fishing pursuant to a West Coast Prawn Fishery licence to use prawn trawl nets in the areas specified in Schedule 1, during the period specified in Schedule 2, and under the conditions specified in Schedule 3.

SCHEDULE 1

The waters of the West Coast Prawn Fishery.

SCHEDULE 2

Commencing at sunset on 3 September 2018 and ending at sunrise on 17 September 2018.

SCHEDULE 3

1. Each licence holder must ensure that a representative sample of catch (a 'bucket count') is taken at least 3 times per night during the fishing activity.
2. Each 'bucket count' sample must be accurately weighed to 7kg where possible and the total number of prawns contained in the bucket must be recorded on the daily catch and effort return.
3. Fishing must cease if one of the following limits is reached:
 - a. A total of 14 nights of fishing are completed
 - b. The average catch per vessel, per night (for all 3 vessels) drops below 300 kg for two consecutive nights
 - c. The average 'bucket count' for all vessels exceeds 270 prawns per bucket on any single fishing night in the Ceduna area
 - d. The average 'bucket count' for all vessels exceeds 240 prawns per bucket on any single fishing night in the Coffin Bay area
 - e. The average 'bucket count' for all vessels exceeds 240 prawns per bucket on any single fishing night in the Venus Bay area.

4. The fleet must nominate a licence holder to provide a daily update by telephone or SMS message to the Prawn Fishery Manager on 0477 396 367, to report the average prawn catch and the average prawn 'bucket count' for all vessels operating in the fishery.
5. No fishing activity may be undertaken after the expiration of 30 minutes from the prescribed time of sunrise and no fishing activity may be undertaken before the prescribed time of sunset for Adelaide (as published in the South Australian Government Gazette pursuant to the requirements of the *Proof of Sunrise and Sunset Act 1923*) during the period specified in Schedule 2.

Dated: 31 August 2018

STEVE SHANKS
Prawn Fisheries Manager
Delegate of the Minister for Primary Industries and Regional Development

HOUSING IMPROVEMENT ACT 2016

SECTION 25

Rent Control

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

Address of Premises	Allotment Section	Certificate of Title Volume/Folio	Maximum Rental per week payable
29A Westralia Street, Greenacres SA 5086	Allotment 75 Filed Plan 127209 Hundred of Yatala	CT5399/81	\$132.50

Dated: 6 September 2018

JOHN HERRMANN
Housing Regulator and Registrar
Office of Housing Regulation, Housing SA
Delegate of Minister for Human Services

HOUSING IMPROVEMENT ACT 2016

SECTION 25

Rent Control Revocations

I am 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 Human Services Delegate does hereby revoke the said Rent Control in respect of each property.

Address of Premises	Allotment Section	Certificate of Title Volume/Folio
5 Birks Street, PARKSIDE SA 5063 (AKA 5-7)	Allotment 3 Filed Plan 7972 Hundred of Adelaide	CT1689/35, CT5798/358
23 Young Street, PENOLA SA 5277	Allotment 2 Filed Plan 104450 Hundred Penola	CT5182/205
13 Substation Road, TALEM BEND SA 5260 (AKA Lot 3 Lime Kiln Road)	Allotment 3 Filed Plan 16735 Hundred of Seymour	CT5431/678
799 Saint RD, KALLORA SA 5550	Allotment 1 Deposited Plan 29052 Hundred of Balaklava	CT5460/315
Unit 1/26 Anzac Highway, Everard Park SA 5035	Allotment 7 Deposited Plan 2463 Hundred of Adelaide	CT5751/644

Dated: 6 September 2018

JOHN HERRMANN
Housing Regulator and Registrar
Office of Housing Regulation, Housing SA
Delegate of Minister for Human Services

LEGAL PRACTITIONERS ACT 1981

REPUBLISHED

On 30 August 2018, the notice published on page 3289 of the *South Australian Government Gazette* was incorrectly referred to as "Rules of Court". The notice should be replaced with the following:

LEGAL PRACTITIONERS ACT 1981

SOUTH AUSTRALIA

Rules of the Legal Practitioners Education and Admission Council 2018

Pursuant to the *Legal Practitioners Act 1981* the *Legal Practitioners Education and Admission Council* makes the following rules:

Part 1 – Preliminary

1 Citation

These rules may be cited as the LPEAC Rules 2018.

2 Commencement

These rules will come into operation on 2 October 2018.

3 Repeal

The LPEAC Rules 2004 are repealed.

4 Interpretation

- (1) Terms used in the *Legal Practitioners Act 1981* and in these rules will have the same meaning in these rules as they have in the Act.
- (2) In these rules, unless the contrary intention appears –
- Act** means the *Legal Practitioners Act 1981*.
- admission** means admission and enrolment under section 15 of the Act.
- Board of Examiners or Board** means the Board of Examiners established under Part 2A Division 2 of the Act.
- Category A, B, C or D practising certificate** – see rule 10.
- CPD** means continuing professional development.
- CPD year** means any year beginning on 1 April and ending on the following 31 March.
- employed practitioner** means a practitioner with an employee practising certificate employed to perform predominantly the work of a legal practitioner–
- in a private law practice; or
 - in a government department or semi-government authority, if the employment requires the performance of the work of a legal practitioner which LPEAC considers appropriate for the purposes of these rules; or
 - in the legal office or department of a corporation; or
 - in a community legal centre; or
 - in the office of the Crown Solicitor, the Director of Public Prosecutions, the Commonwealth Australian Government Solicitor or the Commonwealth Director of Public Prosecutions; or
 - in any other organisation, department or office which LPEAC approves under subrule (3); or
 - as a judge’s associate.
- Full Court** means the Full Court of the Supreme Court.
- judge’s associate** means–
- an associate of a judge of the Supreme Court or District Court of South Australia; or
 - an associate of a judge of the Federal Court of Australia; or
 - an associate to magistrates in the Magistrates Court of South Australia.
- Original applicant** means a person applying for admission on the basis of academic and practical qualifications obtained in Australia.
- mandatory continuing professional development or MCPD** – see rule 13 and Appendix C.
- prescribed amount** of MCPD is as set out in Appendix C.
- Registrar** means the Registrar of the Supreme Court.
- supervised practice** means practice as an employed practitioner or a volunteer practitioner that qualifies under rule 5.
- Supreme Court** means the Supreme Court of South Australia.
- Supreme Court Admission Rules** means the Rules of the Supreme Court that are relevant to the qualification or admission of legal practitioners (including any processes or procedures associated with the qualification or admission of legal practitioners).
- State** means the State of South Australia.
- volunteer or volunteer practitioner** means a practitioner who receives no remuneration for the work the practitioner does or who is only reimbursed for expenses actually incurred during the course of carrying out work.
- (3) For the purposes of paragraph (f) of the definition of **employed practitioner** under these rules, LPEAC may from time to time–
- grant approvals to such entities as it thinks fit; and
 - revoke the approval of an entity if LPEAC considers that an approval is no longer appropriate.
- (4) For the purposes of Part 3 Division 3 and Appendix C, a reference to the **Law Society** is a reference to the Law Society while it continues to be assignee of the functions of the Supreme Court in respect of the issue and renewal of practising certificates pursuant to the Supreme Court Admission Rules and section 52A of the Act and, if it ceases to be such an assignee, then the term is to be read as a reference to the Supreme Court.

5 Supervised practice

- (1) For the purposes of these rules, practice by a practitioner qualifies as supervised practice if–
- the work of the practitioner is controlled or managed by a legal practitioner who has been in practice for at least 5 years preceding the commencement of the proposed supervised practice and who holds a Category A or Category B or unrestricted Category C practising certificate during the period of supervised practice (the **supervising practitioner**); and
 - during the period of practice–
 - the practitioner is employed or engaged by the supervising practitioner; or
 - the practitioner is employed and the supervising practitioner is employed or engaged by the same person; or
 - the practitioner is employed and the supervising practitioner is employed or engaged to perform the work of a legal practitioner in the same practice; and
 - during the period of supervised practice the practitioner and the supervising practitioner work, or substantially work, at the same location.

- (2) During the period of supervision, the practitioner and the supervising practitioner must, insofar as is reasonably practicable, comply with any guidelines issued by LPEAC for the purposes of this rule.
- (3) If a practitioner is subject to a condition which requires that the practitioner must not practice without supervision, the requirement for supervision will not cease until the Board of Examiners is satisfied that there has been adequate compliance with that condition such that it is appropriate for the person to be permitted to practice without supervision.

Part 2 – Requirements for admission

Division 1 – General scheme

6 Interpretation

In this Part, unless the contrary intention appears –

appropriate workplace, for the purposes of overseas work experience as part of an approved practical legal training course, means–

- (a) the office of a legal practitioner in private practice; or
- (b) the legal office or department of a government or semi-government body; or
- (c) the legal office or department of a corporation,

in a common law jurisdiction where the nature of the legal work is equivalent to the legal work undertaken in a comparable office in Australia.

approving body means an organisation responsible to deliver a course of practical legal training which is accredited by LPEAC under these rules as providing through its training the required competence in the skills, values and practice areas set out in Appendix B.

eligible supervisor means a legal practitioner who–

- (a) has been in practice for at least 5 years preceding the commencement of proposed work experience; and
- (b) has not been the subject of any finding by a relevant court, licensing authority or disciplinary body under any law relating to the legal profession that, in the opinion of the approving body, makes it inappropriate for that person to act as a supervisor; and
- (c) demonstrates to the satisfaction of the approving body that the legal practitioner will be in a position to devote adequate time to supervising the work experience of a relevant applicant.

legal practitioner means a person who–

- (a) has been admitted to practice; and
- (b) holds a practising certificate or equivalent authorisation,

in either an Australian jurisdiction, or in the jurisdiction where the relevant student's approved workplace experience will occur.

relevant experience means experience in delivering legal services of a type, and in a manner, comparable with the delivery of legal services in Australia, which includes experience in applying common law legal knowledge and skills to practical legal problems–

- (a) in the procedures and relationships commonly found in a legal office; and
- (b) in meeting and dealing with clients of a legal office; and
- (c) in a manner that promotes professional legal attitudes, ethics and responsibilities, comparable to those required to practise law in Australia,

and if the approving body so requires, completion of either or both of:

- (d) a minimum period of workplace experience; and
- (e) particular tasks specified in advance by the approving body.

7 Academic requirements

- (1) The academic requirement for admission is the successful completion of a tertiary academic course in Australia, whether or not leading to a degree in law–
 - (a) which includes the equivalent of at least 3 years full-time study in law; and
 - (b) which, in the opinion of LPEAC, requires a satisfactory level of understanding and knowledge in the areas of knowledge referred to in Appendix A.
- (2) The following academic qualifications are taken to satisfy the requirements of this rule:
 - (a) Bachelor of Laws of the University of Adelaide;
 - (b) Bachelor of Laws or Bachelor of Laws and Legal Practice or the Juris Doctor of the Flinders University;
 - (c) Bachelor of Laws of the University of South Australia.
- (3) Subsection (2) does not apply in relation to a particular qualification if LPEAC determines that the qualification no longer provides a satisfactory level of understanding and competence in the areas of knowledge referred to in Appendix A.
- (4) If an applicant has completed a requirement under a preceding subrule more than 5 years before applying for admission, LPEAC may, after assessing the applicant's academic qualifications, require the applicant either or both to undertake further academic studies and to pass such further examinations as LPEAC may determine.

8 Practical requirements

- (1) The practical requirement for admission is–
 - (a) the successful completion of a course of study commenced in accordance with the requirements of Appendix B and which, in the opinion of LPEAC, requires understanding and competence in the knowledge, values and skills, in each of the practice areas set out in that Appendix at the level of proficiency prescribed by that Appendix; or

- (b) the successful completion of–
 - (i) the course of study leading to the grant of the Graduate Diploma in Legal Practice of the University of Adelaide and the Law Society of South Australia; or
 - (ii) the degree of Bachelor of Laws and Legal Practice of the Flinders University; or
 - (iii) the course of study provided by the College of Law Limited known as the South Australian PLT Program; or
 - (iv) the course of study leading to the grant of the Graduate Diploma in Legal Practice of the Flinders University,
 unless the LPEAC determines, in relation to a particular course, that any of the courses referred to in subrule (1) to (iv) hereof no longer requires understanding and competence in the skills, values and practice areas set out in Appendix B at the level of proficiency prescribed by that Appendix.
- (2) A course of study must, in order to qualify under subrule (1), include a period of workplace experience at an appropriate workplace, being–
 - (a) a workplace in Australia; or
 - (b) a workplace overseas if prior approval has been given by the relevant approving body in respect of the workplace experience.
- (3) For the purposes of subrule (2)(b), an approving body may give an approval if the approving body–
 - (a) receives and approves an application to undertake workplace experience at the relevant place before the applicant commences the workplace experience; and
 - (b) is satisfied that the applicant will obtain relevant experience in an appropriate workplace under the supervision of an eligible supervisor.
- (4) For the purpose of subrule (2) workplace experience must be undertaken for a least 15 hours per week in blocks of not less than three hours unless exemption is obtained by the applicant prior to the commencement of work place experience.

9 Practical requirements – related matters

- (1) In order to assist LPEAC to determine whether or not a course offered wholly or in part in-house by an employer during the course of employment of an applicant for admission is of a nature and standard to enable LPEAC to form an opinion for the purposes of rule 8, LPEAC may require an employer, or a principal engaged in the practice conducted by an employer, to certify that the course offered by the employer, together with such other training or experience which the applicant for admission has received or will receive before admission, will, in the opinion of the person furnishing the certificate, be sufficient to impart an adequate understanding and competence in the skills, values and practice areas set out in Appendix B at the level of proficiency prescribed by that Appendix.
- (2) In forming an opinion as to a course of study for the purposes of rule 8, LPEAC may take into account the fact that an admitting authority in another State or a Territory has recognised the particular course as satisfying, wholly or in part, the practical requirement for admission in that State or Territory.
- (3) If an applicant has completed a requirement under rule 8 more than 5 years before applying for admission, LPEAC may, after assessing the applicant's practical legal training qualifications, require the applicant to undertake such further practical legal training requirements as LPEAC may determine.

Part 3 – Practice

Division 1 – Categories of practising certificates

10 Categories of practising certificates

- (1) Practising certificates issued under the *Legal Practitioners Act 1981* will be in the following categories:
 - (a) Category A: a principal practising certificate which enables the practitioner to practise as the principal of a law practice entitled to receive and manage trust monies;
 - (b) Category B: a principal practising certificate which enables the practitioner to practise as a principal of a law practice but not entitled to receive and manage trust monies, including as a barrister;
 - (c) Category C: an employee practising certificate which enables the practitioner to undertake work of an employed practitioner on a supervised basis pursuant to rule 11 (a *restricted practising certificate*) and, on certification by the Board of Examiners that the practitioner has satisfied rule 11, as an employed practitioner (an *unrestricted Category C practising certificate*);
 - (d) Category D: a volunteer practising certificate which enables the practitioner to undertake legal practice in the manner they are otherwise entitled to in accordance with rule 11, but only as a volunteer for a community legal centre, or for an institution or project approved by LPEAC, and where the practitioner is covered by professional indemnity insurance (being a *restricted practising certificate* while the practitioner is undertaking supervised practice) and, after compliance with rule 11, as a volunteer legal practitioner (an *unrestricted Category D practising certificate*).
- (2) This rule applies subject to–
 - (a) the operation of rule 12; and
 - (b) any other provision made by or under these rules as to a requirement for supervised practice.

Division 2 – Right to practice following admission

11 Required experience

- (1) An original applicant admitted to practise in this State will not be entitled to hold a Category A, B, unrestricted C or unrestricted D practising certificate until he or she has completed supervised practice in this State or in another State or a Territory by way of–
 - (a) a continuous period of 2 years' full-time employment as an employed practitioner, or an equivalent period of part-time employment, following the first issue to the original applicant of a practising certificate; or

- (b) a combination of employment as an employed practitioner and work as a volunteer practitioner, or an equivalent period of part-time employment, which together are the equivalent of 2 years' full-time employment or work, provided that the work as a volunteer practitioner does not exceed 3 months (in total) (full-time equivalent), or such longer period as may apply on application under subrule (2)(b).
- (2) For the purposes of subrule (1)–
 - (a) an original applicant may accumulate periods of practice as an employed practitioner in more than one State or Territory where he or she is entitled to practise; and
 - (b) the Board may, in its discretion, on application by the relevant practitioner, extend the period of 3 months of work as a volunteer under subrule (1)(b), provided that the total period of such work does not exceed 6 months (in total) (full-time equivalent); and
 - (c) the Board may, in its discretion, on application by the relevant practitioner, permit continuous or discontinuous periods of employment, whether full-time or part-time, to be accumulated.
- (3) This rule applies subject to–
 - (a) the operation of rule 12; and
 - (b) any other provision made by or under these rules as to a requirement for supervised practice.

12 Practising without supervision

- (1) A practitioner must not practise as a local legal practitioner without supervision unless the person holds–
 - (a) a Category A or B practising certificate; or
 - (b) an unrestricted Category C practising certificate; or
 - (c) an unrestricted Category D practising certificate.
- (2) If the Board of Examiners determines that a person has contravened subrule (1), the Board may–
 - (a) direct the person to complete a period of supervised practice that is in addition to the requirements of rule 11, subject to such conditions determined to be appropriate by the Board, before the person is entitled to a category of practising certificate referred to in that subrule; or
 - (b) refer the matter to the Court, and the Court may then deal with the matter as it thinks fit; or
 - (c) refer the matter to the Legal Profession Conduct Commissioner under Part 6 of the Act.
- (3) A practitioner will be entitled to hold a Category A, B, unrestricted C or unrestricted D practising certificate on satisfying the Board of Examiners that he or she has completed supervised practice pursuant to Rule 11.

Division 3 – MCPD requirements

13 MCPD requirements

- (1) The qualifications for the issue and renewal of a practising certificate to an individual legal practitioner will include completion of the prescribed amount of Mandatory Continuing Professional Development (*MCPD*).
- (2) It is a condition of a practising certificate issued or renewed by an individual legal practitioner that the practitioner undertake the prescribed amount of MCPD.
- (3) Before a practising certificate will be issued to or renewed by an individual legal practitioner, the applicant practitioner must first satisfy the Law Society that the practitioner has completed the prescribed amount of MCPD in respect of the preceding CPD year.

14 Non-compliance

- (1) If an individual legal practitioner has not completed the prescribed amount of MCPD in respect of the preceding CPD year–
 - (a) the Law Society may–
 - (i) direct that a practising certificate will be issued to or renewed by the practitioner subject to a condition or conditions determined to be appropriate by the Law Society;
 - (ii) excuse the practitioner from such compliance if the practitioner has permanently ceased legal practice during the course of the practising year, or has given notice of retirement to the Law Society and has undertaken not to apply for a further practising certificate in this State or in another State or Territory,
 (and both of these subparagraphs may be applied if the Law Society so determines in a relevant case); or
 - (b) on application by the Law Society or the relevant applicant, the Board may–
 - (i) direct that a practising certificate be issued to or renewed by the practitioner subject to a condition or conditions determined to be appropriate by the Board;
 - (ii) excuse the practitioner from such compliance if the practitioner has permanently ceased legal practice during the course of the practising year, or has given notice of retirement to the Law Society and has undertaken not to apply for a further practising certificate in this State or in another State or Territory;
 - (iii) direct that the practising certificate of the practitioner be suspended for a period specified by the Board, or that the practising certificate of the practitioner be cancelled,
 (and both subparagraphs (i) and (ii) may be applied if the Board so determines in a relevant case).
- (2) If the Law Society–
 - (a) decides not to issue or renew a practising certificate because an individual legal practitioner has failed to satisfy the Law Society that he or she has completed the prescribed amount of MCPD in respect of a CPD year; or
 - (b) decides to act under subrule (1)(a)(i) in relation to an individual legal practitioner,
 the practitioner may, within 7 days of notification of the decision of the Law Society (or such longer time as the Board may allow), apply to the Board for a review of the decision.

- (3) The Board may, on an application under subrule (2)–
 - (a) if the Board is satisfied that the practitioner has undertaken the prescribed amount of MCPD, direct that a practising certificate may be issued or renewed; or
 - (b) direct that a practising certificate be issued or renewed, subject to such conditions (or further conditions) as the Board considers to be appropriate; or
 - (c) direct that a practising certificate not be issued or renewed by the practitioner.
- (4) A legal practitioner whose practising certificate is subject to one or more conditions imposed under this rule must comply with that condition or those conditions.

Division 4 – Renewal of practising certificates after break in practice

15 Renewal of practising certificates

- (1) This rule applies–
 - (a) to a practitioner who applies, or who is seeking to apply, for a practising certificate for the first time in this State more than 3 years after the practitioner was admitted in this State; and
 - (b) to a practitioner who applies, or who is seeking to apply, for a practising certificate after his or her last practising certificate, including an interstate practising certificate, has expired and has not been renewed for a period of 3 years or more from the date of expiry.
- (2) A practitioner to whom this rule applies is not eligible to be issued a practising certificate unless the practitioner has, on application under this rule, satisfied the Board that he or she remains a fit and proper person to undertake work as a legal practitioner.
- (3) An application under this rule must be by way of a statutory declaration lodged with the Board setting out the evidence on which the practitioner relies and exhibiting to the declaration documentary evidence relied on by the practitioner in support of his or her application.
- (4) On application by a practitioner under this rule, the Board may–
 - (a) direct that a practising certificate be issued to the practitioner;
 - (b) direct that a practising certificate–
 - (i) not be issued to the practitioner; or
 - (ii) not be issued to the practitioner until further direction, or until a specified event happens;
 - (c) direct that the practitioner–
 - (i) undertake further specified training or acquire further experience, or both;
 - (ii) provide further information or take further steps in relation to his or her fitness to practise;
 - (d) direct that a practising certificate be issued subject to conditions determined by the Board while the practitioner complies with any direction under paragraph (c).
- (5) Subject to subrule (4)(d), the practitioner must satisfy the Board that he or she has satisfactorily complied with any direction under subrule (4)(c) before a practising certificate may be issued.
- (6) The authority responsible for the issue or renewal of a practising certificate will act on a certificate of the Board in relation to the issuing of a practising certificate to a practitioner to whom this rule applies.

Part 4 – Overseas applicants

16 Applicants who have not been admitted overseas

- (1) A person who holds qualifications obtained outside Australia which are recognised as qualifying the person to be admitted in an overseas jurisdiction, including New Zealand, but who is not admitted to practise in that jurisdiction, may apply to the Board for a direction as to what further, if any, academic or practical requirements must be complied with in order to satisfy the requirements for admission as an original applicant in the State.
- (2) An application under this rule must be accompanied by a statutory declaration that–
 - (a) states the nature and provides details of the applicant’s academic qualifications and practical qualifications and experience; and
 - (b) provides evidence that the applicant has the academic and practical qualifications referred to by that applicant; and
 - (c) states whether the applicant has applied for admission in any other Australian jurisdiction, and the result of any such application.
- (3) The statutory declaration must have annexed to it original or authenticated documentary evidence that supports the academic and practical qualifications relied on by the applicant under subrule (2)(b).
- (4) On application by a person under this rule, the Board may–
 - (a) decline to give a direction; or
 - (b) direct that the applicant–
 - (i) comply with any further academic requirements as may be specified by the Board; and
 - (ii) obtain further specified practical training or experience, or both; or
 - (c) direct that the applicant is not required to undertake any further academic requirements or practical training.

17 Applicants who have been admitted overseas

- (1) A person who is admitted to practise in an overseas jurisdiction, other than New Zealand, may apply to the Board for a direction as to what further, if any, academic or practical requirements must be complied with in order to satisfy the requirements for admission as an original applicant in the State.
- (2) An application under this rule must be accompanied by a statutory declaration that–

- (a) states the nature and provides details of the applicant's academic qualifications and practical qualifications and experience; and
 - (b) provides evidence that the applicant has the academic and practical qualifications referred to by that applicant; and
 - (c) states that the applicant is currently admitted and entitled to practise in the overseas jurisdiction, has not at any stage been struck off the roll of practitioners or otherwise suspended from practice, and is not presently subject to disciplinary inquiry or proceedings; and
 - (d) describes the nature, range, duration and character of the applicant's practice in the overseas jurisdiction; and
 - (e) states whether the applicant has applied for a direction or for admission in any other Australian jurisdiction, and the result of any such application.
- (3) The statutory declaration must have annexed to it original or authenticated documentary evidence that supports the academic and practical qualifications relied on by the applicant under subrule (2)(b).
- (4) On application by a person under this rule, the Board may—
- (a) decline to give a direction; or
 - (b) direct that the applicant—
 - (i) comply with any further academic requirements as may be specified by the Board; and
 - (ii) obtain further specified practical training or experience, or both; or
 - (c) direct that the applicant is not required to undertake any further academic requirements or practical training.

18 Related matters

- (1) In formulating a direction under this Part, the Board must endeavour to ensure that the applicant's qualifications, training and experience equate as closely as may be reasonably practicable with those of an original applicant.
- (2) On completion of any requirements of the Board under this Part, or if the Board determines that no further academic or practical training is required, the applicant will be taken to have satisfied the academic and practical requirements for admission in the State.
- (3) A person who seeks a direction under this Part must, when applying for the direction, in addition to the other requirements of this Part, provide to the Board—
 - (a) evidence (such as a passport) to verify the applicant's identity; and
 - (b) independent evidence that the applicant is the person who has obtained the academic, practical and professional qualifications relied on as part of the application, such as a notarised certification from the tertiary institution or professional body which has awarded or conferred the relevant qualification which identifies the applicant by reference to the applicant's passport (or other document of identity) including (in the case of a passport) the passport's number and the country of issue and, in any other case, similar identifying information; and
 - (c) if the applicant has not been admitted to practise in an overseas jurisdiction, two statutory declarations (or the overseas equivalent of a statutory declaration) from persons of good repute who have known the applicant for at least 5 years, attesting to the applicant's good character; and
 - (d) if the applicant has been admitted to practice in an overseas jurisdiction, two statutory declarations (or the overseas equivalent of a statutory declaration) from legal practitioners in that jurisdiction who have known the applicant for at least 2 years and who themselves have been admitted in that jurisdiction for at least 5 years, attesting to the applicant's good character and fitness to be admitted; and
 - (e) documentation relating to any academic or practical qualification relied on by the applicant (including a syllabus or other document describing course details and coverage) issued by the body which has awarded the qualification; and
 - (f) the original or duly authenticated copy of the applicant's student record relating to the academic subjects and practical courses undertaken, the year in which each subject or course was taken and the grade achieved by the applicant in respect of each subject or course.
- (4) If the first language of an applicant for admission in the State is not English, the applicant must satisfy the Board that the applicant has sufficient knowledge of written and spoken English to practise in Australia.
- (5) The Board may, in relation to an application under this Part, make such further inquiries as the Board thinks fit concerning—
 - (a) the system of jurisprudence of the country in which the applicant has obtained his or her qualifications or in which the applicant has been admitted as a legal practitioner (as the case may be); and
 - (b) the nature and adequacy of the applicant's training and experience in the practice of the law; and
 - (c) the applicant's fitness to be admitted to practise in this State,

and the Board may act in respect of such matters on the written advice of the Attorney-General or the Solicitor-General for the State of South Australia, the Dean or Associate Dean of Law of the University of Adelaide, the Flinders University, or the University of South Australia, or of the Victorian Council of Legal Education, Victorian Legal Admissions Board, any other admitting authority in Australia, or on report of a committee appointed by the Board for the purposes of this subrule.

Part 5 – Board of Examiners

19 Proceedings

- (1) Any question before the Board will be decided by a majority of the members present at the relevant meeting, and the presiding member (and in the absence of the presiding member, the presiding member's deputy) will have a casting vote as well as a deliberative vote.
- (2) When the Board makes a report to the Court or to LPEAC, any member may make a dissenting or individual report.

20 Requirement to attend before Board

The Board may require an applicant for admission or for a practising certificate, or a practitioner to whom an applicant has been articulated, or under whose supervision the applicant has served, or with whom the applicant has served as a bona fide pupil, to answer in writing, or to attend before it and to answer orally, such questions as the Board thinks fit.

21 Exemptions

- (1) Subject to subrule (3), the Board may exempt a person from the requirements of, or from compliance or further compliance with, any of these rules (or any part of these rules).
- (2) An exemption may be granted subject to such conditions as the Board thinks fit.
- (3) Subrule (1) does not extend to a rule where a specific power of exemption is vested in LPEAC (other than rule 25).
- (4) Subrules (1) and (3) do not limit the power of LPEAC to delegate any power of exemption to the Board.
- (5) Without limiting a preceding subrule, a person who claims to have been qualified for admission under rules that have been repealed or any previous Admission Rules made pursuant to section 72(1)(j) of the *Supreme Court Act 1935* but has not been admitted to practise as a legal practitioner in the State, may apply to the Board for an exemption from compliance with these rules or for a direction as to what further (if any) academic or practical requirements must be complied with in order to satisfy the requirements for admission (and any such exemption or direction may be given on such terms or conditions as the Board thinks fit).

22 Reference of questions

The Board may refer any matter before the Board under these rules or under the Act to the Court or to LPEAC, and the Court or LPEAC may—

- (a) deal with the matter as it thinks fit; or
- (b) refer the matter back to the Board with such directions as it thinks fit.

23 Inquiries

- (1) In addition to any other inquiry that the Board may be authorised to undertake under any other law, the Board will inquire into every application for admission, and any objection to any such application, and report to the Court whether the applicant—
 - (a) is eligible for admission; and
 - (b) is a fit and proper person to be admitted; and
 - (c) has complied with the Act, these Rules and the Supreme Court Admission Rules insofar as the applicant has been required to do so; and
 - (d) has complied with any other requirement as to which the Board has been requested to report by the Court.
- (2) In the process of inquiry into the question of whether or not an applicant is a fit and proper person to be admitted, the Board may make a request in writing to any teaching institution at which the applicant has undertaken a course of study that is relevant to the practical or academic requirements for admission for a statement in writing as to whether or not the applicant has, to the knowledge of the institution, during the time when the applicant was enrolled in any such course, been guilty of any dishonest conduct (including plagiarism), of any other conduct relevant to the determination of the question whether the applicant is a fit and proper person to be admitted.
- (3) Subject to any rule in the Supreme Court Admission Rules, where the Board enquires into an application for readmission, the Board will, in addition to the matters referred to in subrule (1), report to the Court as to the fitness and capacity of an applicant to act as a practitioner in all business and matters usually transacted by or entrusted to practitioners.
- (4) If the circumstances so require, a report of the Board will be prefaced by, or have attached to it, a statement of the Board's findings in relation to the facts of the particular case.

24 Intimation as to eligibility

- (1) Any person may at any time apply to the Board for an intimation as to whether or not he or she would, in the opinion of the Board, be eligible on grounds relating to his or her character or fitness (or both) to be admitted as a practitioner.
- (2) The Board may require a person who has made application under this rule to attend before the Board and to furnish such evidence of his or her good character and fitness as the Board thinks fit.
- (3) The Board may (in its absolute discretion) give such intimation as to the eligibility of applicant as the Board thinks fit.
- (4) If, on an application for admission, the applicant relies on an intimation given by the Board under this rule, or by the Board constituted pursuant to the Supreme Court Admission Rules, the Board must give effect to the intimation when preparing its report to the Court in respect of the application for admission, except where the Board is satisfied—
 - (a) that the intimation was obtained by fraud; or
 - (b) that the intimation was obtained in circumstances where the applicant, whether deliberately or otherwise, failed to disclose to the Board facts material to the application for an intimation; or
 - (c) that the conduct of the applicant since the intimation was given requires a reconsideration by the Board as to whether or not the applicant is ineligible for admission by reason of his or her character or fitness to be admitted.

Part 6 – Miscellaneous and exemptions**25 Exemptions by LPEAC**

LPEAC may exempt a person from the requirements of, or from compliance or further compliance with, any of these rules, either entirely or in part, and subject to such conditions as LPEAC may think fit to impose.

26 General powers of Council

LPEAC may, for any purpose relating to the exercise of any of its powers under these rules—

- (a) seek a report from the Board;

- (b) appoint an ad hoc advisory committee (which may comprise or include persons who are not members of LPEAC or of the Board) to report to LPEAC;
- (c) either in a particular case or generally, have regard to and give such weight as it thinks fit to any approval, exemption, condition or decision given, allowed, imposed or made by any admitting authority or other statutory or regulatory body whose activities relate to legal practitioners in any other State or Territory of Australia.

27 Breach of conditions

If the Board determines that a person has breached a condition applying in relation to the person under these rules, the Board may—

- (a) direct the person to complete a period of supervised practice (being a period that is in addition to any other period of supervision that may be required under these rules); or
- (b) refer the matter to the Court or to LPEAC, and the Court or LPEAC may then deal with the matter as it thinks fit; or
- (c) refer the matter to the Legal Profession Conduct Commissioner under Part 6 of the Act.

28 Exercise of power, discretion or function

In exercising any power, discretion or function granted by these rules, LPEAC, the Board and the Law Society will have regard to guidelines prepared by the Law Admissions Consultative Committee contained in Appendix D.

29 Law Society entitlement to representation

The Law Society is entitled to be represented by a solicitor or counsel before LPEAC or the Board at any inquiry, or in relation to any application, under these rules.

30 Appointment of investigator

LPEAC or the Board may request the Law Society to appoint a practitioner to investigate any matter relating to any inquiry or application before it, or to assist LPEAC or the Board in relation to any such inquiry or application.

APPENDIX A: SYNOPSIS OF AREAS OF KNOWLEDGE (REVISED DECEMBER 2016)

Law Admissions Consultative Committee

Prescribed Academic Areas of Knowledge

Although the topics below are grouped for convenience under the headings of particular areas of knowledge, there is no implication that a topic needs to be taught in a subject covering the area of knowledge in the heading rather than in another suitable subject.

Criminal Law and Procedure

- (1) The definition of crime.
- (2) Elements of crime.
- (3) Aims of the criminal law.
- (4) Homicide and defences.
- (5) Non-fatal offences against the person and defences.
- (6) Offences against property.
- (7) General doctrines.
- (8) Selected topics chosen from:
 - (a) attempts
 - (b) participation in crime
 - (c) drunkenness
 - (d) mistake
 - (e) strict responsibility.
- (9) Elements of criminal procedure. Selected topics chosen from:
 - (a) classification of offences
 - (b) process to compel appearance
 - (c) bail
 - (d) preliminary examination
 - (e) trial of indictable offences. OR

Topics of such breadth and depth as to satisfy the following guidelines:

The topics should provide knowledge of the general doctrines of the criminal law and, in particular, examination of both offences against the person and against property. Selective treatment should also be given to various defences and to elements of criminal procedure.

Torts

- (1) Negligence, including defences.
- (2) A representative range of torts (other than negligence) and their defences.
- (3) Damages.
- (4) Concurrent liability.
- (5) Compensation schemes. OR
- (6) Topics of such breadth and depth as to satisfy the following guidelines.

The potential compass of this area is so large that considerable variation might be anticipated. At the very least, there should be a study of negligence and of a representative range of torts, with some consideration of defences and damages, and of alternative methods of providing compensation for accidental injury. Examples of these topics are: concurrent liability, defamation, economic torts, nuisance, breach of statutory duty and compensation schemes.

Contracts

- (1) Formation, including capacity, formalities, privity and consideration.
- (2) Content and construction of contract.
- (3) Vitiating factors.
- (4) Discharge.
- (5) Remedies.
- (6) Assignment. OR

Topics of such breadth and depth as to satisfy the following guidelines.

Some variation may be expected in the breadth and detail of the topics. In general, however, knowledge of the formal requirements for concluding contracts, capacity, the content and interpretation of contracts, their performance and discharge, and available remedies, together with an understanding of the broad theoretical basis of contract would be expected.

Property

- (1) Meaning and purposes of the concept of property.
- (2) Possession, seisin and title.
- (3) Nature and type (i.e. fragmentation) of proprietary interests.
- (4) Creation and enforceability of proprietary interests.
- (5) Legal and equitable remedies.
- (6) Statutory schemes of registration.
- (7) Acquisition and disposal of proprietary interests.
- (8) Concurrent ownership.
- (9) Proprietary interests in land owned by another.

- (10) Mortgages. OR

Topics of such breadth and depth as to satisfy the following guidelines.

The topics should provide knowledge of the nature and type of various proprietary interests in chattels and land, and their creation and relative enforceability at law and in equity. Statutory schemes of registration for both general law land and Torrens land should be included. A variety of other topics might be included, e.g., fixtures, concurrent interests and more detailed treatment of such matters as sale of land, leases, mortgages, easements, restrictive covenants, etc.

Equity

- (1)
 - (a) The nature of equity.
 - (b) Equitable rights, titles and interests.
 - (c) Equitable assignments.
 - (d) Estoppel in equity.
 - (e) Fiduciary obligations.
 - (f) Unconscionable transactions.
 - (g) Equitable remedies.
- (2) Trusts, with particular reference to the various types of trusts and the manner and form of their creation and variation. The duties, rights and powers of trustees should be included, as should the consequences of breach of trust and the remedies available to, and respective rights of, beneficiaries. (It is expected that about half the course will be devoted to trusts.) OR
- (3) Topics of such breadth and depth as to satisfy the following guidelines.

The topics should cover the elements of trust law, equitable doctrines apart from those relating to trusts, and equitable remedies. The following aspects of trusts law should be dealt with: various kinds of trusts; the rights, duties and powers of trustees; the consequences of breach of trust. Apart from trusts, the following equitable doctrines might be covered, for example, fiduciary obligations, equitable assignments, unconscionability and confidential information. The remedies of specific performance, injunction, declaration and damages in equity should be included. (It is expected that about half the course will be devoted to trusts.)

Company Law

- (1) Corporate personality.
- (2) The incorporation process.
- (3) The corporate constitution.
- (4) Company contracts.
- (5) Administration of companies and management of the business of companies.
- (6) Duties and liabilities of directors and officers.
- (7) Share capital and membership.
- (8) Members' remedies.
- (9) Company credit and security arrangements.
- (10) Winding up of companies. OR

Topics of such breadth and depth as to satisfy the following guidelines.

The topics should include an analysis of incorporation and its effects, management and control of a company, the various methods of financing - by the issue of shares and by debt - and the processes of winding up a company.

Administrative Law

- (1) Organisation and structure of the administration.
- (2) Administrative law theory.
- (3) Common law and statutory avenues of judicial review at Commonwealth and State level.
- (4) Grounds of judicial review.
- (5) Remedies.
- (6) Crown immunity.
- (7) Administrative Appeals Tribunal.
- (8) Statutory review.
- (9) Freedom of information. OR

Topics of such breadth and depth as to satisfy the following guidelines.

The topics should not only embrace traditional common law remedies concerning judicial review of administrative action, but should also cover the range of Commonwealth and State statutory regimes.

Federal and State Constitutional Law

- (1) State constitutions and constitutional systems.
- (2) The Commonwealth Constitution and constitutional system.
- (3) The constitution and operation of the legislature, executive and judiciary.
- (4) The relationship between the different institutions of government and the separation of powers.
- (5) The relationship between the different levels of government. OR

Topics of such breadth and depth as to satisfy the following guidelines.

The topics should include knowledge of the major principles of both the relevant State or Territory Constitution and the Commonwealth Constitution, including the relations between the different Commonwealth and State or Territory laws. A general knowledge of the scope of both State or Territory and Commonwealth Constitutions is required, although the topics will differ in the depth of treatment of specific heads of power, particularly in the Commonwealth sphere.

Civil Dispute Resolution

- (1) Court adjudication under an adversary system.
- (2) The cost of litigation and the use of costs to control litigation.
- (3) Service of originating process – as foundation of jurisdiction, including service out of the relevant state or territory and choice of forum.
- (4) Joinder of claims and parties, including group proceedings and the defence of prior adjudication as instances of the public interest in avoiding a multiplicity of proceedings and inconsistent verdict.
- (5) Defining the questions for trial – pleadings, notices to admit and other devices.
- (6) Obtaining evidence – discovery of documents, interrogatories, subpoena and other devices.
- (7) Disposition without trial, including the compromise of litigation.
- (8) Extra-judicial determination of issues arising in the course of litigation.
- (9) Judgment.
- (10) Appeal.
- (11) Enforcement.
- (12) Alternative dispute resolution.
- (13) Obligations of parties and practitioners relating to the resolution of disputes. OR

Topics of such breadth and depth as to satisfy the following guidelines.

The topic should embrace the general study of rules of civil procedure and alternative dispute resolution relevant in the State or Territory. The law concerning jurisdiction, the initiation and service of process, the definition of issues through pleadings and judgment and enforcement should all be included.

Evidence

Explanatory Note:

The following topics are fundamental to understanding the major features of evidence law and procedure, both statutory and common law, and the major sources of judicial interpretation relevant to a general study of the role, sources and foundation of the law of evidence and a trial procedure, of pre-trial obligations and of rules concerning the burden and standard of proof. These topics explicitly take into account the language of procedural changes created by the common law and uniform evidence law in Australia, including High Court jurisprudence that is indispensable to understanding the conduct of a trial.

- (1) Introduction
 - (a) The relevant sources of the law of evidence and procedure.
 - (b) Fair trials, proof and adversarialism, including principles underpinning accusatorial justice.
 - (c) Evidentiary issues to be addressed before trial: disclosure, notices and requests.
- (2) Forms of evidence
 - (a) Witnesses: Competence and compellability:
 - (i) The examination of witnesses, including vulnerable witnesses
 - (ii) The accused as a witness, including the privilege against self-incrimination
 - (b) Documentary evidence, including proof of contents.

- (c) Real evidence.
- (3) Evidentiary principles and rules, and exceptions to the rules
 - (a) Relevance.
 - (b) Original evidence including *res gestae*.
 - (c) Hearsay evidence.
 - (d) Opinion evidence.
 - (e) Admissions and confessions.
 - (f) Tendency and coincidence evidence.
 - (g) Credibility evidence.
 - (h) Character evidence.
- (4) The bases for privilege including legal professional and client privilege
- (5) Judicial warnings, comment and directions
- (6) Mandatory and discretionary exclusions and the limitations on evidence

Ethics and Professional Responsibility

- (1) Professional and personal conduct in respect of a practitioner's duty:
 - (a) to the law;
 - (b) to the Courts;
 - (c) to clients, including a basic knowledge of the principles relating to the holding of money on trust; and
 - (d) to fellow practitioners. OR
 - (e) Topics of such breadth and depth as to satisfy the following guidelines.
The topics should include knowledge of the various pertinent rules concerning a practitioner's duty to the law, the Courts, clients and fellow practitioners, and a basic knowledge of the principles relating to the holding of money on trust.

APPENDIX B: COMPETENCY STANDARDS FOR ENTRY LEVEL LAWYERS

Law Admissions Consultative Committee¹

Practical Legal Training—Competency Standards for Entry-Level Lawyers

Commencement Date: 1 January 2015

(Revised: October 2017)

¹ LACC's Charter is approved by the Council of Chief Justices which also appoints its Chairman. LACC is not, however, a committee of the Council, nor does it act on the Council's behalf

1 BACKGROUND

In 2002, Admitting Authorities finally endorsed proposed national *PLT Competency Standards for Entry-level Lawyers*, which were recommended to them by LACC.

The *Standards* had been jointly developed by the Australasian Practical Legal Education Council (APLEC) and LACC and sought to describe the observable performance in several key areas relating to legal practice, required of entry-level lawyers at the point of admission to the legal profession.²

² The recommended Standards were drafted in the light of the *National Competency Standards Policy and Guidelines*, National Training Board, Canberra, 1991 and Heywood, Gonczy and Hager, *A Guide to the Development of Competency Standards for Professions*, Department of Employment, Education and Training, Canberra, 1992.

Subsequent changes in both the training of lawyers and legal practice led LACC in 2010 to seek the assistance of APLEC and other stakeholders to undertake a review of the PLT Competency Standards. APLEC undertook a review, which was completed in 2013 following extensive consultation. This document is based on suggestions made by APLEC, as a result of that review.

One of the most significant changes in the intervening years is that, in several jurisdictions, many intending legal practitioners now obtain their PLT qualifications through PLT courses, conducted by PLT providers, rather than through serving a period as an articled clerk, to which service the Standards did not apply. In other jurisdictions, instead of articles, intending legal practitioners can choose either to undertake a PLT course or to engage in Supervised Workplace Training in a legal office. In one jurisdiction, intending practitioners still undertake articles but also are required to undertake a program of assessment conducted by a PLT provider, to assess whether they have attained each of the prescribed competencies. Whichever form of PLT is now followed, all intending practitioners are required to demonstrate that they have attained prescribed competence in the Skills, Practice Areas and Values summarised in item 3 set out in detail in item 4 below.

Another significant change is that, since 2000, all jurisdictions have developed or applied means of accrediting and monitoring PLT courses and the performance of PLT providers. So-called Uniform Standards for PLT Courses and Providers, initially developed by the Victorian Council of Legal Education have been successfully deployed and revised in the light of that experience. APLEC has asked that they should be applied in all jurisdictions and LACC has commended successive versions to Admitting Authorities.

In those jurisdictions which allow SWT, means of approving and monitoring the performance of SWT providers are also being developed.

Such procedures enhance the possibility that entry-level lawyers will all have attained the various competencies prescribed by, or pursuant to, this document.

2 INTERPRETATION

(1) Definitions

In this document:

Admitting Authority means the body responsible in a jurisdiction for approving the content of either or both of PLT courses and SWT.

applicant means applicant for admission to the legal profession.

PLT means Practical Legal Training.

PLT course means a PLT course approved by an Admitting Authority, conducted by a PLT provider.

PLT provider means a body authorised by an Admitting Authority to provide a PLT course in that jurisdiction.

programmed training means structured and supervised training activities, research and tasks, each with comprehensive assessment.

SWT means supervised workplace training and includes articles of clerkship.

SWT provider means a body providing SWT in a jurisdiction.

workplace experience means supervised employment in a legal office, or supervised paid or unpaid placement in a law or law-related work environment.

(2) **Interpretation of Item 5**

The following principles apply when interpreting item 5.

- (a) An Element describes a relevant competence that an applicant is required to demonstrate in relation to the relevant prescribed Skill, Practice Area or Value.
- (b) A Performance criterion sets out an activity by reference to which an applicant's achievement of an appropriate level of competence in the corresponding Element may be demonstrated. An applicant may, however, demonstrate the requisite achievement in relation to an Element:
 - (i) by attaining some, but not all, of the relevant Performance criteria nominated in item 5 for that Element; and
 - (ii) by attaining equivalent Performance criteria in the course of undertaking another Practice Area set out in item 5.
- (c) Where a Performance criterion refers to an action which can only be performed by a person who has both been admitted to the legal profession and holds a practising certificate, the requisite competency may be demonstrated by satisfactorily completing a simulated exercise offered, and assessed in accordance with item 4.6(a), by a PLT provider or SWT provider.
- (d) Where a Performance criterion provides for a competency to be demonstrated by observing something:
 - (i) the entry-level lawyer must document in writing and critically evaluate what has been observed; and
 - (ii) the resulting record must be assessed by the relevant PLT provider or SWT provider in accordance with item 4.6(a),
 before the relevant Performance criterion can be satisfied.
- (e) The expression of particular Elements, Performance criteria or Explanatory Notes in relation to a Skill, Practice Area or Value is not intended either:
 - (i) to limit the way in which that Skill, Practice Area or Value is taught; or
 - (ii) to prevent either wider or more detailed training in that Skill, Practice Area or Value.

3 REQUIREMENTS FOR APPLICANTS FOR ADMISSION

(1) **Required Competencies**

- (a) Every applicant is required to satisfy the Admitting Authority that the applicant has achieved the prescribed competence in the Skills, Compulsory and Optional Practice Areas and Values set out in item 5 and summarised as follows:

Skills

Lawyer's Skills Problem Solving

Work Management and Business Skills Trust and Office Accounting

Compulsory Practice Areas

Civil Litigation Practice

Commercial and Corporate Practice Property Law

Practice

Optional Practice Areas

Subject to paragraph (b), any two of:

Administrative Law Practice

Banking and Finance Criminal Law Practice

Consumer Law Practice

Employment and Industrial Relations Practice

Family Law Practice

Planning and Environmental Law Practice

Wills and Estate Practice.

Values

Ethics and Professional Responsibility

- (b) Paragraph (a) applies to every applicant who has undertaken PLT in Australia, whether by completing a PLT course, undertaking SWT, or any combination thereof approved by the relevant Admitting Authority.

(2) When PLT may be commenced

- (a) An applicant may commence PLT:
 - (i) in the case of SWT, only after the applicant has completed an academic qualification in law, leading to admission to the legal profession;
 - (ii) in the case of a PLT course that is not integrated with the applicant's academic qualification in law, only after the applicant has completed an academic qualification in law leading to admission to the legal profession, unless the applicant has no more than two academic subjects to complete:
 - a. neither of which is one of the Academic Requirements for admission; and
 - b. for which the applicant must be enrolled while undertaking the PLT course, and the applicant has received the prior permission of the Admitting Authority to commence the PLT course.
- (b) Despite paragraph (a), an applicant may undertake an integrated program of academic study and PLT that:
 - (i) requires the equivalent of three years' full-time academic study of law, apart from the time required to undertake the PLT components of the program; and
 - (ii) has been recognised by the relevant Admitting Authority for the purposes of preparing students for admission to the legal profession.

4 REQUIREMENTS FOR EACH FORM OF PLT**(1) Programmed training and workplace experience**

PLT must comprise both programmed training and workplace experience as follows:

- (a) subject to paragraph (d), in the case of a graduate diploma:
 - (i) programmed training appropriate to such a diploma³; and
 - (ii) the equivalent of at least 15 days' workplace experience;
- (b) subject to paragraph (d), in the case of a training course other than a graduate diploma, the equivalent of at least 900 hours' duration, comprising:
 - (i) at least 450 hours of programmed training; and
 - (ii) at least 15 days' workplace experience;
- (c) in the case of SWT the equivalent of at least 12 months' full-time work which includes a minimum of at least 90 hours' programmed training.
- (d) for the purposes of paragraphs (a) and (b), one day comprises seven working hours.

(2) Timing and duration of workplace experience

- (a) 15 days of workplace experience, as specified in clauses 4.1(a)(ii) and 4.1(b)(ii), is the **minimum requirement**.
- (b) require a student, as part of a PLT course, to undertake more than the minimum requirement of workplace experience (**additional requirement**).
- (c) A student must undertake the minimum requirement –
 - (i) within Australia; and
 - (ii) concurrently with or after completing the programmed training of the PLT course.
- (d) On or after 1 July 2018, a student may only obtain credit for the minimum requirement if the student undertakes not less than –
 - (i) 2 full days of workplace experience per week; or
 - (ii) 4 x 4 hour sessions of workplace experience per week.
- (e) A student may undertake any additional requirement –
 - (i) within Australia; or
 - (ii) with the permission of the PLT provider, outside Australia.
- (f) A PLT provider may grant credit towards any additional requirement of workplace experience for any workplace experience acquired by a student up to 2 calendar years before the student commences programmed training for a PLT course, if the workplace experience was acquired –
 - (i) while the student was enrolled in an academic law course accredited for professional admission purposes by an Australian Admitting Authority ;and
 - a. as part of a clinical education program, internship or externship program of that law course; or
 - b. in a legal office or during supervised placement in a law or law-related workplace; or
 - (ii) after the student has completed an academic law course, but before the student commences programmed training for a PLT course.
- (g) A PLT provider may grant credit towards either or both of the minimum requirement and any additional requirement of workplace experience for any workplace experience acquired by a student up to 2 calendar years after the student has completed the programmed training component of a PLT course.

(3) Common requirements

The requirements in items 4.4 to 4.7 apply to both PLT courses and SWT.

(4) Level of training

PLT must be provided at a level equivalent to post-graduate training and build on the academic knowledge, skills and values about the law, the legal system and legal practice which a graduate of a first tertiary qualification in law should have acquired in the course of that qualification.

(5) Qualification of instructors and supervisors

A person instructing or supervising an applicant while acquiring competence in any Skill, Practice Area or Value must:

- (a) either have substantial current or recent experience in practising law; or
- (b) have comparable relevant qualifications or experience; and
- (c) comply with any other relevant legislative or regulatory requirements in the relevant jurisdiction.

(6) Assessment of applicants

- (a) Each form of PLT must employ comprehensive methods, appropriate to post-graduate training, of:
 - (i) assessing an applicant's competence; and
 - (ii) certifying whether or not an applicant has demonstrated the requisite level of competence, in each relevant Skill, Practice Area and Value.
- (b) Wherever practicable, an applicant's competence in any Practice Area should be assessed in a way that allows the applicant, at the same time, to further develop and to demonstrate competence in, relevant Skills and Values.

(7) Resilience and well-being

All PLT providers and SWT providers should:

- (a) make applicants aware of the importance of personal resilience in dealing with the demands of legal practice;
- (b) provide applicants with appropriate access to resources that will help them develop such resilience;
- (c) provide applicants with information about how and where to seek help in identifying mental health difficulties and in dealing with their effects;
- (d) make applicants aware of the benefits of developing and maintaining personal well-being in their professional and personal lives; and
- (e) provide applicants with information about how and where to find resources to help them develop and maintain such well-being.

5 COMPETENCY STANDARDS

Item 2.2 sets out particular principles of interpretation that apply to items 5.1 – 5.16.

(1) Administrative Law Practice

Descriptor: An entry-level lawyer who practises in administrative law should be able to:

- (a) obtain information for clients under freedom of information legislation and otherwise;
- (b) seek review of administrative decisions; and
- (c) represent parties before courts and administrative tribunals.

Element**Performance criteria**

Element	Performance criteria
	The lawyer has competently:
1. Obtaining information	<ul style="list-style-type: none"> • identified whether "freedom of information" or "right to information" legislation applies to the situation. • identified the specific legislation under which the information may be obtained. • taken the steps required under that legislation. • identified and taken any other practical steps required to obtain the information.
2. Obtaining review of administrative decisions	<ul style="list-style-type: none"> • concluded correctly that the decision may be reviewed. • identified and advised the client, or participated in or observed discussions with the client, about alternative means of obtaining a review. • completed all preparation required by law, good practice and the circumstances of the matter. • represented the client effectively at, or participated in or observed, any mediation, hearing or other review forum, where this is appropriate and permitted. • identified all alternative means of obtaining redress and discussed them with the client.
3. Representing a client	<ul style="list-style-type: none"> • completed all preparation required by law, good practice and the circumstances of the matter. • represented the client effectively at, or participated in or observed, any mediation, hearing or other proceeding, where this is appropriate or permitted.

Descriptor: An entry-level lawyer who practises in administrative law should be able to:

Explanatory notes

This competency standard applies to both State and Federal administrative law and practice and to proceedings before both State and Federal courts and tribunals.

In the Performance criteria for Elements 2 and 3, "preparation" includes drafting written submissions.

(2) Banking and Finance

Descriptor: An entry-level lawyer who practises in Banking and Finance should be able to demonstrate competence in advising clients on some of the common ways to finance commercial transactions and they should be able to demonstrate competence in drafting simple loan agreements and associated security documents, and in taking the actions required to perfect those securities.

Element	Performance criteria
	The lawyer has competently:
1. Preliminary investigation	<ul style="list-style-type: none"> identified one or more ways of financing a borrower's proposal and identified the securities available to a financier in the situation undertaken any necessary preliminary searches and inquiries to investigate issues of ownership, title and the capacity of any party to enter into the proposed financial arrangement identified any consents to, or notifications of, the proposed financial arrangement required by existing financial or contractual arrangements identified any requirements imposed on the financier by law in respect of the proposed financial arrangement.
2. Planning	<ul style="list-style-type: none"> planned the steps to be taken to effect the proposed arrangement including identifying and recording any critical dates, identifying any necessary searches and inquiries and identifying the required documentation
3. Documentation	<ul style="list-style-type: none"> drafted the relevant loan and security documents informed the borrower of their obligations in relation to the arrangement including any personal obligations under any guarantees
4. Due Diligence	<ul style="list-style-type: none"> complied with any legislative requirements relating to the proposed arrangement undertaken any further searches and inquiries required and advised the client what experts need to be engaged for due diligence (accountants etc.)
5. Finalisation	<ul style="list-style-type: none"> had the transaction documentation executed, and (if necessary) stamped and registered according to law and good practice.

Explanatory Note

An entry-level lawyer may not demonstrate competence in this elective practice area by submitting the same or similar work, to work that the entry-level lawyer submits to demonstrate competence in the Commercial and Corporate Practice area.

(3) Civil Litigation Practice

Descriptor: An entry-level lawyer should be able to conduct civil litigation in first instance matters in at least one State or Territory court of general jurisdiction, in a timely and cost-effective manner.

Element	Performance criteria
	The lawyer has competently:
1. Assessing the merits of a case and identifying dispute resolution alternatives	<ul style="list-style-type: none"> assessed the strengths and weaknesses of both the claimant's and opponent's cases. identified the facts and evidence required to support the claimant's case. advised the client of relevant rights and remedies in a way that a reasonable client could understand. identified means of resolving the case, having regard to the client's circumstances. where possible, confirmed in writing any instructions given by the client in response to initial advice. identified and complied with the relevant limitation period.
2. Advising on costs of litigation	<ul style="list-style-type: none"> identified any litigation funding options and a means of reducing or recovering costs. identified alternative types of costs orders and how they may be affected by formal and informal offers of compromise and the manner of conducting the litigation. advised the client of relevant cost considerations in a way that a reasonable client could understand.
3. Initiating and responding to claims	<ul style="list-style-type: none"> identified an appropriate claim or defence. identified a court of appropriate jurisdiction. identified the elements of the claim or defence, according to law. followed procedures for bringing the claim or making the defence in accordance with the court's rules and in a timely manner. drafted all necessary documents in accordance with those procedures.
4. Taking and responding to interlocutory and default proceedings	<ul style="list-style-type: none"> identified any need for interlocutory steps, according to the court's rules. followed procedures for taking those steps in accordance with the court's rules and in a timely manner. drafted all necessary documents in accordance with those procedures and rules.
5. Gathering and presenting evidence	<ul style="list-style-type: none"> identified issues likely to arise at the hearing. identified evidence needed to prove the client's case or disprove the opponent's case, according to the rules of evidence. identified various means of gathering evidence, and used at least one of them to gather evidence. presented, or observed the presentation of, that evidence according to law and the court's rules.
6. Negotiating settlements	<ul style="list-style-type: none"> conducted, participated in or observed, settlement negotiations. identified any revenue and statutory refund implications.

- 7. Taking action to enforce orders and settlement agreements
 - properly documented any settlement reached.
 - identified available means of enforcing the order or settlement according to law and the court's rules.
 - followed procedures relevant to the chosen means of enforcement in a timely manner.

Explanatory notes

This competency standard applies to first instance civil litigation in local lower and higher courts of an Australian State or Territory, having general jurisdiction, and in the Federal Court.

In the Performance criteria for Element 1, "means of resolving a case" includes:

- negotiation;
- mediation;
- arbitration;
- litigation;
- expert appraisal.

In the Performance criteria for Element 5, "means of gathering evidence" includes:

- statements from witness;
- notices to admit;
- discovery;
- subpoena;
- expert reports;
- certified official records, banker's books and similar documents.

In the Performance criteria for Element 5, reference to presenting evidence includes presenting evidence:

- orally on oath;
- by affidavit;
- by video or telephone link.

In the Performance criteria for Element 7, "means of enforcement" includes:

- execution process including attachment of debts;
- taxation or assessment of costs;
- oral examination.

(4) Commercial and Corporate Practice

Descriptor: An entry-level lawyer should be able to:

- (a) conduct standard commercial transactions such as the sale and purchase of a small business;
- (b) understand the relevant risks associated with such a transaction for both parties;
- (c) set up simple business structures using entities such as companies, trusts and partnerships;
- (d) provide basic advice on finance and securities and on the obligations of companies and their officers; and
- (e) appreciate the type of advice needed to assess the revenue implications of standard commercial transactions.

Element	Performance criteria
	The lawyer has competently:
1. Conducting commercial transactions	<ul style="list-style-type: none"> • identified the nature of the transaction. • undertaken sufficient searches and inquiries to investigate any relevant issues of title to real or personal property. • drafted documents, had them executed, and (if necessary) certified, stamped and registered, according to law and good practice. • obtained or given any necessary consents to, or notifications of, the transaction required by law.
2. Setting up commercial structures	<ul style="list-style-type: none"> • selected a structure that will achieve the client's objectives • drafted all documents required to set up the structure (including establishing any discrete entities that will form part of the structure). • had the documents executed and (if necessary) certified, stamped and registered, according to law and good practice. • informed the client of any continuing obligations in relation to the structure, and, where the structure involves a corporation, of the continuing obligations of the company and its officers.
3. Dealing with loans and securities	<ul style="list-style-type: none"> • identified one or more types of financial arrangements and securities available to the borrower and lender. • informed the borrower and lender of their immediate, continuing, and potential liabilities under any proposed financing and security arrangements. • drafted loan or security documents which reflect the agreement between lender and borrower. • had the loan or security documents executed and (if necessary) stamped and registered, according to law and good practice.

4. Advising on revenue law and practice
- identified in a general way the possible revenue implications of the client's proposed commercial venture or arrangement.
 - referred the client to experts for more comprehensive or detailed advice, where appropriate.

Explanatory notes

In Element 2, "structure" includes:

- basic trusts;
- private companies;
- partnerships;
- joint ventures;
- franchise arrangements.

In Element 3, "securities" includes:

- personal property security agreements;
- chattel leases;
- loans agreements;
- guarantees, including guarantees from spouses.

In the Performance criteria for Element 4, "revenue implications" includes:

- stamp duties;
- income tax;
- capital gains tax;
- GST;
- fringe benefits tax;
- land and property taxes.

(5) Consumer Law Practice

Descriptor: An entry-level lawyer who practises in consumer law should be able to:

- (a) advise clients on the procedures and remedies available in relation to consumer protection complaints and disputes; and
- (b) represent the client in any related negotiations or proceedings.

Element	Performance criteria
	The lawyer has competently:
1. Obtaining information	<ul style="list-style-type: none"> • identified the consumer protection complaint or dispute as one to which consumer protection legislation applies. • identified the relevant legislation and any applicable case law. • identified any possible common law remedies.
2. Drafting documents	<ul style="list-style-type: none"> • drafted any documents required, in accordance with the client's instructions and the relevant legislation.
3. Initiating and responding to claims	<ul style="list-style-type: none"> • identified the appropriate forum for initiating or responding to a claim. • initiated a claim or taken action to oppose a claim in accordance with the rules and procedures of the relevant court or tribunal, in a timely manner. • obtained all necessary evidence and drafted all necessary documents in accordance with those rules.
4. Representing the client	<ul style="list-style-type: none"> • identified all possible means of resolving the consumer protection complaint or dispute to the satisfaction of the client; and discussed them with the client, or participated in or observed, such discussions. • completed all necessary preparation in accordance with the law, good practice and the circumstances of the matter. • represented the client effectively at, or participated in or observed, any negotiation, mediation, hearing or other proceedings.
5. Taking action to implement outcomes	<ul style="list-style-type: none"> • documented any order or settlement properly and explained it to the client in a way which a reasonable client could understand. • identified any procedures necessary to enforce the order or settlement and implemented them in a timely manner.

Explanatory notes

This competency standard applies to the practice of consumer law under both State and Federal consumer protection legislation and codes.

In the Performance criteria for Element 1, "consumer protection dispute" includes a dispute relating to:

- competition and consumer legislation;
- misleading and deceptive conduct;
- motor car traders;
- domestic building contracts;

- consumer credit;
- guarantees;
- residential tenancies.

In the Performance criteria for Element 1 "consumer protection legislation" includes State and Federal legislation and codes concerning:

- competition and consumer law;
- misleading and deceptive conduct;
- motor car traders;
- domestic building contracts;
- consumer credit;
- residential tenancies.

In the Performance criteria for Element 3, "court or tribunal" includes:

- Federal courts;
- State courts;
- statutory tribunals;
- industry complaint panels;
- industry ombudsmen.

(6) Criminal Law Practice

Descriptor: An entry-level lawyer who practises in criminal law should be able to advise clients before arrest, seek bail, make pleas, participate in minor contested hearings and assist in preparing cases for trial.

Element	Performance criteria
	The lawyer has competently:
1. Providing advice	<ul style="list-style-type: none"> • identified the client's legal rights and legal powers of the police or other prosecutors or investigators in relation to a criminal matter. • informed the client of those rights and powers in a way that a reasonable client could understand. • identified the legal elements of any offence with which the client is charged. • where possible, confirmed in writing any instructions given by the client in response to initial advice. • implemented the client's instructions, when it is appropriate in the circumstances to do so.
2. Applying for bail	<ul style="list-style-type: none"> • identified the client's options and communicated them to the client in a way a reasonable client could understand. • helped the client to make an informed decision about which option to select. • made, or been involved in the process of making, or observed, an application for bail or taken other action effectively in the circumstances. • fully advised the client of any bail conditions.
3. Making pleas	<ul style="list-style-type: none"> • identified the client's options and communicated them to the client in a way a reasonable client could understand. • identified and gathered all material useful to the plea, according to law and good practice. • presented, or been involved in the process of presenting or observed the presentation of the plea in an effective and persuasive manner, having regard to the circumstances of the case. • advised the client fully of the outcome in a way a reasonable client would understand.
4. Representing a client in minor matters	<ul style="list-style-type: none"> • completed all preparation required by law, good practice and the circumstances of the case. • represented, or been involved in representing the client, or observed the client being represented, effectively at a contested hearing.
5. Assisting to prepare cases for trial	<ul style="list-style-type: none"> • identified and gathered the evidence needed to support the client's case. • identified and briefed, or been involved in briefing, appropriate experts (including counsel) having regard to good practice and the requirements of the case.

Explanatory notes

In the Performance criteria for Element 1, "criminal matter" includes:

- traffic offences;
- domestic violence and apprehended violence orders;
- drink driving;
- drug offences.

(7) Employment and Industrial Relations Practice

Descriptor: An entry-level lawyer who practises in the area of employment and industrial relations should be able to:

- advise clients on the relevant law and procedures;
- represent clients in negotiations; and
- initiate and respond to applications in relevant State and Federal courts and tribunals.

Element	Performance criteria
	The lawyer has competently:
1. Assessing the merits of the dispute and identify the dispute resolution alternatives	<ul style="list-style-type: none"> identified the relevant facts. assessed the strengths and weaknesses of the dispute according to the relevant law. identified all means of resolving the dispute, having regard to the client's circumstances.
2. Advising client on procedures	<ul style="list-style-type: none"> advised the client of means of avoiding a dispute, where appropriate. advised the client of available steps to strengthen the client's position.
3. Commencing negotiations	<ul style="list-style-type: none"> explored opportunities for a negotiated settlement, subject to the client's instructions. represented, or been involved in representing, the client, or observed the client being represented, effectively at any negotiations.
4. Initiating and responding to proceedings	<ul style="list-style-type: none"> identified the appropriate jurisdiction. initiated or opposed, or been involved in initiating or opposing, a claim or observed the initiation or opposition of a claim, in accordance with the rules of the relevant court or tribunal, in a timely manner. obtained all necessary evidence and drafted all necessary documents in accordance with those rules.
5. Representing the client	<ul style="list-style-type: none"> completed all preparation required by law, good practice and the circumstances. represented, or been involved in representing the client, or observed the client being represented, effectively at any mediation, hearing or other forum.
6. Taking action to implement outcomes	<ul style="list-style-type: none"> properly documented any order or settlement and explained it to the client in a way which the client can understand. identified and implemented, or been involved in identifying and implementing, any procedures required to enforce the order or settlement.

Explanatory notes

This competency standard applies to the practice of employment and industrial relations law at both State and Federal levels.

In the Performance criteria for Elements 1 and 2, "dispute" includes:

- award negotiations;
- an industrial dispute relating to an individual employee or to a workplace or industry;
- an equal employment opportunity or anti-discrimination claim;
- a claim for unfair dismissal.

In the Performance criteria for Element 1, "means of resolving the dispute" includes:

- negotiation;
- mediation;
- conciliation;
- arbitration;
- litigation.

In the Performance criteria for Element 2, "means of avoiding a dispute" and "steps to strengthen the client's position" include:

- altering internal employment practices and procedures;
- revising employment contracts;
- entering or revising enterprise bargaining agreements;
- altering individual employment contracts;
- taking disciplinary proceedings;
- allowing industrial representation.

(8) Ethics and Professional Responsibility

Descriptor: An entry-level lawyer should act ethically and demonstrate professional responsibility and professional courtesy in all dealings with clients, the courts, the community and other lawyers.

Element	Performance criteria
	The lawyer has competently:
1. Acting ethically	<ul style="list-style-type: none"> identified any relevant ethical dimension of a particular situation. taken action which complies with professional ethical standards in that situation.
2. Knowing when to raise ethical problems with others	<ul style="list-style-type: none"> identified circumstances in which matters relating to the ethical conduct of legal practice should be brought to the attention of others. identified with whom different matters of this type should be raised (for example, employers, professional associations, legal services boards, police). learned about relevant protocols, institutional procedures and difficulties, associated with raising such matters with others.
3. Discharging the legal duties and obligations of legal practitioners	<ul style="list-style-type: none"> identified any duty or obligation imposed on the lawyer by law in a particular situation. discharged that duty or obligation according to law and good practice.

- | | |
|--|---|
| 4. Complying with professional conduct rules | <ul style="list-style-type: none"> • identified any applicable rules of professional conduct. • taken action which complies with those rules. |
| 5. Complying with fiduciary duties | <ul style="list-style-type: none"> • recognised and complied with any fiduciary duty, according to law and good practice. |
| 6. Avoiding conflicts of interest | <ul style="list-style-type: none"> • identified any potential or actual conflict, as soon as is reasonable in the circumstances. • taken effective action to avoid a potential conflict or, where a conflict has already arisen, dealt with it in accordance with law and good practice, or been involved in the process of doing one or more of those things. • taken, or been involved in the process of taking, appropriate action, where applicable, to prevent such a conflict arising in the future. |
| 7. Acting courteously | <ul style="list-style-type: none"> • demonstrated professional courtesy in all dealings with others. |
| 8. Complying with rules relating to the charging of fees | <ul style="list-style-type: none"> • identified any rules applying to charging professional fees. • complied with those rules, where they are relevant. • maintained file notes and records in accordance with law and good practice. |
| 9. Being aware of the importance of pro bono contributions | <ul style="list-style-type: none"> • recognised the importance of pro bono contributions to legal practice. • identified various means whereby lawyers may provide pro bono contributions. • where necessary, used resources provided by professional or community organisations to facilitate pro bono contributions. • Identified when a client with insufficient resources may be entitled to legal aid, or assistance from professional or community organisations. |

Explanatory notes

The purpose of this standard is to assist entry-level lawyers to adopt ethical habits in legal practice to ensure that they effectively and appropriately discharge their obligations to the Court, to the legal profession and to clients by:

- acting ethically;
- observing general and statutory law relating to the duties and obligations of legal practitioners;
- observing written and unwritten rules of professional conduct; or
- observing written and unwritten rules of professional courtesy.

In the Performance criteria for Element 3, "duty or obligation" includes the duties and obligations:

- of confidentiality;
- to maintain competence;
- to act honestly;
- not to mislead the court;
- not to pervert the course of justice or the due administration of justice.

In Element 6, "conflicts of interest" include conflicts between:

- joint venture partners;
- directors and shareholders of a company;
- trustees and beneficiaries in a family trust;
- parties to any transaction where the interests of the parties may differ.

(9) Family Law Practice

Descriptor: An entry-level lawyer who practises in family law should be able to:

- (a) advise and take action in relation to parenting matters, property settlements, spouse maintenance and child support problems;
- (b) identify appropriate dispute-resolution processes for such matters, in the light of the client's circumstances and concerns; and
- (c) advise clients on pre-action procedures.

Element	Performance criteria
	The lawyer has competently:
1. Advising on matters relating to children and property	<ul style="list-style-type: none"> • elicited information necessary to identify the client's options. • informed the client of all relevant available options, in a way that a reasonable client could understand. • identified any pre-action procedures that apply to the matter. • taken any steps necessary to enable the client to obtain access to those procedures.
2. Representing a client in matters relating to children and property	<ul style="list-style-type: none"> • prepared, or been involved in preparing, or observed the preparation of, either an application for interim, final or consent orders relating to a matter concerning children or property, or a response to such an application. • pursued, or been involved in the pursuit of, the case in accordance with good practice for the chosen dispute resolution process. • identified and explained, or been involved in identifying and explaining, to the client the revenue implications of any proposed settlement. • documented and acted upon, or been involved in documenting and acting upon, any results of the chosen dispute resolution process, in accordance with law and good practice.

Explanatory notes

This competency standard applies to children and property matters arising from the breakdown of marriages or other domestic relationships, rather than the dissolution of marriage. It includes:

- responsibility for parenting, including residence of and contact with, children;
- property settlements;
- spouse maintenance;
- child support;
- domestic violence orders;
- injunctions and sole-use orders;
- de facto proceedings.

(10) Lawyer's Skills

Descriptor: An entry-level lawyer should be able to demonstrate oral communication, legal interviewing, advocacy, negotiation, dispute resolution, letter-writing and drafting skills.

Element	Performance criteria
	The lawyer has competently:
1. Communicating effectively	<ul style="list-style-type: none"> • identified the purpose of a proposed communication, the most effective way of making it, and the content of the proposed communication. • presented thoughts, advice, and submissions in a logical, clear, succinct and persuasive manner, having regard to the circumstances and the person or forum to whom they are made.
2. Cross-cultural awareness	<ul style="list-style-type: none"> • identified and appropriately dealt with verbal and non-verbal aspects of cross-cultural communication. • taken any follow-up action in accordance with good practice. • demonstrated awareness of difficulties of communication attributable to cultural differences; their possible effect on a client's dealings with lawyers, the police, courts, government and legal agencies; and the desirability of cross-cultural communications training for all lawyers.
3. Interviewing clients	<ul style="list-style-type: none"> • prepared for the interview properly, having regard to relevant information available before the interview and all known, relevant circumstances. • conducted, participated in conducting or observed, the interview, using communication techniques appropriate to both the client and the context. • ensured that the client and lawyer have both obtained all the information which they wanted from the interview in a timely, effective and efficient way, having regard to the circumstances. • ensured that the lawyer and client left the interview with a common understanding of the lawyer's instructions (if any) and any future action that the lawyer or client is respectively to take. • made a record of the interview that satisfies the requirements of law and good practice. • taken, or participated in taking, any follow-up action in a timely manner.
4. Writing letters	<ul style="list-style-type: none"> • identified the need for, and purpose of, the letter. • written the letter in plain English that conveys its purpose clearly and could be understood by the person to whom it is sent, acting reasonably.
5. Drafting other documents	<ul style="list-style-type: none"> • identified the need for, and purpose of, the document. • devised an effective form and structure for the document having regard to the parties, the circumstances, good practice, plain English principles and the relevant law. • drafted the document effectively having regard to the parties, the circumstances, good practice, plain English principles, and the relevant law. • considered whether the document should be settled by counsel. • taken every action required to make the document effective and enforceable in a timely manner and according to law (such as execution by the parties, stamping, delivery and registration).
6. Negotiating settlements and agreements	<ul style="list-style-type: none"> • prepared, or participated in the preparation of, the client's case properly having regard to the circumstances and good practice. • identified the strategy and tactics to be used in negotiations and discussed them with and obtained approval from the client, or been involved in or observed that process. • carried out, been involved in or observed, the negotiations effectively having regard to the strategy and tactics adopted, the circumstances of the case and good practice. • documented any resolution as required by law or good practice and explained it, or been involved in the process of explaining it, to the client in a way a reasonable client could understand.
7. Facilitating early resolution of disputes	<ul style="list-style-type: none"> • identified the advantages and disadvantages of available dispute resolution options and explained them to, or been involved in explaining them to, the client. • performed in the lawyer's role, or been involved in or observed that performance, in the dispute resolution process effectively, having regard to the circumstances.

- documented any resolution as required by law or good practice and explained it, or been involved in explaining it, to the client in a way a reasonable client could understand.
- 8. Representing a client in a legal forum
 - observed the etiquette and procedures of the forum.
 - organised and presented in an effective, strategic way:
 - factual material;
 - analysis of relevant legal issues; and
 - relevant decided cases.
 - presented and tested evidence in accordance with the law and good practice.
 - made submissions effectively and coherently in accordance with law and good practice.

Explanatory notes

Assessment of competence for this standard should require the entry-level lawyer to synthesise or combine the above skills and apply them in one or more specific legal contexts.

In the Performance criteria for Element 2, "difficulties of communication attributable to cultural differences" includes difficulties of communication encountered by Indigenous people.

In the Performance criteria for Element 7, "dispute resolution options" includes:

- negotiation;
- mediation;
- arbitration;
- litigation;
- expert appraisal.

In Element 8, "Representing" refers to appearing, being involved in appearing, or observing another appearing, on behalf of a client in a court, tribunal or other legal forum on a matter, including:

- an aspect of preliminary or pre-trial civil or criminal proceedings;
- an aspect of first instance trial advocacy in a simple matter;
- leading evidence-in-chief, cross-examination and re-examination; and
- making submissions.

(11) Planning and Environmental Law Practice

Descriptor: An entry-level lawyer who practises in planning and environmental law should be able to:

- (a) advise, and generally assist, clients on the relevant law and planning process;
- (b) apply for approvals and consents under relevant planning legislation;
- (c) object to applications; and
- (d) initiate or defend planning or environmental actions.

Element	Performance criteria
	The lawyer has competently:
1. Assessing the merits of the matter and advising the client	<ul style="list-style-type: none"> • obtained full instructions from the client. • analysed the facts in accordance with the relevant law. • obtained and clarified any relevant technical information. • advised, or been involved in advising, the client of any rights and obligations of the client and potential penalties if obligations are not observed. • identified, or been involved in identifying, all options and developed a plan of action in accordance with the client's instructions. • alerted, or been involved in alerting, the client to the need to identify the commercial, political and public relations implications of any proposed action.
2. Preparing planning applications or objections	<ul style="list-style-type: none"> • identified and analysed relevant provisions of the appropriate planning scheme. • identified any appropriate grounds of objection. • prepared either an application for development or other planning approval, or an objection to such an application. • identified any need to obtain plans or other information.
3. Initiating or responding to environmental claims	<ul style="list-style-type: none"> • identified the appropriate forum for initiating or responding to a claim. • initiated or opposed, or been involved in initiating or opposing, a claim in accordance with the rules of the relevant court or tribunal, in a timely manner. • obtained all necessary evidence and drafted all necessary documents in accordance with those rules.
4. Representing the client in resolving a planning matter or environmental claim	<ul style="list-style-type: none"> • identified appropriate means of resolving the matter to the satisfaction of the client and discussed them, or been involved in discussing them, with the client. • completed all preparation required by law and good practice. • represented, or been involved in representing, or observed the representation of, the client effectively in any negotiation, mediation, hearing or other proceedings.
5. Implementing outcomes	<ul style="list-style-type: none"> • properly documented any order or settlement and explained, or been involved in explaining it to the client in a way which a reasonable client could understand.

- identified and carried out any procedures to enforce the order or settlement in a timely manner.

Explanatory notes

This competency standard applies to the practice of planning and environmental law under both common law and State and Federal legislation.

In Element 4, "planning matter or environmental claim" includes:

- an application for, or an application for exemption from the need for, a permit, licence, approval or other authority;
- an objection, appeal or application for review of a decision, relating to such an application;
- a prosecution for breach of relevant planning or environmental legislation;
- a civil action relating to either or both a planning and environmental matter.

(12) Problem Solving

Descriptor: An entry-level lawyer should be able to:

- investigate and analyse facts and law;
- provide legal advice; and
- solve legal problems.

Element

Performance criteria

The lawyer has competently:

- | | |
|---|--|
| 1. Analysing facts and identifying issues | <ul style="list-style-type: none"> • identified and collected all relevant facts as far as is practicable. • analysed the facts to identify any existing or potential legal issues. • distinguished relevant facts from other facts, if the matter so requires. |
| 2. Analysing law | <ul style="list-style-type: none"> • identified any questions of law raised by the matter. • researched those questions of law properly, having regard to the circumstances. • identified and interpreted any relevant statutory provisions and applied them appropriately to the facts. |
| 3. Providing legal advice | <ul style="list-style-type: none"> • applied the law to the facts of the matter in an appropriate and defensible way. • given, or been involved in giving, the client advice in a way which a reasonable client could understand. • identified any developments that might affect the accuracy of previous advice and told, or been involved in telling, the client about the effect of those developments. |
| 4. Generating solutions and strategies | <ul style="list-style-type: none"> • identified the problem and the client's goals as fully as is practicable. • investigated the facts and legal issues as fully as is practicable. • developed creative options and strategies to meet the client's objectives. • identified the advantages and disadvantages of pursuing each option or strategy. • assisted, or been involved in assisting, the client to choose between those options in a way consistent with good practice. • developed a plan to implement the client's preferred option. • acted, or been involved in acting, to resolve the problem in accordance with the client's instructions and the lawyer's plan of action. • remained open to new information and ideas and updated advice to the client where necessary. |

Explanatory notes

In Element 2, "Analysing law" includes:

- researching legal issues by using:
 - law libraries;
 - on-line searches;
 - electronic data bases;
 - legal citators and digests; and
- applying principles of precedent and statutory interpretation.

(13) Property Law Practice

Descriptor: An entry-level lawyer should be able to:

- convey, lease and mortgage real property; and
- provide general advice on standard matters arising under local government, planning, environmental or other legislation relating to land use in the relevant State or Territory.

Element

Performance criteria

The lawyer has competently:

- | | |
|-----------------------|---|
| 1. Transferring title | <ul style="list-style-type: none"> • identified the nature of the interest being dealt with, pursuant to the pre-eminent title system in the relevant jurisdiction. • prepared, commented on and advised, or been involved in advising, on an appropriate contract of sale or other type of agreement for transferring the relevant interest in land; and had it executed according to law and good practice. |
|-----------------------|---|

- undertaken sufficient searches and inquiries to investigate title, any issues about land use and responsibility for outgoings.
 - drafted an appropriate instrument of transfer or conveyance and had it executed and (if necessary) stamped and registered, according to law.
 - obtained or given any consents to, or notifications of, the transfer or conveyance, according to law.
 - arranged for the instrument to be executed and (if necessary) stamped and registered, as required by law.
2. Creating leases
- made and obtained all searches and consents required by law and good practice.
 - drafted, commented on and advised, or been involved in advising, on a lease in a form allowed by law, reflecting the agreement between lessor and lessee and protecting their respective interests.
 - arranged for the lease to be executed and (if necessary) stamped and registered, according to law.
3. Creating and releasing mortgages
- made and obtained all searches and consents required by law and good practice.
 - drafted, commented on and advised, or been involved in advising, on an effective instrument to create or release the security, reflecting the agreement between the grantor and grantee and protecting their respective interests.
4. Advising on land use
- identified any planning scheme or other statutory provisions regulating the relevant use.
 - Advised, or been involved in advising, the client generally about processes to be followed to obtain permission for, or to object to the use, as the case requires.
5. Advising on revenue implications
- identified the revenue implications of any transaction and advised, or been involved in advising, the client accordingly.

Explanatory notes

In Element 1, "Transferring title" refers to title pursuant to the pre-eminent title system in the relevant jurisdiction.

In the Performance criteria for Element 1, "contract of sale" includes a contract of sale subject to special conditions.

In Element 2, "Creating leases" refers to residential tenancies or leases and standard commercial leases.

In Element 3, "mortgages" includes any other relevant security over land. In Element 4, "Advising on land use" includes advising on issues relating to:

- town planning schemes;
- local government by-laws;
- environment and heritage legislation;
- revenue and tax legislation.

(14) Trust and Office Accounting

Descriptor: An entry-level lawyer should have sufficient knowledge, skills and values to maintain trust and general account records according to law and good practice, to the extent usually permitted and expected of an employed solicitor: See Explanatory notes below.

Element	Performance criteria
	The lawyer has competently:
1. Understand relevant fiduciary and other duties	<ul style="list-style-type: none"> • identified and applied: <ul style="list-style-type: none"> • general law fiduciary and other duties; codified duties; • duties to supervise and report in relation to trust monies; and • duties and obligations of maintaining a trust account.
2. Receiving money	<ul style="list-style-type: none"> • dealt with money received from or on behalf of a client, as required by law and good practice. • where the law and good practice requires money to be deposited in a trust account or general account, recorded the deposit as required by law and good practice. • issued any receipt required by law and good practice.
3. Making outlays	<ul style="list-style-type: none"> • made any outlay from the correct account, according to law and good practice. • recorded the outlay as required by law and good practice.
4. Rendering costs	<ul style="list-style-type: none"> • demonstrated an ability to comply with regulations relating to disclosure of costs and a client's rights relating to costs. • calculated the costs in accordance with law, good practice and any agreement between the lawyer and client. • added to the bill all outlays made by the firm for which the client is responsible. • accounted to the client for any money received from the client on account of costs and outlays, as required by law and good practice. • drafted the bill and delivered it in accordance with law and good practice.

Explanatory notes

This competency standard applies to trust and general accounting and to rendering bills of costs. It requires a general knowledge of solicitors' trust account law and practice and costs regulation in the relevant jurisdiction and an understanding of the general principles of maintaining trust and office records.

(15) Wills and Estates Practice

Descriptor: An entry-level lawyer who practises in wills and estates should be able to draft wills, administer deceased estates and take action to solve problems about wills and estates.

Element	Performance criteria
	The lawyer has competently:
1. Drafting wills	<ul style="list-style-type: none"> • advised the client of issues, options, and potential problems that might arise in respect of the client's testamentary intentions. • obtained instructions reflecting the client's informed and independent wishes, which can be effectively implemented. • drafted a will reflecting the client's instructions. • identified any issues of testamentary capacity and resolved them in accordance with law and good practice. • ensured that the client executed the will in accordance with law. • given any necessary follow up advice to the client.
2. Administering deceased estates	<ul style="list-style-type: none"> • obtained a grant of probate or letters of administration where required. • identified the debts and assets of the estate. • gathered in the estate or transferred or transmitted assets directly to beneficiaries, as appropriate, having regard to the law, good practice, and the circumstances. • discharged the estate's debts, distributed specific gifts and the residue and ensured that the executors have been released of their obligations in a timely fashion.
3. Taking action to resolve wills and estates problems	<ul style="list-style-type: none"> • identified the nature of the problem properly, having regard to the law of the jurisdiction. • identified the client's options for dealing with the problem, having regard to the law of the particular jurisdiction and the client's circumstances. • explained the options to the client in a way a reasonable client could understand. • taken action to resolve the problem in accordance with the client's instructions.

Explanatory notes

In the Performance criteria for Element 1, "follow-up advice" includes advice on:

- the effects of marriage on a will;
- the effects of divorce on a will;
- storage options for a will;
- revocation of a will;
- modification of a will;
- associated documents such as enduring powers of attorney.

In Element 3, "wills and estates problems" include problems of:

- testamentary capacity;
- construction;
- validity of the will;
- validity of gifts;
- assets outside the jurisdiction;
- revenue issues;
- family provision;
- mutual wills;
- trusts;
- informal wills;
- testamentary directions.

(16) Work Management and Business Skills

Descriptor: An entry-level lawyer should be able to manage workload, work habits, and work practices in a way that ensures that clients' matters are dealt within a timely and cost-effective manner.

Element	Performance criteria
	The lawyer has competently:
1. Managing personal time	<ul style="list-style-type: none"> • used a diary or another system to record time limits or deadlines and to assist in planning work. • identified conflicting priorities as they arise and managed the conflict effectively. • used available time effectively, to the benefit of the lawyer's clients and employer.
2. Managing risk	<ul style="list-style-type: none"> • conducted each matter in a way that minimises any risk to the client, lawyer or firm arising from missed deadlines, negligence or failure to comply with the requirements of the law, a court or other body. • recognised the limits of the lawyer's expertise and experience and referred the client or matter to other lawyers, counsel or other professionals, as the circumstances require.

- | | |
|----------------------------|--|
| 3. Managing files | <ul style="list-style-type: none"> • used a file management system to ensure that work priorities are identified and managed; clients' documents are stored in an orderly and secure manner; and to alert the lawyer to any need to follow up a matter or give it other attention. • rendered timely bills, in accordance with law and any agreement between the lawyer and client, which set out the basis for calculating the lawyer's fees. • accurately recorded all communications and attendances, with details of dates and times. |
| 4. Keeping client informed | <ul style="list-style-type: none"> • communicated with the client during the course of the matter as frequently as circumstances and good practice require. • confirmed oral communications in writing when requested by the client or required by good practice. • dealt with the client's requests for information promptly. • informed the client fully of all important developments in the matter, in a way which a reasonable client could understand. |
| 5. Working cooperatively | <ul style="list-style-type: none"> • worked with support staff, colleagues, consultants and counsel in a professional and cost effective manner. |
| 6. Self-management | <ul style="list-style-type: none"> • Demonstrated an ability to manage work and personal issues consistent with principles of resilience and well-being. |

Explanatory notes

The purpose of this standard is to assist entry-level lawyers to adopt good work habits in legal practice to ensure that:

- clients do not suffer loss or damage from a lawyer missing deadlines or neglecting matters;
- clients are kept informed regularly and fully of the progress of their matters; and
- clients' matters are dealt with in a cost-effective manner.

APPENDIX C: MANDATORY CONTINUING PROFESSIONAL DEVELOPMENT

1 Definitions

In this Appendix:

- 1.1 **CPD** means continuing professional development.
- 1.2 **CPD activity** means an activity:
- (a) of significant intellectual or practical content primarily related to the practice of law; and
 - (b) conducted by persons qualified by practical or academic experience in the subject covered; and
 - (c) relevant to the immediate or long-term professional development needs of the legal practitioner undertaking it; and
 - (d) comprising:
 - (i) attendance at or presenting material for, a seminar, workshop, lecture, conference, educational program or course or discussion group; or
 - (ii) viewing or listening to material for, a multi-media, web-based or recorded program; or
 - (iii) preparing material for any seminar, workshop, lecture, conference, education program, course, discussion group, or a multimedia, web-based or recorded program; or
 - (iv) publishing, or substantively editing or refereeing, an article in a legal or non-legal publication; or
 - (v) regular attendance at meetings, and participation as a member, of a committee or other body undertaking work of substantial significance to the practice of the law and which is reasonably likely to assist the attendee's professional development.
- 1.3 **CPD unit** means:
- (a) in relation to a CPD activity referred to in (d) (i), (ii) or (iii) above, one hour of the activity;
 - (b) in relation to a CPD activity referred to in (d) (iv) above, 1000 words of the article;
 - (c) in relation to a CPD activity referred to in (d) (v) above, two hours of the activity.
- 1.4 CPD year means a year beginning on 1 April to the following 31 March.
- 1.5 **Defined Circumstances:** see paragraph 5.1.
- 1.6 **Minimum CPD units:** see paragraph 2.
- 1.7 **The prescribed amount of Mandatory Continuing Professional Development:** see paragraph 3.
- 1.8 Professional skills includes as subject matter the substance of the law and procedures in the legal system.
- 1.9 Required CPD activity: see paragraph 2.2.

2 Minimum CPD units are:

- 2.1 For an individual legal practitioner, 10 CPD units of CPD activity in each CPD year.
- 2.2 The 10 CPD units must include at least 3 units of Required CPD activity as detailed below:

Required CPD activity

- (a) one CPD unit relating to practical legal ethics;
- (b) one CPD unit relating to practice management or business skills; and
- (c) one CPD unit relating to professional skills.

- 2.3 In calculating the minimum 10 CPD units of CPD activity in respect of a CPD year, the total units must not include more than:
- (a) 5 CPD units of CPD activity referred to in paragraph 1.2 (d)(ii);
 - (b) 4 CPD units for the preparation of material for any individual seminar, workshop etc. as identified in 1.2 (d)(iii);
 - (c) 5 CPD units of CPD activity referred to in paragraph 1.2 (d)(iv); or
 - (d) 5 CPD units of CPD activity referred to in paragraph 1.2 (d)(v).
- 2.4 CPD units completed in January, February or March of a CPD year, may at the election of the practitioner be assigned in whole or in part either to that CPD year or to the next CPD year.
- 2.5 Any CPD activity completed in respect of a CPD year pursuant to this paragraph cannot be taken into account for any other CPD year.

3 The prescribed amount of Mandatory Continuing Professional Development is:

- 3.1 Where an individual legal practitioner holds a practising certificate for a full CPD year, the Minimum CPD units.
- 3.2 Where an individual legal practitioner holds a practising certificate for less than a full CPD year, the Minimum CPD units in respect of that year are reduced proportionally in accordance with the following rules:
- (a) the number of CPD units specified in paragraph 2.1 (10 units) shall be reduced by 1 unit for each whole calendar month of the CPD year for which the practitioner did not hold a practising certificate;
 - (b) the number of required CPD units specified in paragraph 2.2 (3 units) shall be reduced by 1 unit for each 3 units reduced by (a) hereof;
 - (c) the number of CPD Units permitted at paragraph 2.3 (a) (5 units) and (b) (4 units) shall be reduced by 50% (rounded up to the nearest whole number) of the number derived under (a) hereof;
 - (d) the number of CPD Units permitted at paragraph 2.3(c) (5 units) shall be reduced by 1 unit for each 3 units reduced by (a) hereof.
- 3.3 Where during a CPD year Defined Circumstances have occurred which prevented or impeded a practitioner from completing the CPD units prescribed in sub-paragraphs 3.1 or 3.2, as applicable, the reduced number of CPD units intimated under paragraph 5.
- 3.4 Where rectification has occurred under paragraph 7.1, the CPD units which the Law Society has determined to accept.

4 Records of CPD

- 4.1 An individual legal practitioner must, in respect of each CPD year, maintain and retain for 3 years after the end of that CPD year:
- (a) a written record of CPD activities undertaken and of CPD units completed and of any activities undertaken pursuant to a condition imposed by the Board pursuant to sub-rule 14(b)(1);
 - (b) material indicating the nature of each CPD activity undertaken and of any activity undertaken pursuant to a condition imposed by the Board pursuant to sub-rule 14(b)(1);
 - (c) a record of the fact that the practitioner undertook each such activity.
- 4.2 An individual legal practitioner must provide to the Law Society within 14 days of receipt of a written request for information about and/or evidence of the practitioner's compliance with his or her obligations under this Appendix in respect of any CPD year within the previous 3 years as specified in the request.

5 Inability to Comply

In this paragraph 5, references to completing the prescribed amount of Mandatory Continuing Professional Development are references to the prescribed amount of Mandatory Continuing Professional Development under sub-paragraphs 3.1 or 3.2, as applicable.

- 5.1 In this paragraph, Defined Circumstances means:
- (a) illness or disability;
 - (b) the location of the practitioner's legal practice in Australia;
 - (c) the temporary absence of the practitioner from ongoing legal practice (for example, by reason of a period of leave such as parental leave); or
 - (d) financial hardship; or
 - (e) any other special circumstance
- which prevents, or impedes, the practitioner's completion of the prescribed amount of Mandatory Continuing Professional Development.
- 5.1A It is not a Defined Circumstance for a practitioner to be temporarily absent from legal practice by reason of being engaged in employment unrelated to legal practice.
- 5.2 Where during a CPD year Defined Circumstances exist or occur which are likely to prevent or impede a practitioner from completing the prescribed amount of Mandatory Continuing Professional Development, the practitioner must lodge with the Law Society a statutory declaration as soon as practicable after it becomes apparent that it is likely that the practitioner will not complete the prescribed amount of Mandatory Continuing Professional Development:
- (a) setting out details of the Defined Circumstances and their past and/or likely future effect upon the practitioner's ability or availability to complete the prescribed amount of Mandatory Continuing Professional Development;
 - (b) setting out the number of CPD units (including Required CPD activities) the practitioner has completed and plans to complete during the balance of the CPD year;

- (c) setting out the evidence and exhibiting any documentary evidence which demonstrates the matters in (a) and (b);
- 5.3 The statutory declaration filed pursuant to paragraph 5.2 shall seek an intimation from the Law Society of the number of CPD units to comprise his or her prescribed amount of Mandatory Continuing Professional Development, the relevant date for their completion and the modification of any Required CPD activity or other limits or requirements of the prescribed amount of Mandatory Continuing Professional Development, and shall:
- (a) in any case where the Defined Circumstances are constituted by parental leave:
- (i) set out the dates of the proposed parental leave,
- (ii) where applicable, exhibit a letter from the practitioner's employer confirming the arrangements that have been made for such leave;
- (b) in any other case:
- (i) set out full details of the Defined Circumstances and their past and/or likely future effect upon the practitioner's ability or availability to complete the prescribed amount of Mandatory Continuing Professional Development;
- (ii) set out the evidence and exhibiting any documentary evidence which demonstrates the matters in subparagraphs (b)(i) and (c) of paragraph 5.3.
- 5.4 The employer of a practitioner who takes, or proposes to take, a period of leave due to any Defined Circumstances shall provide confirmation by letter of any leave arrangements to the employed practitioner
- 5.5 A practitioner who does not complete the prescribed amount of Mandatory Continuing Professional Development by 31 March and who seeks to complete a lesser prescribed amount because of Defined Circumstances must by 14 April lodge with the Law Society a statutory declaration setting out:
- (a) the number of CPD units (including required CPD activities) the practitioner completed in respect of that CPD year;
- (b) whether or not the practitioner has lodged a statutory declaration as required by paragraph 5.2 and any intimation given the Law Society and if not, why not.
- (c) in any case where the Defined Circumstances were constituted by parental leave:
- (i) if no statutory declaration as required by paragraph 5.2 has been lodged,
- (A) sets out the dates of the parental leave,
- (B) where applicable, exhibits a letter from the practitioner's employer confirming such leave;
- (ii) in any other case:
- (A) sets out full details of the Defined Circumstances and there upon the practitioner's ability **or availability** to complete the prescribed amount of Mandatory Continuing Professional Development,
- (B) sets out the evidence and exhibiting any documentary evidence which demonstrates the matters in subparagraphs.
- 5.6 Where during a CPD year Defined Circumstances have occurred which prevented a practitioner from completing the prescribed amount of Mandatory Continuing Professional Development, provided the practitioner has complied with sub-paragraphs 5.2 and 5.3, the prescribed amount of Mandatory Continuing Professional Development which the practitioner is required to accrue is reduced under sub-paragraph 3.3 to the extent that the Defined Circumstances have so prevented compliance.

6 Certification of Compliance

- 6.1 An individual legal practitioner must by 14 April each year lodge with the Law Society a certificate by the practitioner that the practitioner has complied with the obligations contained in paragraphs 3 and 4 of Appendix C in respect of the preceding CPD year.

7 Rectification of Contravention

- 7.1 Where a practitioner has not completed the prescribed amount of Mandatory Continuing Professional Development in accordance with sub-paragraphs 3.1, 3.2 or 3.3, he or she must:
- (a) by 14 April lodge with the Law Society a statutory declaration setting out:
- (i) the number of CPD units (including Required CPD activities) the practitioner has completed in respect of that CPD year;
- (ii) the number of CPD units (including Required CPD activities) which the practitioner has not completed in respect of that CPD year;
- (iii) details of CPD activities which the practitioner proposes to undertake prior to 31 May of that year to rectify the non-compliance;
- (iv) if Defined Circumstances have existed and an intimation has not previously been sought under paragraph 5.2, details of the matters set out in paragraph 5.2.
- (b) by 31 May undertake sufficient CPD and other activities as are necessary to rectify the non-compliance; and
- (c) by 7 June lodge with the Law Society a certificate by the practitioner setting out the number of CPD units (including of Required CPD activities) completed in respect of the prior CPD year up to the date of the certificate.

The Law Society may determine to accept the number of CPD units so completed as completion of the prescribed amount of Mandatory Continuing Professional Development for the issue of a practising certificate subject to a condition or conditions under Rule 14(1)(a)(i).

- 7.2 If a practitioner has completed the prescribed amount of Mandatory Continuing Professional Development, notwithstanding any failure by the practitioner to adhere to the time limits in paragraphs 5, 6 and 7, the Law Society

may be satisfied that the practitioner has completed the prescribed amount of Mandatory Continuing Professional Development within Rule 13.

8 Sundry

- 8.1 The Law Society may be satisfied on the basis of a certificate received in compliance with 6 and 7.1(c) that a practitioner has completed the prescribed amount of MCPD within Rule 13(3).
- 8.2 The Law Society may charge a practitioner who does not comply with a time limit in paragraphs 5, 6 and 7 a reasonable fee for receipt and processing documents lodged after the expiry of the time limit.

APPENDIX D: LACC STANDARDS FOR PLT WORKPLACE EXPERIENCE AND LACC DISCLOSURE GUIDELINES FOR APPLICANTS FOR ADMISSION TO THE LEGAL PROFESSION

Guidelines Prepared by the Law Admissions Consultative Committee

Law Admissions Consultative Committee³ Standards for PLT Workplace Experience

³ LACC's Charter is approved by the Council of chief Justices which also appoints its Chairman. LACC is not, however, a committee of the Council, nor does it act on the Council's behalf.

1 INTRODUCTION

Experience in a legal or law-related workplace has long been acknowledged as indispensable to the proper preparation of a legal practitioner. When structured PLT courses were first introduced, it was acknowledged that supplementary workplace experience would still be necessary. In England, this was achieved by requiring students to complete a 2-year training contract after a PLT course, before becoming eligible for admission. The required content of that training contract – and consequently the training which host organisations and supervisors were obliged to provide – is closely regulated by the Solicitors Regulation Authority.

Australia followed a different path. Instead of a 2-year pre-admission training contract, Australian arrangements require a period of workplace training as part of a PLT course, followed by 2 years of supervised practice, after admission – neither element of which is closely regulated.

In 2002, national PLT Competency Standards for Entry-level Lawyers were first adopted by all Australian Admitting Authorities. While these prescribed competencies in certain knowledge, skills and values that PLT providers must impart to their students, little was said about workplace experience. Although the Standards required a student to obtain workplace experience as part of a PLT course, they simply set out a minimum period for such experience.

The minimum period chosen reflected the period of external workplace experience then required by one established PLT provider, whose course was structured to provide substantial simulated workplace experience, while conducting programmed training. Other established PLT providers operated under a different model which required substantially longer periods of external workplace experience.

Apart from setting this minimum period (which suited the courses then offered by all existing PLT providers), Admitting Authorities offered no other guidance to PLT providers about what would constitute appropriate workplace experience, or how it might be accumulated. Like the 2-year post-admission period of supervised practice, workplace experience to be undertaken during a PLT course was otherwise unregulated.

In the intervening years, the social, technological and other circumstances of students undertaking PLT courses have changed in significant ways, as have the commercial circumstances facing PLT providers in a highly competitive market. Thus, the Australasian Professional Legal Education Council (APLEC) proposed to LACC that now PLT courses "should be predicated on" the following matters that it suggests are "pervasive" –

- (a) the financial costs to students undertaking workplace experience, particularly where students are not paid by the host organisation;
- (b) student carer commitments;
- (c) student commitments to other work;
- (d) the shortage of available workplace experience;
- (e) the (un?) willingness of the profession to contribute to the legal education of law students and law graduates;
- (f) what should be regarded as acceptable periods of unpaid work;
- (g) the cost to a PLT provider of comprehensively administering workplace experience programs; and
- (h) equity and access issues – enabling participation in work experience programs by ALL students and diversity within the legal profession.⁴

⁴ APLEC, *Work Placement Requirements for PLT Courses*, 3 February 2015, p4.

Any of these matters, alone or in combination, may present significant obstacles for some intending legal practitioners and for some PLT providers. However sympathetic an Admitting Authority may be to those affected, its inescapable statutory duty is to establish, apply and maintain what it considers to be appropriate standards for the preparation of members of the legal profession. These are the values upon which its regulatory requirements must be predicated. It must strike a balance between factors such as those advanced by APLEC and what it considers to be reasonable and proportionate requirements which will help assure the educational value of workplace experience in the context of a PLT course.

Concern about the effectiveness of, and variation between prevailing practices of PLT providers relating to workplace experience led the Victorian Council of Legal Education, in 2014, to refer questions about the following matters to LACC, arising from an application by a PLT provider to alter its workplace training requirements –

- (a) the purpose of the work experience requirement as an element of a PLT course;
- (b) the appropriate duration of such workplace experience;
- (c) how the relevant workplace experience may be accumulated;
- (d) whether work experience undertaken before a PLT course can be taken into account to satisfy a work experience requirement; and
- (e) whether additional programmed training requirements might be substituted for some of the requisite workplace experience.

LACC received 2 submissions from APLEC about these issues in the intervening years, and has sought and obtained expert advice from other sources. It has also noted that there have been several significant regulatory developments since 2014.

The Legal Profession Uniform Law has come into effect, placing renewed focus on how effectively matters relating to admission to the legal profession are presently being regulated. Further, a completely revised version of the PLT Competency Standards for Entry-level Lawyers came into effect in January 2015, containing much more explicit explanatory and regulatory material. Standards for accrediting PLT providers and courses, previously endorsed by LACC have been renamed as Uniform Standards and have already been applied in a number of jurisdictions. Finally, Accreditation Standards for Australian Law Courses are in the final stages of development.

Consistent with these developments, LACC thus considers it is appropriate to adopt the following standards relating to workplace experience.

2 DEFINITIONS AND INTERPRETATION

2.1 Definitions

In this document –

Competency Standards means the Law Admissions Consultative Committee's Practical Legal Training Competency Standards for Entry-level Lawyers 2015.

workplace experience means supervised employment in a legal office or supervised paid or unpaid placement in a law or law-related work environment.

2.2 Interpretation

Expressions used in this document and in the Competency Standards that are not defined in clause 1.1 or elsewhere in this document have the same meaning as in the Competency Standards.

3 PURPOSES OF THE STANDARDS

The purposes of these Standards are –

- (a) to assist Admitting Authorities, when accrediting, monitoring or re-accrediting a PLT provider to determine whether the PLT provider will provide for a student of the PLT course to undertake appropriate workplace experience; and
- (b) where appropriate, to provide clear, tangible guidance to PLT providers of ways in which a PLT provider can demonstrate its compliance with the Standards

4 PURPOSE OF WORKPLACE EXPERIENCE

In the context of a PLT course, the purpose of workplace experience is to provide a student with an opportunity –

- (a) to apply, test and reflect on what has been learned during programmed training, while interacting with practising lawyers, other staff, government officers and clients; and
- (b) to develop an understanding of the nature of legal practice and of the student's aptitude for engaging in legal practice.

5 LEARNING OUTCOMES

1. On completing workplace experience, a student will have –

- (a) applied elements of the student's programmed training in the context of legal practice;
- (b) experienced supervision by a qualified member of the legal profession in the execution of legal or law-related work;
 - (i) acquired a basic understanding of what a legal practitioner does in the course of legal practice;
- (c) critically reflected upon significant experiences obtained by the student in the course of workplace experience; and considered how those experiences will influence the student's future actions.

2. A PLT provider must satisfy itself that a student has achieved each of the learning outcomes set out in subclause (1) before certifying that a student has satisfied the requirements of clause 4.1(a)(ii) or 4.1(b)(ii) of the Competency Standards, as the case requires.

How can a PLT provider show it has met this standard?

A PLT provider is required to assess whether or not a student has achieved each of the learning outcomes specified in subclause (1). The PLT provider might, for example –

- (a) require a student to keep a journal which records activities undertaken by the student during workplace training, and the student's reflections on those activities;
- (b) assess the content of the journal and the quality of the workplace experience undertaken by the student;
- (c) require a report from the relevant supervisor on the activities undertaken by the student, and the supervision the student received;
- (d) monitor the activities of both supervisors and students in undertaking workplace experience.

6 SUPERVISION OF WORKPLACE EXPERIENCE

A PLT provider must not approve workplace experience for a student unless it is satisfied that –

- (a) before the workplace experience commences, the student will have been instructed how to make the most of available supervision during workplace experience and how to obtain feedback on the student's performance;
- (b) the student will be appropriately supervised throughout the period of workplace experience; and
- (c) any person supervising the student –
 - i. is admitted to the legal profession; and
 - ii. has substantial experience in practising law; and
 - iii. is currently practising law; and
 - iv. is currently of good standing in the legal profession.

How can a PLT provider show it has met this standard?

A PLT provider will need to be able to demonstrate that –

- (a) it arranges properly to brief host organisations and proposed supervisors about the purpose of a student's workplace experience; and of the PLT provider's expectations about the nature of supervision required; and
- (b) it requires a potential supervisor to acknowledge that the person -
 - (i) has been informed about the PLT provider's expectations about the nature of supervision required; and
 - (ii) has each of the attributes referred to in paragraph 6(c) above.

A PLT provider might also demonstrate that –

- (a) it arranges for students and host organisations to enter into training contracts setting out mutual undertakings about workplace experience;
- (b) it provides written or web-based resources for host organisations, supervisors and students relating to expectations about their respective roles in offering, supervising and undertaking workplace experience.

7 TIMING AND DURATION OF WORKPLACE EXPERIENCE

1. 15 days of workplace experience, as specified in clauses 4(1)(a)(ii) and 4.1(b)(ii) of the Competency Standards, is the **minimum requirement**.
2. A PLT provider may require a student, as part of a PLT course, to undertake more than the minimum requirement of workplace experience (**additional requirement**).
3. A student must undertake the minimum requirement –
 - (a) within Australia; and
 - (b) concurrently with or after completing the programmed training of the PLT course.
4. On or after 1 July 2018, a student may only obtain credit for the minimum requirement if the student undertakes no less than –
 - (a) 2 full days of workplace experience per week; or
 - (b) 4 x 4 hour sessions of workplace experience per week.
5. A student may undertake any additional requirement –
 - (a) within Australia; or
 - (b) with the permission of the PLT provider, outside Australia.
6. A PLT provider may grant credit towards any additional requirement of workplace experience for any workplace experience acquired by a student up to 2 calendar years before the student commences programmed training for a PLT course, if the workplace experience was acquired –
 - (a) while the student was enrolled in an academic law course accredited for professional admission purposes by an Australian Admitting Authority ; and
 - i. as part of a clinical education program, internship or externship program of that law course; or
 - ii. in a legal office or during supervised placement in a law or law- related workplace; or
 - (b) after the student has completed an academic law course, but before the student commences programmed training for a PLT course.
7. A PLT provider may grant credit towards either or both of the minimum requirement and any additional requirement of workplace experience for any workplace experience acquired by a student up to 2 calendar years after the student has completed the programmed training component of a PLT course.

8 QUALITY OF WORKPLACE EXPERIENCE

A PLT provider must not approve workplace experience for a student unless it is satisfied that the student will receive appropriate legal or law-related work that includes most or all of the following –

- (a) significant interaction with external or in-house clients;
- (b) drafting documents;
- (c) legal research;
- (d) using a file management system.

How can a PLT provider show that it has met this standard?

A PLT provider will need to be able to demonstrate that –

- (a) it arranges properly to brief host organisations and proposed supervisors about the purpose of a student's workplace experience; and of the PLT provider's expectations about the nature of the work that a student will experience;
- (b) it has a system for checking with a student about the nature and quality of work the student is receiving during workplace experience;
- (c) it has a system for advising a host organisation or supervisor of any concerns about the quality of work being assigned to a student.

A PLT provider might also demonstrate that –

- (a) it arranges for students and host organisations to enter into training contracts setting out mutual undertakings about workplace experience;
- (b) it provides written or web-based resources for host organisations, supervisors and students relating to expectations about their respective roles in offering, supervising and undertaking workplace experience.

9 SUBSTITUTION OF PROGRAMMED TRAINING FOR WORKPLACE EXPERIENCE

- (1) A PLT provider that conducts a PLT course which normally would require a student to undertake workplace experience that substantially exceeds the minimum requirement, may permit a student to undertake more programmed training than would normally be required, instead of part of the additional requirement of workplace experience.
- (2) The PLT provider must determine and apply a maximum number of days of workplace experience for which programmed training may be substituted under subclause (1).
- (3) The PLT provider must not fix a maximum number of days under subclause (2) that could have the effect of significantly detracting from the duration or quality of workplace experience –
 - (a) which that PLT course was initially designed to require; and
 - (b) which was nominate in the PLT provider's application to an Admitting Authority for accreditation or reaccreditation.
- (4) A PLT provider must not allow a student to undertake additional programmed learning pursuant to subclause (1) unless the student has previously completed the minimum requirement of workplace experience.
- (5) Additional programmed training referred to in subclause (1) must comprise coursework activities designed to enhance a student's skills in clinical legal practice or practice management.

10 HOW WORKPLACE EXPERIENCE MAY BE ACCUMULATED

A PLT provider must not approve workplace experience for a student unless it is satisfied that the student will undertake not less than –

- (a) 1 full day of workplace experience per week; or
- (b) 2 x 4-hour sessions of workplace experience per week, throughout the whole period of workplace experience.

LAW ADMISSIONS CONSULTATIVE COMMITTEE⁵

Disclosure Guidelines for Applicants for Admission to the Legal Profession

⁵ LACC'S Charter is approved by the Council of Chief Justices which also appoints its Chairman. LACC is not, however, a committee of the Council, nor does it act on the Council's behalf.

CAUTION:

The Appendix to this document refers to legislation which applies in New South Wales and Victoria. Every other Admitting Authority may need to make minor adjustments to this document accurately to reflect variations in both the legislation and admission arrangements in that jurisdiction.

Applicants are therefore advised to consult any version of the attached Guidelines approved by the Admitting Authority in the jurisdiction in which admission is sought.

1 PURPOSES OF THESE GUIDELINES

As an applicant for admission, you need to satisfy your Admitting Authority that you are "a fit and proper person" to be admitted to the legal profession.⁶ In all jurisdictions other than South Australia, the relevant legislation also requires the Admitting Authority to consider whether you are currently "of good fame and character".⁷ Each of these tests reflects the overarching requirements of the pre-existing common law.

⁶ *Legal Practitioners Act 1981* (SA) section 15(1)(a); *Legal Profession Act 2006* (ACT) section 26(2)(b); *Legal Profession Act 2006* (NT) section 25(2)(b); *Legal Profession Act 2007* (Qld) section 35(2)(a)(ii); *Legal Profession Act 2007* (Tas) section 31(6)(b); *Legal Profession Act 2008* (WA) section 26(1)(a)(ii); *Legal Profession Uniform Law* (NSW & Vic) section 17(1)(c)

⁷ *Legal Profession Act 2006* (ACT) section 11(1)(a); *Legal Profession Act 2006* (NT) section 11(1)(a); *Legal Profession Act 2007* (Qld) section 9(1)(a); *Legal Profession Act 2007* (Tas) section 9(1)(a); *Legal Profession Act 2008* (WA) section 8(1)(a); *Uniform Admission Rules 2015* (NSW & Vic) rule 10(1)(f).

The purposes of these Guidelines are -

- (a) to emphasise that Admitting Authorities and Courts place a duty and onus squarely on *you* to disclose to your Admitting Authority any matter that could influence its decision about whether you are "currently of good fame and character" and "a fit and proper person";
- (b) to explain that, when you do make a disclosure, you must do so honestly and candidly, and be full and frank in what you say; and
- (c) to remind you that failure to do so, if subsequently discovered, can have catastrophic consequences. You might either be refused admission, or struck off the roll, if you have been admitted without making a full disclosure.

There are many judicial explanations of what the phrase "fit and proper person" means in different contexts. For example -

The requirement for admission to practice (*sic*) law that the applicant be a fit and proper person, means that the applicant must have the personal qualities of character which are necessary to discharge the important and grave responsibilities of being a barrister and solicitor. A legal practitioner, upon being admitted to practice, assumes duties to the courts, to fellow practitioners as well as to clients. At the heart of all of those duties is a commitment to honesty and, in those circumstances when it is required, to open candour and frankness, irrespective of self-interest or embarrassment. The entire administration of justice in any community which is governed by law depends upon the honest working of legal practitioners who can be relied upon to meet high standards of honesty and ethical behaviour. It is the legal practitioner who is effectively the daily minister and executor in the administration of justice when advising clients, acting for clients, certifying documents, and making presentations to courts, governments, other professionals, and so on. The level and extent of trust placed in what legal practitioners say or do is necessarily high and the need for honesty is self-evident and essential.⁸

⁸ *Frugtiet v Board of Examiners* [2002] VSC 140 per Pagone, J.

2 STATUS OF THESE GUIDELINES

These Guidelines do not, and cannot, diminish or supplant in any way your personal duty to disclose any matter which may bear on your fitness for admission. They merely provide information about how Admitting Authorities approach the requirement of disclosure. They also give examples of matters which you might otherwise overlook when deciding what to disclose.

The examples given are not, and could not be, comprehensive or exhaustive. You must disclose any matter which is or might be relevant to your fitness, whether or not that matter is mentioned in these Guidelines. Please err on the side of disclosing, rather than concealing, information that might turn out to be relevant in the eyes of an Admitting Authority.

3 RELEVANT PRINCIPLES

Your Admitting Authority will apply the following principles when determining your fitness for admission.

- (a) The onus is squarely on you to establish your fitness.
- (b) The statutory test is cast in the present tense – whether you are “currently of good fame and character” and, except in South Australia, whether an applicant “is a fit and proper person”. Your past conduct, though relevant, is therefore not decisive.
- (c) The honesty and candour with which you make any disclosure is relevant when determining your present fitness. High standards are applied in assessing honesty and candour. Full and frank disclosure is essential - although in most circumstances your disclosure of past indiscretions will not result in you being denied admission.
- (d) Your present understanding and estimation of your past conduct at the time you make your application is relevant.
- (e) Any disclosure you make that may be relevant to whether you are currently able to carry out the inherent requirements of practice is confidential.

4 WHAT YOU NEED TO DISCLOSE

Your duty is to disclose any matter that might be relevant to your Admitting Authority considering whether you are currently of good fame and character and are a fit and proper person for admission to the legal profession.

This means that you *must* state whether any of the matters set out in **Appendix 1** applies to you. Your Admitting Authority has a statutory duty to have regard to each of those matters when considering your application.

But you also need to disclose any *other* matter that might be relevant to your Admitting Authority's decision about whether you are a fit and proper person for admission. Courts now clearly consider that you must disclose any matters relevant to the assessment of your honesty.

Unfortunately it is not possible to provide you with an exhaustive list of everything that might turn out to be relevant to assessing whether you are currently of good fame and character, or a fit and proper person for admission - and which you should therefore disclose.

Generally, however, your duty is to disclose *any* matter which does or might reflect negatively on your honesty, candour, respect for the law or ability to meet professional standards. You need to provide a full account of any such matter, including a description of your conduct (whether acts or omissions).

Avoid editing, or just selecting those matters that *you* believe *should* be relevant to your Admitting Authority's decision. Rather, you need to fully disclose every matter that might fairly assist the Admitting Authority or a Court in deciding whether you are a fit and proper person.

Revealing more than might strictly be necessary counts in favour of an applicant - especially where the disclosure still carries embarrassment or discomfort. Revealing less than may be necessary distorts the proper assessment of the applicant and may itself show an inappropriate desire to distort by selecting and screening relevant facts.⁹

⁹ *Frugniet v Board of Examiners* [2002] VSC 140, per Pagone J.

You will find a list of helpful dos and don'ts in item 6 below to help you decide how to frame any disclosure you need to make. Item 8 also includes further information about disclosures about your capacity.

Note that if you don't disclose anything, you must include the following statement in your application -

I have read and understood the Disclosure Guidelines for Applicants for Admission to the Legal Profession. I am and always have been of good fame and character and am a fit and proper person to be admitted and I have not done or suffered anything likely to reflect adversely on my good fame and character or on whether I am a fit and proper person. I am not aware of any matter or circumstance that might affect my suitability to be admitted as an Australian lawyer and an officer of the Court.

5 SOME EXAMPLES

The following are examples of matters which you may need to disclose in addition to the matters set out in **Appendix 1**.

(a) Social security overpayments or offences

You should disclose any overpayment to you of any kind of Centrelink or social security entitlements at any time, or for any reason, whether or not you have already repaid the relevant amount; or whether or not you have been prosecuted in relation to the overpayment.

(b) Academic misconduct

You should disclose any academic misconduct. You would be wise to disclose such conduct, whether or not a formal finding was made or a record of the incident retained by the relevant organisation.

Academic misconduct includes, but is not limited to, plagiarism, impermissible collusion, cheating and any other inappropriate conduct, whereby you have sought to obtain an academic advantage either for yourself or for some other person.

(c) Inappropriate or criminal conduct

You may also need to disclose general misconduct which occurred, say, in your workplace, educational institution, volunteer position, club, association or in other circumstances, if such conduct may reflect on whether you are a fit and proper person to be admitted to the legal profession. This is so, even if the misconduct does not directly relate to your ability to practise law.

General misconduct may include, but is not limited to, offensive behaviour, workplace or online bullying, property damage, sexual harassment or racial vilification.¹⁰

¹⁰ By way of illustration, in *XY v Board of Examiners* [2005] VSC 250, Habersberger, J found that an applicant was under a duty to disclose that a volunteer position had been terminated as a result of making offensive remarks to a fellow worker and that she was also required to disclose property damage she had caused at a meditation retreat, notwithstanding that charges were not

You also need to disclose any misconduct relating to dishonesty on your part, whether or not that conduct may have amounted to an offence; and whether or not you were charged with, or convicted of an offence. This includes conduct that involved misappropriating any sort of property in any way, or making false or misleading statements of any kind.

You should disclose any criminal conviction for any offence whatsoever.

You may also need to disclose any criminal *charge*, as distinct from a criminal conviction - even if the charge was subsequently withdrawn or you were acquitted. This will, however, depend on the circumstances. If the charge did not proceed for a technical reason, such as the expiration of a time limit, you should disclose it.

On the other hand, if the charge was denied and the matter did not proceed because of an acknowledged lack of evidence, you need not disclose it, unless your underlying conduct itself warrants disclosure. You should carefully consider whether the facts giving rise to a criminal charge might reasonably be regarded as relevant when assessing your suitability for admission.

You should also carefully consider whether it might be prudent to disclose an offence, even if spent convictions legislation applies to that offence. Where spent convictions legislation does not apply, you should declare any offence of which you have been convicted.

At the other end of the scale, if you had dealings with police as a juvenile, such as being warned for drinking alcohol, it is likely that your Admitting Authority would regard the matter as minor and you would not need to disclose it.

(d) **Intervention orders and apprehended violence orders**

(e) **Infringement or traffic offences**

You may need to declare offences resulting in a court-ordered fine or other sanction or even an administrative penalty, such as traffic or public transport offences. This is certainly necessary if the frequency or number of fines, or your failure to pay fines, could give rise to concern about your respect for the law.

(f) **Making a false statutory declaration**

(g) **Tax Offences**

(h) **Corporate insolvency, penalties or offences**

You may need to disclose any instances of insolvency, offences or penalties relating to any company or organisation of which you were a director or responsible officer at the time.

6 DOS AND DON'TS

A number of recent cases consider the over-arching obligation to be candid and honest when making a full and frank disclosure of something you choose to disclose. The following dos and don'ts emerge from those cases.

- (a) You need to make sure that what you tell the Admitting Authority is completely accurate.
- (b) Check the relevant facts to ensure that your statement cannot be misleading. If necessary, check those facts with third parties who know about them.
- (c) Even if the matter you are disclosing seems to you to be relatively minor, you must provide full and frank details to the Admitting Authority. You need to include all matters that could be relevant to your Admitting Authority's assessment.
- (d) You must do this when you first make your disclosure. Don't wait for the Admitting Authority to ask you for further information.
- (e) Failing to make a full and frank disclosure first up may show that you do not fully understand the honesty and candour that a legal practitioner must demonstrate - even if you didn't intend to mislead or conceal information.
- (f) This failure, alone, may show that you are not yet a fit and proper person to be admitted.
- (g) If you deliberately or recklessly misrepresent or conceal facts relevant to your disclosure, you may not be admitted.
- (h) If you are admitted after deliberately or recklessly concealing facts relevant to your disclosure, your admission may well be revoked once your deception is uncovered.
- (i) Make sure that you give the Admitting Authority as much information about the circumstances of the event you are disclosing as will allow it to assess the gravity of the event for itself.
- (j) Give a full picture of the events and a thorough explanation of your conduct.
- (k) Views can differ about what level of detail is sufficient to demonstrate honesty, candour and full and frank disclosure. The Admitting Authority's view may be different from yours. If in doubt, it may be wise to give more, rather than less, information.
- (l) Don't seek to minimise your culpability; to deflect blame onto others; or to conceal information that may be unfavourable to you.
- (m) Try to show the Admitting Authority that you have insight into why and how the event occurred; that you take full responsibility for it; and why the Admitting Authority can be satisfied that you will not do similar things in the future.
- (n) It is not enough simply to express remorse. Because your fitness to practise is assessed at the time you make your application, you need to show the Admitting Authority that what you have done to redeem yourself, or to rehabilitate yourself since the event occurred.
- (o) You may need to produce independent evidence from others to show that you are now a fit and proper person. Your own assertions may not be enough.
- (p) If you can show the Admitting Authority the active steps you have taken to rehabilitate yourself, this may demonstrate that you have appreciated the gravity of your conduct; have accepted responsibility for it; have taken steps to rehabilitate yourself; and understand the obligation of honesty, candour and full and frank disclosure.
- (q) If, however, your past conduct was very serious or involved extreme dishonesty, it may be hard to convince an Admitting Authority that you are a fit and proper person to be admitted.

7 CERTIFICATES OF CHARACTER

Please also note that any person who supplies a certificate of character to support an application -

- (a) must be aware of, and have actually read, any disclosure you make of the type mentioned above; and
- (b) must attest to those facts in the person's certificate of character.

Because of the privacy implications of disclosures about your capacity, a person who supplies a certificate of character need not be aware of any disclosure you have made about your capacity: see item 8.

8 DISCLOSURES ABOUT CAPACITY

(1) What the law says

An Admitting Authority is also required to consider whether, at the time of making your application, you are able to carry out the inherent requirements of legal practice.

The requirement of capacity is separate and distinct from the requirement to be a fit and proper person or of good fame and character.

The Legal Profession Acts and Admission Rules variously describe matters relating to an applicant's capacity about which an Admitting Authority must satisfy itself, in the following ways -

- (a) whether the person is currently unable satisfactorily to carry out the inherent requirements of practice as an Australian legal practitioner;¹¹

¹¹ *Legal Profession Act 2006* (ACT) section 11(m); *Legal Profession Act 2004* (NSW) section 9(m); *Legal Profession Act 2007* (Qld) section 9(1)(m); *Legal Profession Act 2007* (Tas) section 9(m); Uniform Admission Rules 2015 (NSW & Vic) rule 10(1)(k).

- (b) whether the person is currently unable to carry out the inherent requirements of practice as an Australian legal practitioner;¹²

¹² *Legal Profession Act 2008* (WA) section 8(m).

- (c) whether the person currently has a material inability to engage in legal practice.¹³

¹³ *Legal Profession Act 2006* (ACT) section 22(2); *Legal Profession Act 2006* (NT) section 30(1)(b); *Legal Profession Act 2007* (Tas) section 26(1)(b); *Legal Profession Act 2004* (Vic) section 2.3.3(1)(b); *Legal Profession Act 2008* (WA) section 22(1)(b). Section 31(2)(b) of the *Legal Profession Act 2007* (Qld) and section 17(2)(a) of the *Legal Profession Uniform Law* (NSW & Vic) are in similar, though not identical, terms.

Further, in deciding whether you are a fit and proper person, most Admitting Authorities also have power to have regard to any other matter it considers relevant, in addition to each of the matters particularly prescribed by legislation.¹⁰

Your precise obligation thus depends on the relevant legislation in the jurisdiction in which you seek admission.

Note, however, that apart from making disclosures which respond to the particular legislative requirement relevant to your capacity, it would be sensible for you to disclose any other matters which an Admitting Authority might think relevant when assessing your current capacity to engage in legal practice.

(2) What your Admitting Authority does

Your Admitting Authority has a positive, encouraging approach to people seeking admission who experience mental, physical or other health conditions or disabilities. It wishes to ensure that such people are assisted, encouraged and supported to seek admission and to engage in legal practice.

It encourages people to seek medical or psychological help before seeking admission and, indeed, whenever they feel the need. Willingness to seek help counts in one's favour.

Seeking early help can both demonstrate appropriate insight into one's condition or disability and also avert the risk of conduct that could become relevant to one's suitability for admission. Seeking psychological or medical help will not, of itself, prejudice one's ability to be admitted. Similarly, telling the Admitting Authority about the circumstances underlying the help received will not, of itself, prejudice one's ability to be admitted. On the contrary, it may show that one has appropriate strategies to deal with any stresses that arise in the course of legal practice; and that any former difficulties have been overcome.

If you happen to have, or to have experienced in the past, a mental, physical or other health condition or disability -

- (a) you are encouraged to obtain medical or psychological help if you feel you need it; and
- (b) that condition or disability, or the fact that you have sought or are obtaining help, will not necessarily prejudice your application for admission; but
- (c) your Admitting Authority is likely to consider that any behaviour or conduct arising from, or attributable to, that condition or disability is relevant, and should therefore be disclosed.

Your Admitting Authority's task is to determine if you are *currently* able to carry out the inherent requirements of practice. It will do this in the light of any disclosures you make and any supporting information you choose to provide.

Any mental, physical or other health condition or disability which you have, or may have had in the past, will only be relevant if it affects your current ability to carry out the inherent requirements of practice.

Except for the purposes of the administration of its relevant legislation, or as otherwise required by law, your Admitting Authority will not disclose to others (including any prospective employer) any personal or medical evidence that you disclose to it. In order to further protect your privacy, you may make any disclosure about your capacity in a separate statutory declaration lodged with your application.

(3) When a health condition may be relevant

- (a) Very occasionally, the mere existence of a health condition or disability may directly affect your current ability to carry out the inherent requirements of practice. For example, if you earlier had a car accident, or an illness, that means you are no longer able to remember instructions which you are given, you may not currently be able to carry out the inherent requirements of practice. You need to disclose any such difficulties to your Admitting Authority.
- (b) Sometimes your past conduct (whether by act or omission) might raise questions about whether you are currently able to carry out the inherent requirements of practice. Repeated instances of certain conduct might cast doubt on your insight, or on your ability to make sound judgments. You need to disclose any such conduct to your Admitting Authority.
- (c) If you think that conduct might be wholly or partly explained by, or associated with, some physical, mental or other health condition or disability (whether diagnosed or not), you can choose to disclose that condition or disability; and may provide any supporting medical evidence that you think might assist your Admitting Authority to decide whether you are currently able to carry out the inherent requirements of practice. Such information may well explain the reasons underlying your conduct; and demonstrate that the underlying cause has been effectively dealt with or appropriately managed.

If you seek to demonstrate that your condition or disability is appropriately managed and stable, a certificate to that effect from one or more of your treating medical practitioners would greatly assist your Admitting Authority.

(4) **Examples**

The following examples are merely indicative illustrations. An Admitting Authority responds to the particular circumstances of each application. The examples cannot thus be considered as binding on an Admitting Authority.

- (1) S found first year law very difficult. She wasn't prepared for the work required, and found it hard to meet all deadlines. As she had always done well at school, she was surprised that her law school marks were always bare passes. She became anxious about her capacity, and questioned whether she should be doing law.

On the recommendation of a lecturer, she attended the University's counselling service. The counsellor helped her to recognise the causes of her anxiety; advised her how to manage those causes; and recommended that she should attend a mindfulness course. After working with the counsellor, and undertaking the mindfulness course, S still felt stressed about law school. Having learned how to manage her stress appropriately, however, she successfully completed her law course and PLT course.

S would not need to disclose these circumstances to her Admitting Authority.

- (2) P comes from a family with a history of severe depression and has suffered depression for many years, attempting suicide on several occasions. He managed to get through his law course with difficulty, often requiring substantial special consideration to complete assessments and examinations. He has completed an on-line PLT course, but his depression persists. It severely affects his ability to engage in daily activities; and he often finds that he is unable to get out of bed in the morning.

P would need to disclose his difficulties to his Admitting Authority, as they raise questions about whether he is *currently* able to carry out the inherent requirements of practice. Disclosing his condition to the Admitting Authority does not necessarily mean that he would not be admitted, however. The Admitting Authority would probably wish to know whether, and if so how, his present difficulties might be overcome or managed. It would be sensible for P to answer these questions in his initial disclosure, rather than waiting to be asked for further information by the Admitting Authority.

- (3) M enjoyed the early years of his law course and was doing well. In his third year, however his mother was diagnosed with a serious illness and died late in the year. M was her primary care-giver during her illness and was devastated by her death. He failed several subjects that year, because of the stress of nursing his mother and his inability to talk about his circumstances with others, and obtained special consideration.

Subsequently, however, he became depressed and stopped attending law school. He consulted his GP who diagnosed depression and assisted him to undertake a series of treatments. M found that a combination of medication and counselling helped him regain his equilibrium. He re-enrolled and successfully completed both law and a PLT course. He no longer requires either medication or counselling.

M would not need to disclose these circumstances to his Admitting Authority.

- (4) During his law course, T developed delusions that his teachers were conspiring to have him removed from the law school. He wrote angry, hostile emails to law school and university staff, and alleged serious misconduct and mistreatment on their part to a number of authorities.

When several internal University investigations found no proof of his allegations, he became convinced that the conspiracy was widespread. Several University disciplinary actions followed in response to his behaviour, one of which referred him to his GP who, in turn, referred him to a specialist who diagnosed paranoid schizophrenia.

T would need to disclose the activities which preceded his reference to his GP. Given the seriousness of his diagnosis, it would also be prudent for T to declare that condition and how it is being treated and managed, as each of these matters reflect on whether he is *currently* able to carry out the inherent requirements of practice.

Disclosing his condition and treatment to the Admitting Authority does not necessarily mean that he would not be admitted, however. The Admitting Authority would need to know whether, and if so how, his present difficulties are being overcome or managed.

9 MATTERS PRESCRIBED BY LEGAL PROFESSION LEGISLATION

You must disclose any matter relevant to an applicant's suitability that is prescribed by legislation relating to the legal profession in the jurisdiction where you seek admission. The matters prescribed for Victoria [*Insert name of relevant jurisdiction*] are set out in **Appendix 1**.

10 FORM OF DISCLOSURE

Any disclosure which you are required to make must be included either in your statutory declaration applying for a compliance certificate or, in the case of a disclosure about capacity, in a supplementary statutory declaration, if you prefer. To corroborate your disclosures, you should make any available supporting document an exhibit to your statutory declaration.

APPENDIX 1 OF DISCLOSURE GUIDELINES FOR APPLICANTS FOR ADMISSION

Prescribed Matters Relating to Suitability for Admission

[*This Appendix must set out the particular matters relating to an applicant's suitability for admission prescribed by or under legislation relating to the legal profession in the relevant jurisdiction in which these guidelines are issued. The following example is from the Legal Profession Uniform Admission Rules 2015, rule 10, which applies in New South Wales and Victoria.*]

As noted in items 4 and 8 of the Guidelines, your Admitting Authority is required to satisfy itself about each of the following matters. Accordingly you need to disclose anything that your Admitting Authority might consider relevant when satisfying itself about each of these matters.

- (1) For the purposes of section 17(2)(b) of the Law, the following matters are specified as matters to which the Board must have regard –
- a. any statutory declaration as to the person's character, referred to in rule 16;
 - b. any disclosure or statement made by the person under rule 17;
 - c. any police report provided under rule 18;
 - d. any academic conduct report provided under rule 19;
 - e. any certificate of good standing provided under rule 20;
 - f. whether the person is currently of good reputation and character;

- g. whether the person is or has been a bankrupt or subject to an arrangement under Part 10 of the **Bankruptcy Act 1966** of the Commonwealth or has been an officer of a corporation that has been wound up in insolvency or under external administration;
- h. whether the person has been found guilty of an offence including a spent offence in Australia or in a foreign country, and if so—
- (i) the nature of the offence; and
 - (ii) how long ago the offence was committed; and
 - (iii) the person's age when the offence was committed;
- i. whether the person has been the subject of any disciplinary action, howsoever expressed, in any profession or occupation in Australia or in a foreign country;
- j. whether the person has been the subject of disciplinary action, howsoever expressed, in another profession or occupation that involved a finding adverse to the person;
- k. whether the person is currently unable to satisfactorily carry out the inherent requirements of practice as an Australian legal practitioner;
- l. whether the person has a sufficient knowledge of written and spoken English to engage in legal practice in this jurisdiction.

Dated: 27 August 2018

C J KOURAKIS
Chief Justice

MAGISTRATES COURT ACT 1991

SECTION 16(4)

Closure of Magistrates Court Registries

Pursuant to section 16(4) of the *Magistrates Court Act 1991* and with the advice and consent of the Executive Council, I determine that the following Registries of the Magistrates Court closed on the dates indicated:

Tanunda	26 June 2015
Holden Hill	28 August 2015
Mount Barker	4 July 2016

As of 26 June 2015 the Elizabeth Registry of the Magistrates Court of South Australia will be open at Tanunda on the days on which the Court is sitting in Tanunda.

As of 4 July 2016 the Adelaide Registry of the Magistrates Court of South Australia will be open at Mount Barker on the days on which the Court is sitting in Mount Barker.

Given under my hand at Adelaide, 6 September 2018

HIEU VAN LE
Governor

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 28th November 2017 in the South Australian Government Gazette at page 4735, 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 for Energy and Mining (DEM) Minerals website http://www.energymining.sa.gov.au/exploration/public_notices or by phoning Mineral Tenements on (08) 8463 3103.
- (4) This Notice becomes effective on 6 September 2018.

THE SCHEDULE

Column 1 ERA No	Column 2 Locality	Column 3 Area (km ²)	Column 4 Moratorium Period	Column 5 Application Open Dates	Column 6 Specific criteria
1010	Monarto area - approx 10 km West of Murray Bridge	28	23/05/2018 to 04/11/2018	05/11/2018 to 09/11/2018	-

Dated: 6 September 2018

J MARTIN
General Manager Mineral Tenements
Mining Registrar
Delegate of the Minister for Energy and Mining

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).

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 28th November 2017 in the South Australian Government Gazette at page 4736, 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 for Energy and Mining (DEM) Minerals website http://www.energymining.sa.gov.au/exploration/public_notices or by phoning Mineral Tenements on (08) 8463 3103.
- (4) This Notice becomes effective on 6 September 2018.

THE SCHEDULE

Column 1 ERA No	Column 2 Locality	Column 3 Area (km ²)	Column 4 Moratorium Period	Column 5 Application Open Dates	Column 6 Specific criteria
1011	Ingomar area - approx 75 km SSW of Coober Pedy	193	23/06/2018 to 04/11/2018	05/11/2018 to 09/11/2018	-

Dated: 6 September 2018

J MARTIN
General Manager Mineral Tenements
Mining Registrar
Delegate of the Minister for Energy and Mining

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).

NOTICE TO MARINERS

NO 28 OF 2018

South Australia – Investigator Group, Flinders Island – Light Not Working

Mariners are advised that the navigation light Fl(2)W 10s located in position 33° 40' 53.7" S 134° 31' 35.1" E at Point Malcolm on Flinders Island (off Elliston) is not working. The light will be repaired by late September 2018.

Mariners are advised to navigate with extreme caution in the vicinity.

Chart affected: Aus 342

Dated: 29 August 2018

GORDON PANTON
Manager Marine Operations

2017/02277/01
www.dpti.sa.gov.au

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Application for the Renewal of Associated Activities Licence AAL 224

Pursuant to section 65(6) of the *Petroleum and Geothermal Energy Act 2000* (the Act) and Delegation dated 29 June 2018, notice is hereby given that an application for the renewal of Associated Activities Licence AAL 224 within the area described below has been received from:

Victoria Oil Exploration (1977) Pty Ltd
Acer Energy Pty Limited

The renewal application will be determined on or after 5 October 2018.

Description of Renewal Area

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

Commencing at a point being the intersection of latitude 27°06'15"S GDA94 and longitude 140°20'00"E AGD66, thence east to longitude 140°20'20"E GDA94, south to latitude 27°06'35"S GDA94,

east to longitude 140°20'35"E GDA94, south to latitude 27°06'45"S GDA94,
 east to longitude 140°20'55"E GDA94, south to latitude 27°07'10"S GDA94,
 east to longitude 140°21'00"E GDA94, south to latitude 27°07'35"S GDA94,
 east to longitude 140°21'05"E GDA94, south to latitude 27°07'55"S GDA94,
 east to longitude 140°21'15"E GDA94, south to latitude 27°08'15"S GDA94,
 east to longitude 140°21'25"E GDA94, south to latitude 27°09'00"S AGD66,
 west to longitude 140°21'05"E GDA94, north to latitude 27°08'25"S GDA94,
 west to longitude 140°20'55"E GDA94, north to latitude 27°08'00"S GDA94,
 west to longitude 140°20'50"E GDA94, north to latitude 27°07'45"S GDA94,
 west to longitude 140°20'40"E GDA94, north to latitude 27°07'10"S GDA94,
 west to longitude 140°20'35"E GDA94, north to latitude 27°07'00"S GDA94,
 west to longitude 140°20'15"E GDA94, north to latitude 27°06'50"S GDA94,
 west to longitude 140°20'00"E AGD66, and north to the point of commencement.

AREA: 3.12 square kilometres approximately

Dated: 30 August 2018

BARRY A. GOLDSTEIN
 Executive Director
 Energy Resources Division
 Department for Energy and Mining
 Delegate of the Minister for Energy and Mining

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

GRANT OF ASSOCIATED ACTIVITIES LICENCE AAL 258

(Adjunct to Petroleum Production Licence PPL 147)

Notice is hereby given that the undermentioned Associated Activities Licence has been granted with effect from 30 August 2018, under the provisions of the *Petroleum and Geothermal Energy Act 2000*, pursuant to delegated powers dated 29 June 2018.

No of Licence	Licencees	Area Km ²	Locality	Reference
AAL 258	Vamgas Pty Ltd Santos Limited Delhi Petroleum Pty Ltd Lattice Energy Limited Santos (NARNL Cooper) Pty Ltd	0.17	Cooper Basin	MER-2018/0548

Description of Area

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

All coordinates in GDA94, Zone 54

436823.45mE	6949861.36mN	436399.46mE	6950204.89mN	436459.93mE	6949834.44mN
436816.61mE	6949886.25mN	436389.56mE	6950210.82mN	436458.75mE	6949833.77mN
436798.25mE	6949904.32mN	436388.47mE	6950211.48mN	436422.16mE	6949808.21mN
436792.12mE	6949905.95mN	436376.01mE	6950215.96mN	436404.46mE	6949795.71mN
436768.01mE	6949930.31mN	436356.54mE	6950220.28mN	436370.71mE	6949773.82mN
436751.85mE	6949943.96mN	436349.43mE	6950221.02mN	436352.55mE	6949755.56mN
436747.10mE	6949946.93mN	436339.85mE	6950221.42mN	436345.96mE	6949730.60mN
436729.47mE	6949957.03mN	436337.98mE	6950221.52mN	436352.81mE	6949705.71mN
436727.69mE	6949958.12mN	436321.71mE	6950218.33mN	436369.78mE	6949688.41mN
436727.59mE	6949958.12mN	436312.55mE	6950214.30mN	436382.46mE	6949679.61mN
436729.83mE	6949963.67mN	436306.34mE	6950211.27mN	436398.12mE	6949666.62mN
436731.69mE	6949968.00mN	436299.65mE	6950206.58mN	436403.07mE	6949663.44mN
436737.03mE	6949985.09mN	436290.32mE	6950197.56mN	436408.52mE	6949660.70mN
436739.61mE	6950000.17mN	436281.88mE	6950187.99mN	436427.32mE	6949651.82mN
436739.50mE	6950002.61mN	436280.61mE	6950185.77mN	436442.44mE	6949648.13mN
436738.19mE	6950026.64mN	436267.21mE	6950162.55mN	436463.08mE	6949646.14mN
436732.07mE	6950046.55mN	436263.31mE	6950153.67mN	436467.62mE	6949645.94mN
436728.69mE	6950051.62mN	436259.43mE	6950139.58mN	436474.43mE	6949646.53mN
436716.35mE	6950069.28mN	436257.33mE	6950126.05mN	436494.55mE	6949649.73mN
436703.17mE	6950080.51mN	436257.54mE	6950122.95mN	436496.33mE	6949649.97mN
436697.03mE	6950083.47mN	436258.51mE	6950108.44mN	436516.74mE	6949654.06mN
436677.05mE	6950092.12mN	436261.64mE	6950094.95mN	436537.15mE	6949658.49mN
436660.64mE	6950095.14mN	436265.44mE	6950084.44mN	436557.36mE	6949662.58mN
436653.83mE	6950094.55mN	436268.34mE	6950078.70mN	436577.78mE	6949666.34mN
436632.04mE	6950090.67mN	436276.80mE	6950065.12mN	436598.19mE	6949669.99mN
436616.37mE	6950085.05mN	436278.69mE	6950062.02mN	436619.29mE	6949673.98mN
436608.31mE	6950079.14mN	436284.65mE	6950055.19mN	436623.93mE	6949675.00mN
436590.93mE	6950060.88mN	436294.18mE	6950045.05mN	436643.44mE	6949680.86mN
436588.68mE	6950057.99mN	436299.14mE	6950040.97mN	436651.23mE	6949683.67mN
436587.87mE	6950060.75mN	436314.10mE	6950029.09mN	436669.44mE	6949692.96mN
436577.84mE	6950072.66mN	436317.87mE	6950026.78mN	436673.97mE	6949695.31mN
436565.94mE	6950083.79mN	436331.33mE	6950019.65mN	436677.12mE	6949697.32mN
436559.40mE	6950088.19mN	436334.40mE	6950018.00mN	436697.37mE	6949712.93mN
436553.56mE	6950091.04mN	436340.83mE	6950015.60mN	436713.87mE	6949728.42mN
436458.28mE	6950133.08mN	436353.88mE	6950011.24mN	436728.70mE	6949743.23mN

436441.58mE	6950136.21mN	436358.13mE	6950010.15mN	436742.84mE	6949757.92mN
436435.57mE	6950134.51mN	436354.56mE	6949995.07mN	436756.88mE	6949772.39mN
436435.94mE	6950138.39mN	436360.79mE	6949972.72mN	436771.32mE	6949787.20mN
436436.21mE	6950143.05mN	436377.36mE	6949956.42mN	436786.14mE	6949802.46mN
436431.87mE	6950161.86mN	436452.97mE	6949956.92mN	436800.87mE	6949817.82mN
436426.07mE	6950175.67mN	436583.08mE	6949824.55mN	436807.35mE	6949824.50mN
436424.18mE	6950179.21mN	436494.87mE	6949854.67mN	436816.86mE	6949836.40mN
436417.62mE	6950187.92mN	436494.38mE	6949854.34mN	436823.45mE	6949861.36mN
436409.47mE	6950197.30mN	436476.27mE	6949843.83mN		

AREA: **0.17** square kilometres approximately

Dated: 30 August 2018

BARRY A. GOLDSTEIN
Executive Director
Energy Resources Division
Department for Mining and Energy
Delegate of the Minister for Energy and Mining

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

GRANT OF ASSOCIATED ACTIVITIES LICENCE AAL 259

(Adjunct to Petroleum Production Licence PPL 55)

Notice is hereby given that the undermentioned Associated Activities Licence has been granted with effect from 30 August 2018, under the provisions of the *Petroleum and Geothermal Energy Act 2000*, pursuant to delegated powers dated 29 June 2018.

No of Licence	Licenses	Area Km ²	Locality	Reference
AAL 259	Santos Limited Vamgas Pty Ltd Alliance Petroleum Australia Pty Ltd Reef Oil Pty Ltd Santos Petroleum Pty Ltd Bridge Oil Developments Pty Ltd Santos (BOL) Pty Ltd Delhi Petroleum Pty Ltd Lattice Energy Limited Basin Oil Pty Ltd Santos (NARNL Cooper) Pty Ltd	0.11	Cooper Basin	MER-2018/0549

Description of Area

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

All coordinates in GDA94, Zone 54

405414.85mE	6930035.28mN	405125.96mE	6929934.98mN	405227.59mE	6929731.48mN
405408.66mE	6930057.61mN	405119.32mE	6929938.80mN	405233.89mE	6929744.49mN
405397.42mE	6930070.38mN	405112.68mE	6929943.74mN	405262.84mE	6929773.52mN
405388.99mE	6930077.73mN	405105.44mE	6929949.66mN	405269.57mE	6929781.78mN
405383.64mE	6930081.24mN	405097.10mE	6929957.02mN	405270.47mE	6929781.34mN
405363.59mE	6930086.40mN	405088.57mE	6929964.49mN	405273.24mE	6929779.81mN
405358.25mE	6930100.54mN	405080.23mE	6929971.73mN	405285.29mE	6929776.03mN
405355.65mE	6930105.61mN	405071.70mE	6929978.87mN	405295.36mE	6929774.11mN
405339.07mE	6930121.88mN	405064.65mE	6929985.02mN	405303.15mE	6929773.51mN
405316.45mE	6930127.80mN	405057.21mE	6929991.72mN	405306.50mE	6929773.64mN
405301.59mE	6930125.13mN	405043.91mE	6930003.80mN	405317.14mE	6929774.61mN
405292.55mE	6930121.52mN	405037.86mE	6930007.85mN	405328.35mE	6929777.03mN
405287.11mE	6930136.21mN	405015.25mE	6930013.77mN	405338.38mE	6929780.98mN
405284.41mE	6930141.62mN	404992.73mE	6930007.50mN	405346.33mE	6929784.70mN
405267.82mE	6930157.88mN	404976.40mE	6929990.97mN	405347.60mE	6929785.49mN
405245.20mE	6930163.80mN	404970.56mE	6929968.55mN	405356.23mE	6929791.65mN
405222.68mE	6930157.53mN	404976.75mE	6929946.22mN	405365.24mE	6929799.14mN
405206.35mE	6930141.01mN	404987.29mE	6929934.00mN	405372.07mE	6929807.50mN
405200.51mE	6930118.58mN	405000.59mE	6929921.92mN	405378.12mE	6929815.75mN
405204.00mE	6930101.66mN	405008.63mE	6929914.78mN	405380.74mE	6929821.09mN
405208.73mE	6930089.07mN	405016.87mE	6929907.76mN	405384.50mE	6929831.64mN
405197.03mE	6930084.54mN	405025.00mE	6929900.84mN	405387.56mE	6929843.85mN
405189.08mE	6930080.82mN	405033.34mE	6929893.59mN	405388.47mE	6929853.94mN
405172.75mE	6930064.30mN	405041.48mE	6929886.57mN	405388.62mE	6929858.82mN
405166.91mE	6930041.88mN	405049.81mE	6929879.21mN	405388.39mE	6929863.69mN
405170.49mE	6930024.73mN	405059.83mE	6929871.09mN	405387.32mE	6929873.87mN
405212.16mE	6929914.60mN	405069.84mE	6929863.97mN	405385.79mE	6929881.28mN
405210.78mE	6929914.04mN	405069.28mE	6929859.75mN	405383.15mE	6929891.34mN
405203.71mE	6929911.32mN	405068.94mE	6929853.44mN	405381.23mE	6929896.65mN
405200.66mE	6929910.64mN	405069.69mE	6929845.35mN	405377.41mE	6929906.48mN
405198.98mE	6929910.62mN	405071.03mE	6929837.83mN	405372.69mE	6929917.41mN
405195.63mE	6929911.15mN	405072.00mE	6929827.31mN	405368.98mE	6929926.24mN
405186.34mE	6929913.85mN	405066.38mE	6929815.53mN	405375.85mE	6929929.40mN
405176.07mE	6929916.98mN	405061.12mE	6929794.10mN	405392.18mE	6929945.92mN
405166.78mE	6929919.90mN	405067.31mE	6929771.77mN	405398.02mE	6929968.35mN
405158.18mE	6929922.71mN	405083.90mE	6929755.51mN	405394.44mE	6929985.49mN
405149.19mE	6929925.96mN	405165.73mE	6929714.05mN	405394.23mE	6929986.26mN

405139.80mE	6929929.44mN	405169.49mE	6929712.08mN	405408.70mE	6930001.33mN
405134.07mE	6929931.39mN	405188.35mE	6929708.13mN	405414.55mE	6930021.99mN
405133.87mE	6929931.50mN	405210.87mE	6929714.40mN	405414.86mE	6930033.51mN
405131.79mE	6929932.37mN	405227.20mE	6929730.93mN	405414.85mE	6930035.28mN

AREA: **0.11** square kilometres approximately

Dated: 30 August 2018

BARRY A. GOLDSTEIN
Executive Director
Energy Resources Division
Department for Mining and Energy
Delegate of the Minister for Energy and Mining

PROFESSIONAL STANDARDS ACT 2004

REPUBLISHED

The Law Society of New South Wales Professional Standards Scheme

PURSUANT to section 14 of *Professional Standards Act 2004*, I authorise the publication in the *Gazette* of the Law Society of New South Wales Professional Standards Scheme.

Pursuant to section 15 (1) (a) of the *Professional Standards Act 2004*, I specify 22 November 2018 as the date of commencement of the Professional Standards Scheme.

Dated: 17 August 2018

VICKIE CHAPMAN
Attorney-General

PROFESSIONAL STANDARDS ACT 1994 (NSW)

The Law Society of New South Wales Professional Standards Scheme

PREAMBLE

Occupational Association

- A. The Law Society of New South Wales (“the Law Society”) is a voluntary occupational association for local legal practitioners in New South Wales.
- B. The occupational group, for the purposes of this Scheme, represented by the Law Society consists of legal practitioners with a principal place of practice in New South Wales who hold Australian practising certificates issued by the Council of the Law Society (“the Law Society Council”).

Nature of Scheme

- C. The Law Society has made an application to the Professional Standards Council (“the Council”), appointed under the *Professional Standards Act 1994* (NSW) (“the Act”), for approval of a scheme under the Act and this document comprises the scheme (“the Scheme”).
- D. The Scheme is intended to operate under the Act, which has the purpose of improving occupational standards of professional persons and to protect consumers of their services.
- E. The Scheme has been prepared by the Law Society for the purposes of limiting occupational liability of Participating Members who provide services to the public to the extent to which such liability may be limited under the Act.
- F. The Scheme does not affect damages which are below the monetary ceiling specified in the Scheme for each Participating Member. The Scheme limits liability for damages to the monetary ceiling specified for that member provided that that Participating Member has insurance as required under s.21 of the Act.
- G. The Scheme is to apply to all Participating Members.

Risk Management

- H. The Law Society has furnished the Council with a detailed list of the risk management strategies intended to be implemented in respect of its Participating Members and the means by which these strategies are intended to be implemented.
- I. The Law Society will report annually to the Council on the implementation and monitoring of its risk management strategies, the effect of those strategies and any changes made to them.

Insurance

- J. Participating Members are required to maintain current professional indemnity insurance with an approved insurer, as required of legal practitioners who hold an Australian practising certificate issued by the Law Society Council under the *legal profession legislation* (as defined in s.3A of the *Legal Profession Uniform Law Application Act 2014* (NSW) (“the Application Act”).

Complaints and Discipline

- K. Participating Members are subject to a complaints and discipline process regime operating under the *legal profession legislation*. All Participating Members must comply with the provisions of the Memorandum and Articles of Association of the Law Society (“the Constitution”) and the *Legal profession legislation*.
- L. Responsibility for the administration of the Scheme and ensuring that it complies with the requirements of the Act and of the Council rests with the Law Society Council.

Commencement and Duration

- M. The Scheme is intended to commence in New South Wales on 22 November 2018.
- N. The Scheme is intended to remain in force for a period of five (5) years from its commencement, subject to s.32 of the Act.

Jurisdiction

- O. The Scheme is intended to apply in all jurisdictions within Australia.

THE LAW SOCIETY OF NEW SOUTH WALES PROFESSIONAL STANDARDS SCHEME

1. Occupational Association

- 1.1 This Scheme is a scheme under the Act prepared by and for the Law Society, whose business address is 170 Phillip Street, Sydney New South Wales.
- 1.2 Relevant definitions for the purpose of this Scheme are as follows:
- “Australian legal practitioner” has the same meaning as it has in s.6 of the Legal Profession Uniform Law;
- “Australian practising certificate” has the same meaning as it has in s.6 of the Legal Profession Uniform Law;
- “Corporate Legal Practitioner” has the same meaning as it has in s.6 of the Legal Profession Uniform Law and who has their principal place of practice in New South Wales;
- “Corresponding laws” means the *Professional Standards Act 2003* (Vic), the *Professional Standards Act 2004* (Qld), the *Professional Standards Act 2004* (SA), the *Professional Standards Act 1997* (WA), the *Professional Standards Act 2005* (Tas), the *Professional Standards Act* (NT), and the *Civil Law (Wrongs) Act 2002* (ACT), as applicable;
- “Court” has the same meaning as it has in the Act;
- “damages” has the same meaning as it has in the Act;
- “Exempted Member” means a Full Member or an Incorporated Legal Practice Member who is, or was, at the Relevant Time, exempted by the Law Society Council from participation in the Scheme pursuant to clause 3.3;
- “financial year” means a financial accounting period commencing on 1 July and ending 30 June;
- “Full Member” means a person within the category of Solicitor Member and Life Member of The Law Society as contemplated in the Constitution (as amended from time to time);
- “Government Legal Practitioner” has the same meaning as it has in s.6 of the Legal Profession Uniform Law and who has their principal place of practice in New South Wales;
- “Incorporated Legal Practice” means an incorporated legal practice as defined in s.6 of the Legal Profession Uniform Law that is a member of the Law Society;
- “Incorporated Legal Practice Member” means an Incorporated Legal Practice specified in the Register of the Law Society as an Incorporated Legal Practice Member and in which all legal practitioner directors and employed legal practitioners are individually recorded as Full Members on the Register of the Law Society;
- “Law Practice” has the same meaning as it has in s.6 of the Legal Profession Uniform Law;
- “legal profession legislation” has the same meaning as set out in s.3A of the Application Act;
- “the Legal Profession Uniform Law” means the *Legal Profession Uniform Law (NSW) (2014)* set out in Schedule 1 to the *Legal Profession Uniform Law Application Act 2014* of Victoria, which applies as a law of New South Wales pursuant to section 4 of the Application Act as amended;
- “legal services” has the same meaning as it has in s.6 of the Legal Profession Uniform Law;
- “local legal practitioner” has the same meaning as it has in s.3 of the Application Act;
- “Occupational Liability” has the same meaning as it has in the Act;¹
- ¹ Section 5(1) of the Act provides that the Act does not apply to liability for damages arising from the death of or personal injury to a person; a breach of trust or fraud or dishonesty. Section 5(2) of the Act also provides that the Act does not apply to liability which may be the subject of proceedings under Part 14 of the Real Property Act 1900.
- “Participating Members” means those persons specified in clause 3.1 of the Scheme;
- “person” means an individual or a body corporate;
- “Principal” has the same meaning as it has in s.6 of the Legal Profession Uniform Law;
- “Relevant Time” refers to a cause of action founded on an act or omission, specifically to the time of that act or omission occurring; and
- “Total annual fee income” means the amount charged during a financial year for services provided by or on behalf of a Law Practice some of whose members are members of the Law Society to whom the Scheme applies.

2. Jurisdiction

- 2.1 The Scheme applies in New South Wales in accordance with the Act.
- 2.2 In addition to New South Wales, the Scheme is intended to operate in Victoria, Queensland, South Australia, Western Australia, Tasmania, the Northern Territory and the Australian Capital Territory in accordance with the professional standards legislation of those states and territories and subject to the requirements of that legislation (‘the corresponding laws’), so that references to a provision of the Act, the application of the Scheme to a liability, the limit of a liability under the Act or what constitutes Occupational Liability are intended to pick up the relevant provisions of the corresponding laws, applied *mutatis mutandis*, to the extent that is necessary for the application of the Scheme in any of those jurisdictions as an interstate scheme.
- 2.3 Notwithstanding anything to the contrary contained in this Scheme if, in particular circumstances giving rise to occupational liability, the liability of any person who is subject to this Scheme is capped both by this Scheme and also by any other scheme under professional standards legislation (whether of this jurisdiction or under the corresponding law of any other Australian state or territory) and, if the amount of such caps should differ, then the cap on the liability of such person arising from such circumstances which is higher shall be the applicable cap.

3. Persons to whom the Scheme applies

- 3.1 The Scheme applies to:
- 3.1.1 Full Members who hold a current Australian Practising Certificate who are not excluded or exempted under clauses 3.2 or 3.3 of the Scheme;
- 3.1.2 Incorporated Legal Practice Members who are not exempted under clause 3.3 of the Scheme;
- 3.1.3 all persons to whom the scheme applies, by virtue of ss.18, 19, 20 or 20A of the Act²

² Sections 18 and 19 of the Act provide that if the Scheme applies to a body corporate, the Scheme also applies to each officer of the body corporate and if the Scheme applies to a person, the Scheme also applies to each partner of that person, and if the Scheme applies to a person, the Scheme also applies to each employee of that person, provided that if such officer of the corporation or partner of the person or employee of the person is entitled to be a member of the same occupational association, such officer, partner or employee is a member of the occupational association. Section 20 provides that the Scheme also applies to other persons prescribed by the regulations for the purposes of section 29 (4) as being associated with persons to whom a scheme applies. Section 20A extends the limitation of liability of persons to whom the Scheme applies by virtue of sections 18 to 20.

3.1.4 all persons to whom clause 3.1.1 applied at the Relevant Time but no longer applies;

3.1.5 all persons to whom clause 3.1.2 applied at the Relevant Time but no longer applies.

3.2 A person referred to in clause 3.1 does not include a person who is a corporate legal practitioner or a government legal practitioner.

3.3 A person referred to in clause 3.1 may, on application, be exempted from participation in the Scheme by the Law Society Council with effect from the date specified by the Law Society. This clause does not apply to persons to whom the Scheme applies by virtue of ss. 18, 19, 20 or 20A of the Act.

3.4 The Law Society Council may, upon application by an Exempted Member, revoke an exemption of that person from participation in the Scheme with effect from the date specified by the Law Society Council.

4. Limitation of liability

4.1 The Scheme limits the Occupational Liability of a Participating Member for damages;³

³ Damages as defined in section 4 of the Act means:

(a) damages awarded in respect of a claim or counter-claim or by way of set-off; and

(b) costs in or in relation to the proceedings ordered to be paid in connection with such an award (other than costs incurred in enforcing a judgment or incurred on an appeal made by a defendant); and

(c) any interest payable on the amount of those damages or costs.

4.1.1 arising from a single cause of action founded on an act or omission in relation to the provision of legal services; and

4.1.2 to the extent those damages exceed the amounts specified in the table in clause 4.4.

4.2 If a Participating Member against whom a proceeding relating to Occupational Liability is brought is able to satisfy the Court that –

4.2.1 the Participating Member has the benefit of an insurance policy or policies insuring him or her against the Occupational Liability to which the cause of action relates; and

4.2.2 the amount payable under the policy or policies in respect of that Occupational Liability⁴ is not less than the amount of the monetary ceiling (maximum amount of liability) specified in clause 4.4 as applying to such Participating Member to which the cause of action relates –

the Participating Member is not liable for damages in relation to that cause of action above the amount of that monetary ceiling.

⁴ Section 4(1A) of the Act provides that a reference in the Act “to the amount payable under an insurance policy in respect of an occupational liability includes a reference to –

(a) defence costs payable in respect of a claim, or notification that may lead to a claim (other than reimbursement of the defendant for the time spent in relation to the claim), but only if those costs are payable out of the one sum insured under the policy in respect of the occupational liability; and

(b) the amount payable under or in relation to the policy by way of excess.”

However, see also section 26A of the Act and its note, which has the effect that section 4 (1A) does not reduce the cap on the liability of the Participating Member to the client.

4.3 For the purposes of section 26 of the Act, the Scheme only affects a liability for damages arising from a single cause of action to the extent to which the liability results in damages exceeding the applicable monetary ceiling set out in clause 4.4 below.

4.4 The monetary ceiling (maximum amount of liability) applicable for the purposes of limitation of liability under the Scheme at the Relevant Time is to be determined according to the following table -

Class	Description	Monetary ceiling (Maximum amount of liability)
1	Participating Members who were at the Relevant Time in a Law Practice consisting of up to and including 20 Principals and where the Law Practice generates total annual fee income for the financial year at the Relevant Time up to and including \$10m.	\$1.5 million
2	(a) Participating Members who were at the Relevant Time in a Law Practice consisting of more than 20 Principals; or (b) Participating Members who were at the Relevant Time in a Law Practice where the Law Practice generates total annual fee income for the financial year at the Relevant Time greater than \$10m.	\$10 million

5. Conferral of discretionary authority

5.1 The Law Society Council has discretionary authority, on application by a Participating Member, to specify in relation to the Participating Member, a higher maximum amount of liability than would otherwise apply under the Scheme in relation to him or her either in all cases or in any specified case or class of case.

5.2 If, in the exercise of discretion under clause 5.1, the Law Society Council has specified a higher maximum amount of liability than would otherwise apply under the Scheme in relation to a Participating Member, after satisfying itself that there is evidence of top up Professional Indemnity Insurance commensurate with the higher maximum amount of liability sought, then the maximum amount of liability in relation to that Participating Member is that higher maximum amount.

6. Duration

- 6.1 This Scheme will commence in New South Wales, Victoria, Queensland, Western Australia, Tasmania, and the Northern Territory on 22 November 2018.
- 6.2 In the Australian Capital Territory and in South Australia, the Scheme will commence:
 - 6.2.1 on the date provided for in the Minister's notice in relation to the Scheme, if a date is provided; or
 - 6.2.2 on the first day two months after the day on which notice was given, in any other case.
- 6.3 This Scheme will be in force for five years from its commencement in New South Wales.
- 6.4 For any other jurisdiction, the Scheme will be in force for:
 - 6.4.1 five years from the date of commencement in that jurisdiction; or
 - 6.4.2 five years from the date of commencement in New South Wales;
 whichever period ends first.
- 6.5 Clauses 6.3 and 6.4 are subject to the provisions of each jurisdiction applicable to the revocation, extension or cessation of Schemes.

REPORT OF THE REMUNERATION TRIBUNAL

NO. 6 OF 2018

Allowances for Members of Local Government Councils

INTRODUCTION

1. This Report concerns a Determination made by the Remuneration Tribunal ("the Tribunal").
2. The Tribunal has made two Determinations which prescribe allowances to which persons elected or appointed as members of Councils established under legislation constituting Local Government are entitled to be paid.
3. The two Determinations are as follows.
 - Determination 6 of 2018 prescribes allowances payable to members of Councils constituted under the *Local Government Act 1999* ("the Act").
 - Determination 7 of 2018 establishes allowances payable to members of the Adelaide City Council.
4. This Report is in respect of Determination 6 of 2018.
5. Determination 7 of 2018, which prescribes allowances payable to members of the Council of the City of Adelaide, is subject to a separate Report in relation to that Determination.

BACKGROUND

6. The Act and the *City of Adelaide Act 1998* direct the Tribunal to determine allowances payable in relation to the offices held by members of Councils on a 4 yearly basis.
7. The scheme of the legislation is that the allowances to which members of Councils will be entitled during a term of office should be determined prior to the periodic elections held under the *Local Government (Elections) Act 1999*. The date for the close of nominations for the conduct of such elections is 18 September 2018. The relevant provisions of the Act require the Tribunal to have made such a Determination 14 days before that date. The term of the offices for which the election is to be held is 4 years.
8. Clearly, the intention is to inform persons eligible for election who may be considering nomination to know what the allowance(s) payable in respect of an office(s) will be in the event they are elected. This certainty is reinforced by statutory provisions which index adjustments to the amounts of the allowances so determined by the Tribunal, during the term of office for which the election is held.
9. The establishment of the statutory scheme under which the Tribunal makes such a Determination occurred with the passage and enactment of the relevant legislation¹ which commenced operation on 14 January 2010.

¹ Statutes Amendment (Council Allowances) Act 2009

NATURE OF THE ALLOWANCES

10. It is appropriate to make some observations concerning the nature of the allowances contemplated by the Act.
11. By the provisions of section 76 of the Act, the nature of the Determination to be made by the Tribunal is to create an entitlement for members of Councils to be paid what is described as an allowance, in the nature of a fee, as defined by the *Remuneration Act 1990*. That definition is set out below:

"remuneration includes—

 - (a) salary; and*
 - (b) allowances; and*
 - (c) expenses; and*
 - (d) fees; and*
 - (e) any other benefit of a pecuniary nature;"*

(emphasis added to original)
12. Clearly, the legislature has discretely identified the allowances of members of Council under subparagraph (d), as opposed to sub paragraph (b) of the definition of remuneration in that Act. Accordingly, it is appropriate to understand the purpose of that distinction when considering the nature of the allowances to be determined.
13. In the relevant context, in particular having regard to the provisions of section 76 of the Act as a whole and the functions of Councils, as prescribed by section 7 of the Act, the use of the word "fee" denotes a payment akin to that paid for counsel or advice provided in relation to the decisions and actions of Councils in the performance of their statutory responsibilities, including a representative function within that decision making process.
14. The provisions which govern the Tribunal's determination of the relevant allowances are set out more extensively later in this report.

15. It is clear from those provisions that the legislature views the appropriate level of allowances as related to the scale of the undertakings of Councils and presumably the associated complexity and consequence of discharging the necessary functions of the various Councils.
16. This has been recognised by the Tribunal's previous reviews by the grouping of Councils and the determination of commensurate allowances on a scale, having regard to the provisions of subparagraph (b) of subsection (3) of Section 76 of the Act.

THE NATURE OF THE ALLOWANCES AND THE ROLE OF ELECTED MEMBERS

17. Local government bodies are fortunate to attract Council members from all walks of life. The rate of remuneration received for their efforts in the usual vocations of persons elected or appointed as Councillors would usually be higher than that reflected by the allowances which have been historically applicable under the Tribunal's Determinations. Clearly, there is a significant component of public service by Council members for which the fee, described as an allowance, is paid. As subparagraph (c) of subsection (3) of section 76 of the Act makes clear, the allowance to be determined is not to be in the nature of an amount payable like a salary or, by analogy, a wage. The allowance is not the subject of statutory superannuation and the Tribunal has previously satisfied itself that it lacks jurisdiction to provide for such.
18. Prior to the first Determination of the relevant allowances by the Tribunal, Councils determined the allowances payable to their members and officers.
19. In the course of the Report in relation to the Tribunal's first Determination of the relevant allowances the following conclusion, among others, was stated:

"6.3 Voluntary nature of work undertaken by council members

6.3.1 The Tribunal understands that the relevant local government legislation reinforces the notion that a council member is a voluntary role and is not paid employment. In addition, the allowances determined are not intended to amount to a salary and qualifications are not required to undertake the role of a council member."

THE PREVIOUS DETERMINATIONS

20. The first Determination made by the Tribunal was issued on 23 August 2010. A five level structure of annual allowances payable to elected members was established. Councils were classified within those levels, broadly in line with a composite, although not strictly formulaic, ranking of the area, population and revenue of Councils, having regard to the representative role of elected members accordingly.
21. On 28 July 2014, the Tribunal made two Determinations. On that occasion, the Tribunal considered it appropriate to make a separate Determination in respect of allowances payable to members of the Adelaide City Council. The five level structure was maintained for Councils other than the Adelaide City Council. However, the Tribunal subdivided Level 1 of the 5 level structure to create levels 1(a) and 1(b) with different levels of allowance.
22. Those Determinations and the accompanying Reports are available on the Tribunal's website.

2010 REVIEW OF ALLOWANCES

23. The initial Report and Determination of the Tribunal was significantly formative of the framework of allowances currently operating under the Tribunal's Determination 7 of 2014, in respect of Councils constituted under the Act.
24. In 2010, the Tribunal received 65 written submissions, including 25 from Councils. Submissions were received from the Local Government Association, current and past members of Councils and members of the public. The Tribunal also conducted three sittings for the purposes of hearing oral submissions and independently sought information from the Local Government Association, the Office of State/Local Government Relations in the Department of Local Government, the South Australian Local Government Grants Commission, the Boards and Committees Unit of the Department of the Premier and Cabinet and the Australian Institute of Company Directors.
25. The 5 level structure provided annual allowances for a Councillor who is not a principal member (within the meaning of the Local Government Act or the Lord Mayor under the City of Adelaide Act), a Deputy Mayor, Deputy Chairperson or Presiding Member, for each of the 5 levels.
26. The 2010 Determination provided that the allowance payable to Principal Members of a Council, except the Lord Mayor of the City of Adelaide, would be four times the annual allowance for Councillors of that Council. For Deputy Mayors, Deputy Chairpersons or Presiding Members of one or more standing committees established by a Council, the annual allowance was determined as 1.25 times the annual allowance for Councillors of that Council.
27. For the Lord Mayor of the City of Adelaide the annual allowance was determined at 7 times the annual allowance for a member of that Council.
28. Additionally, a travel time payment was determined, which was applicable to members of non-metropolitan Councils.

2014 REVIEW OF ALLOWANCES

29. As already noted, in addition to making a discrete Determination in respect of the Adelaide City Council, in 2014, the Tribunal amended the structure determined in 2010 so as to create a subdivision of level 1 into levels 1(a) and 1(b).

STATUTORY PROVISIONS

30. The principal provisions of the Act which direct the Tribunal's consideration for the purpose of the making of a Determination are set out in Section 76, in particular subsection (3) of that Section. The counterpart provisions of Section 24 of the *City of Adelaide Act 1998* are relevantly identical.
31. Having regard to the infrequency of the Tribunal's determination of the relevant allowances, it is informative to include the provisions of Part 5 of Chapter 5 of the Act, which are attached with this Report. Those provisions deal with various matters of a pecuniary nature attached to the entitlement of a person elected or appointed to office as a member of a Council constituted under the Act. However, it is convenient to reproduce the provisions of section 76 of the Act, which contain the provisions which direct the Tribunal's considerations for the purposes of the required Determination.

76—Allowances

- (1) *Subject to this section, a member of a council is entitled to the allowance determined by the Remuneration Tribunal in relation to the member's office and indexed in accordance with this section.*
- (2) *The Remuneration Tribunal must make determinations under this section on a 4 yearly basis before the designated day in relation to each set of periodic elections held under the Local Government (Elections) Act 1999.*
- (3) *The Remuneration Tribunal must, in making a determination under this section, have regard to the following:*
 - (a) *the role of members of council as members of the council's governing body and as representatives of their area;*

- (b) *the size, population and revenue of the council, and any relevant economic, social, demographic and regional factors in the council area;*
- (c) *the fact that an allowance under this section is not intended to amount to a salary for a member;*
- (d) *the fact that an allowance under this section should reflect the nature of a member's office;*
- (e) *the provisions of this Act providing for the reimbursement of expenses of members.*
- (4) *For the purposes of the proceedings before the Remuneration Tribunal but without derogating from the operation of subsection (3), the allowances to be determined under this section will be taken to be in the nature of a fee under the definition of remuneration in the Remuneration Act 1990.*
- (5) *Without limiting section 10 of the Remuneration Act 1990, the Remuneration Tribunal must—*
- (a) *allow persons who are entitled to be enrolled on the voters roll for an area a reasonable opportunity to make submissions orally or in writing to the Tribunal in relation to a determination under this section that relates to the members of the council for that area; and*
- (b) *allow the LGA a reasonable opportunity to make submissions orally or in writing to the Tribunal in relation to any determination under this section.*
- (6) *Nothing in subsection (5) requires the Remuneration Tribunal, for the purposes of making all determinations required under this section in any 4 year period, to hold more than 1 hearing to receive any oral submissions that persons may care to make (and the Tribunal is not required to hold any hearing if it appears to the Tribunal that no one is seeking to make oral submissions).*
- (7) *The rates of allowances may vary from office to office, and from council to council.*
- (8) *An allowance determined under this section will, in relation to the members of a particular council, be payable for the period—*
- (a) *commencing on the conclusion of the relevant periodic election; and*
- (b) *concluding at the time at which the last result of the next periodic election is certified by the returning officer under the Local Government (Elections) Act 1999 (including in respect of a member of the council for whom the conclusion of the next periodic election is, for other purposes, the last business day before the second Saturday of November of the year of the periodic election as a result of the operation of section 4(2)(a)).*
- (9) *An allowance determined under this section is to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index under a scheme prescribed by the regulations.*
- (10) *Sections 17 and 19 of the Remuneration Act 1990 do not apply in relation to a determination under this section.*
- (11) *Subject to subsection (8), a member of a council who holds an office for part only of the period in respect of which an allowance is payable is entitled to the proportion of the allowance that the period for which the member held the office bears to the total period.*
- (12) *An allowance under this section is to be paid in accordance with any requirement set out in the regulations (unless the member declines to accept payment of an allowance).*
- (13) *Despite any other Act or law, the reasonable costs of the Remuneration Tribunal in making a determination under this section are to be paid by the LGA under an arrangement established by the Minister from time to time after consultation with the President of the LGA and the President of the Tribunal.*
- (14) *Regulations made for the purposes of this section may make different provision according to the offices or classes of council to which they are expressed to apply.*
- (15) *In this section—*
- Consumer Price Index** *means the Consumer Price Index (All groups index for Adelaide) published by the Australian Bureau of Statistics;*
- designated day**, *in relation to particular periodic elections, means the day that is 14 days before the day on which nominations close for those elections.*
32. It will be observed from a reading of the attached provisions, the Act provides various supports for persons elected as a member of a Council, of which the allowances determined by the Tribunal form part. In this context, it is appropriate to recall that in addition to allowances previously determined to be payable on an annual basis, an entitlement to an allowance for time spent travelling by certain members of Councils in regional areas is a feature of the scheme in operation at the time of making the Determination to which this Report relates. Those entitlements in respect of time spent travelling by non-metropolitan Council members are dealt with more specifically elsewhere in this Report.
33. It was appropriate to have regard to all of the relevant statutory provisions which form Part 5 of Chapter 5 of the Act, and the Reports and Determinations made in 2010 and 2014 when considering the Determination to be made on this occasion. The actual level of support provided pursuant to sections 77,78,79 and 80 of the Act is not for the Tribunal to determine and is largely within the discretion of a Council, subject to the statutory governance of the matters dealt with by those provisions of the Act, including Regulations made in accordance with the Act. In respect of these matters, it is assumed that such support will be that which is considered reasonable by Councils and that such support is relevantly provided or if not is a matter for Councils to resolve in accordance with their governance responsibilities.

PROCEDURAL HISTORY

34. The combination of the provisions of subsection (5) of section 76 of the Act, above, and section 10 of the *Remuneration Act 1990*, set out below, impose procedural obligations upon the Tribunal in relation to the making of the relevant Determination.
- “10—Evidence and submissions*
- (1) *The Tribunal is not bound by the rules of evidence but may inform itself in any manner it thinks fit.*
- (2) *Before the Tribunal makes a determination affecting the remuneration of a particular person, or persons of a particular class, the Tribunal must allow that person, or the persons of that class, a reasonable opportunity to make submissions orally or in writing to the Tribunal.*
- (3) *A person may appear before the Tribunal personally, or by counsel or other representative.*
- (4) *The Minister may intervene, personally or by counsel or other representative, in proceedings before the Tribunal for the purpose of introducing evidence, or making submissions, on any question relevant to the public interest.”*

35. On 29 May 2018, by letters, the Tribunal wrote to the following officers, notifying of its intention to review Local Government Council Allowances, inviting submissions from affected persons, with a closing date of 6 July 2018.
- The President of the Local Government Association of South Australia;
 - The CEOs of Local Government Councils;
 - The Minister for Local Government, as the Minister responsible for the Act and the *City of Adelaide Act 1998*; and
 - The Premier, as the Minister responsible for the Act.
36. In the week commencing 2 June 2018, the Tribunal placed public notices in *The Advertiser*, *The Messenger*, and in rural newspapers, calling for submissions in relation to the Determination to be made.
37. Additionally, a notice was placed on the Tribunal's public website. The notice advised that submissions must be received by the close of business on 6 July 2018. The Tribunal also posted guidelines for such submissions. Those guidelines encouraged the making of submissions which addressed the considerations to which the Tribunal is directed by subsection (3) of Section 76 of the Act. A copy of the text of the advertisements is shown below.



REMUNERATION TRIBUNAL DETERMINATION OF ALLOWANCES FOR MEMBERS OF COUNCILS

Section 76 of the *Local Government Act 1999* (SA) and Section 24 of the *City of Adelaide Act 1998* (SA), require the Remuneration Tribunal to determine, on a four yearly basis, allowances for members of Local Government Councils.

The Remuneration Tribunal, in making its Determination, must have regard to:

- the role of members of council as members of the council's governing body and as representatives of the council's area;
- the size, population and revenue of the council, and any relevant economic, social, demographic and regional factors in the council area;
- such an allowance is not intended to amount to a salary for a member;
- such an allowance should reflect the nature of a member's office; and
- the Act's provisions to provide for reimbursement of members' expenses.

Councils, individual members of Councils, and interested associations are invited to make written submissions to the Tribunal outlining views they consider should be taken into account in the determination of the above allowances.

Persons who are entitled to be enrolled on the voters roll for a council area are also invited to make submissions, regarding Determinations relating to members of the council for that area.

Guidelines for the making of written submissions, and information about the current allowances, may be obtained by going to the Remuneration Tribunal website: www.remtribunal.sa.gov.au

Opportunities for oral submissions will be determined based on need. Persons interested in making an oral submission should contact the Executive Officer to register their interest in making an oral submission.

Submissions must be received by **5pm Friday, 6 July 2018** and can be forwarded to:

**The Executive Officer
Remuneration Tribunal
GPO Box 2343
ADELAIDE SA 5001**

Telephone: (08) 8429 5459

Submissions may also be sent via email to RemunerationTribunal@sa.gov.au

The *Local Government Act 1999* (SA) and the *City of Adelaide Act 1998* (SA) are available at: www.legislation.sa.gov.au

38. The guidelines published on the Tribunal's website are set out below:

“Councils

The Tribunal has determined that written submissions from councils should be submitted in accordance with the following format:

- *Name of Council*
- *Size (number of elected members .etc)*
- *Population and Geographical Area*
- *Revenue and Expenditure*
- *Economic, Social and Demographic Factors*
- *Meetings (number of council and committee meetings held in last 12 months, number of councillors attending council and committee meetings).*

- *Amount of Allowance Deemed Appropriate* (Submission may present justification for an adjustment, and may include comment on the appropriate allowance payable to the principal member of council).
- *Any Other Relevant Factors* (This may include comment on the current Determination, council groupings for the purpose of determining the level of allowance, and the council's capacity to pay).

Associations / Individuals

Written submissions from associations and individual persons should be submitted in accordance with the following format:

- *Name of Association / Person Making Submission*
 - *Address of Association / Person Making Submission*
 - *Is the submission being made with relevance to the allowances being paid to councillors in general, or the allowances paid to members of a particular council?*
 - *Amount of Allowance Deemed Appropriate* (Submission may present justification for an adjustment, and may include comment on the appropriate allowance payable to the principal member of council).
 - *Any Other Relevant Factors and Comments* (Comments should be limited to a maximum of 250 words)."
39. The Tribunal is aware that, on 31 May 2018, the Local Government Association of South Australia informed members of Association of the Tribunal's enquiry for the purposes of the Determination. That information set out the Tribunal's criteria for the making of its Determination in accordance with the relevant provisions of section 76 of the Act.

NATURE OF THE TRIBUNAL'S FUNCTION

40. It is appropriate to make two observations concerning the interaction of the relevant procedural provisions of the two Acts.
41. The first concerns the persons in respect of whom the Tribunal has responsibility to ensure an opportunity to make submissions and the nature of the opportunity to make such submissions which must be accorded to those persons.
42. The second concerns the nature of the Tribunal's powers and procedures. The combination of the relevant statutory provisions invokes the inquisitorial power of the Tribunal in relation to the manner of its procedure for the purposes of making the relevant Determination. This arises from the incorporation of the provisions of subsection (1) of Section 10 of the *Remuneration Act 1990*.
43. In the first instance, the effect of the combination of the statutory provisions is to extend a responsibility upon the Tribunal to provide an opportunity to different classes of persons. The first class of persons are those entitled to be enrolled on the voters roll for a Council election for an area, the second is the Local Government Association and the third is any person or class of persons whose remuneration may be affected.
44. In the second instance, the statutory directions and the procedural powers conferred upon the Tribunal impose an obligation to conduct an independent enquiry into the matters to be determined, informed by the submissions made by persons for whom the Tribunal is obliged to provide opportunities to make such submissions. It is therefore appropriate to understand this hybrid function as one of discrete independent enquiry, information and judgement, which pays due regard to submissions received.
45. In this context, it is relevant to note that since the initial Determination the number of submissions and the scope of the issues raised with the Tribunal has steadily declined. For the 2010 Determination a total of 65 written and 3 oral submissions were received including a submission from the Local Government Association. For the 2014 review the total number of submissions was 17. For the Tribunal's 2018 Determination, 19 submissions have been received of which 9 are made by Councils. Of the submissions made by Councils only 8 submissions propose a specific outcome of the Tribunal's Determination. 6 submissions made personally by elected members propose such specific outcomes. A submission by a resident's association proposes specific outcomes. 1 submission made by an individual does likewise. No submission was made by the Minister for Local Government.

TRIBUNAL'S ENQUIRIES

46. To assist in its deliberations, the Tribunal, in accordance with section 10 of the *Remuneration Act 1990*, independently sought information from the following bodies:
- The Local Government Association of South Australia;
 - The Local Government Grants Commission of South Australia;
 - The Boards and Committees Unit of the Department of the Premier and Cabinet.

OVERVIEW OF SUBMISSIONS

47. The Tribunal deals directly with the submissions received below. Before doing so, it is useful for an understanding of the Tribunal's consideration of the submissions received to set out a summary table.
48. Submissions made officially by Councils and submissions emanating from Council Officers:

Number	Institution	Current Council Grouping	Reclassification Sought	Submission (outcome sought)
1	City of Marion Council	Group 1B	No	Allowance to be maintained at the level of \$19,808
2	Port Augusta City Council	Group 2	Group 2 to Group 3	Reclassification of group from group 2 to 3
3	City of Tea Tree Gully	Group 1B	No	No increases to allowances for the next 4 years
4	Mid Murray Council	Group 3	No	No specific outcome sought
5	City of Norwood, Payneham and St Peters	Group 2	No	Should not be increased other than by CPI for the 4 year period.
6	District Council of Kimba	Group 5	Group 5 to Group 4	Group 5 be abolished and those councils rolled into Group 4; and Mayor Allowance increased to 5 times multiplier
7	District Council of Streaky Bay	Group 5	Group 5 to Group 4	Group 5 be abolished and those councils rolled into Group 4

8	District Council of Grant, Limestone Coast	Group 4	Group 4 to Group 3	Allowance should be increased with CPI, backdated from 2009
9	Adelaide Hills Council	Group 2	No	Majority view of council that allowance is insufficient; and Amount of time travel payment insufficient and changes to the terms of the time travel payment.
10	City of Onkaparinga	Group 1A	Group 1A to Separate Group	Potential reclassification from group 1A to separate group

49. Submissions made personally by elected members of Councils:

Number	Institution	Current Council Grouping	Reclassification Sought	Submission (outcome sought)
11	City of Port Lincoln Council	Group 3	No	Seeking variable amount of allowance based on number of council members, and Identified anomaly between Port Augusta and Port Lincoln
12	City of Burnside Council	Group 2	No	Presiding member allowances should be reduced
13	Not stated	N/A	No	Allowance should be adjusted according to CPI; and Time travel allowance inequity, kilometre brackets are too far apart
14	City of Charles Sturt	Group 1A	No	Inequity between the roles and allowances of presiding member and deputy presiding member. Seeking a sitting fee to rectify the inequity.
15	Not stated	N/A	No	Time Travel allowance inequity, kilometre brackets too far apart
16	City of Adelaide	Adelaide City	No	Lord Mayoral Allowance should be \$255,000. Councillor should be no less than \$45,000. 15% loading for ordinary member who is a chairman of a council committee.
17	City of Marion	Group 1B	No	No specific outcome sought. Raises issues in relation to conduct of members.

50. Submissions made by organisations other than councils:

Number	Institution	Current Council Grouping	Reclassification Sought	Submission (outcome sought)
18	Prospect Resident's Association	Group 2	No	Group 2 Allowance of \$15,900

51. Submissions made by members of the public:

Number	Institution	Current Council Grouping	Reclassification Sought	Submission (outcome sought)
19	Unknown	N/A	No	Allowances should be reduced

52. Using the numbers in the table above it is convenient to deal with some of the submissions in a summary fashion.

53. While the Tribunal has had regard to the content of submissions 4 and 17 they do not propose a specified outcome. Therefore, there are 17 submissions which specifically engage with proposed outcomes of the Tribunal's Determination.

54. Submissions 1, 3, 8 and 18, are inconsistent with the legislation. Moreover, some of the outcomes proposed by these submissions are impossible to give effect to, having regard to the statutory provisions which automatically index the allowances determined by the Tribunal. Namely, the outcomes proposed by submissions 1, 3 and 8.

55. Submission 14, which deals with anomalies due to payment of allowances when presiding members are absent and proposes a sitting fee to rectify that anomaly is considered a matter concerning the constitution and reconstitution of committees by Councils having regard to the circumstances and disposition of the membership of such committees.

56. The submission from an elected member of the City of Port Lincoln proposes that the annual allowances be determined as a multiple of the number of members of a Council, and that the allowance for the Mayor should be 5 rather than 4 times that of a councillor and questions the classification of the City of Port Augusta Council. The subject of the classification of the City of Port Augusta Council is dealt with more extensively below. The Tribunal has regard to the number of elected members generally, however is unable to identify a suitable methodology which would relate that factor to the relevant statutory considerations in a formulaic manner. The submission in relation to the multiple of the annual allowance for a Principal Member is not elaborated beyond the opinion and judgement of the author, by comparing the two roles. The Tribunal found the submission insufficient to justify a change to the longstanding multiple to apply to the structure of the allowances generally for the 66 Councils subject to the Determination or to the City of Port Lincoln individually.

57. Submission 19 proposes an unspecified general reduction in the level of allowances is comprised of one line of text. The submission lacks adequate exposition of the merit of such an outcome to be seriously contemplated.

58. Consequently, there remain 12 submissions to be considered which effectively propose specific outcomes as a result of the Tribunal's Determination.

59. Submissions 5,13 and 18 essentially propose that the existing level of allowances should not be varied except by the application of the relevant statutory provisions during the period of operation of the Tribunal's Determination. Therefore, there remain 9 submissions which propose outcomes which would result in increases in allowances other than by the statutory mechanism. Not all of those submissions propose an increase in allowances for all elected members of Councils.

60. Those 9 submissions can be divided into categories.
61. The first category is comprised of submissions for changes to the classification of Councils within the structure operating since 2014, including, significantly, the abolition of level 5 of the existing classification structure and the classification of the 18 Councils classified at that level in the structure by the 2014 Determination at level 4. The relevant submissions are submissions 2,6,7 and 8, of which submissions 6 and 7 concern the proposed abolition of level 5 and the reclassification of the relevant Councils at level 4.
62. The Adelaide Hills Council submission is that both the annual allowances and the time travel payment are generally insufficient. This submission is the subject of the Tribunal's conclusion below.
63. Submissions 2, 4 and 10 propose discrete movements of individual Councils, within the structure determined in 2014, one rising one level in the structure, one falling one level and one submission somewhat non specific in relation to a change of classification but implying the creation of a new and higher level of classification above the highest current level.
64. Submissions 12,13,14 and 15, propose changes to the travelling time payment.
65. Submission 17 deals with matters of conduct, which are addressed in paragraphs 76 and 77 below.

OVERVIEW OF SUBMISSIONS

66. Viewed as a whole, the submissions are somewhat fragmentary in nature. That is not to suggest that the various submissions should be treated any less seriously.
67. Including the Adelaide City Council there are 67 Councils constituted under the relevant Local Government Acts. The number of officially endorsed submissions emanating from Councils suggests that there is limited interest by Councils in general changes to the current structure of the allowances and the level of those allowances. Likewise, the submissions received from elected members of Councils is indicative of such a conclusion. The various submissions of elected members, viewed overall, can be said to deal with a number of detailed considerations within the existing structure of the current framework of the allowances. Accordingly, the weight of the submissions would suggest, that changes to the level of the allowances, with the exception of those applicable at level 5, should be marginal if any.
68. Submissions subject to further reasoning are dealt with below.

Prospect Residents Association ("the Association")

69. The Association filed a submission which addressed a number of aspects of the role of Councillor and Mayor. The submission supports the payment of an annual allowance of \$15,900 for members of Council subject to a "contract", including a requirement for attendance at 80% of meetings of Council.
70. The submission supports the classification of the Prospect City Council at level 2 within the existing 5 level classification structure.
71. With respect to the proposal in relation to attendance at meetings, in the Report accompanying the 2014 Determination the Tribunal included the following:

"...the Tribunal considered whether it could attach terms and conditions to the payment (of the allowances) so that payment could be denied to a councillor who does not attend a meeting and who fails to submit an acceptable reason for not attending. In considering its options, the Tribunal sought the advice of the Crown Solicitor who advised the Tribunal does not have the jurisdictional powers to attach such a term or condition to the payment of an allowance"
72. Some other significant issues addressed by the submission are also beyond the Tribunal's legal competence or, impractical for inclusion in the terms of a Determination of the requisite kind. For example, mandating a requirement to read all relevant documentation in order to be eligible for receipt of an annual allowance determined by the Tribunal.
73. The Association also proposes the "contract" would include a requirement for some manner of specific reporting by Councillors to Councils on community contacts. How this would be enforced in relation to the entitlement to the allowances determined would also be highly problematic, even if within the Tribunal's jurisdiction, which is considered most unlikely. Moreover, the submission seems to suggest that the Tribunal might somehow deal with the manner in which Councillors should perform their representative function and the sources of information upon which Councillors should deliberate and decide upon matters in accordance with their responsibilities.
74. The Tribunal considers such issues are best addressed by legislation, Councils themselves and competitive elections. The enforcement of the proposed conditions of a "contract" of this kind would be extremely problematic and the legislation does not contemplate the Tribunal indirectly exercising governance of the manner in which elected or appointed members of a Council perform their functions.
75. The role and functions of Councillors are defined and regulated extensively by the provisions of the Act made by the Parliament. The Tribunal must respect the prerogative of the legislature accordingly and with respect to the Association it is to that forum that these proposals are appropriately submitted.
76. Section 63(1) of the Act provides for the Governor to issue a Code of Conduct for members of Councils, which seems to be the means by which the legislature has chosen to address the manner of performance of the functions of a Councillor by elected members.
77. Notwithstanding that the Tribunal could make discrete provisions applicable to individual Councils we also think that any such conditional terms of a Determination would need to be the subject of wider consideration across Local Government and would likely lead to complex and conflicting views, at least in relation to how such concepts could be made operational, in the unlikely event that it was considered such terms would be within the jurisdiction and power of the Tribunal.
78. For all these reasons, the Tribunal has decided not to impose any further or discrete conditions on the entitlement to the annual allowances determined beyond those already existing under Determination 7 of 2014, either generally or in relation to the City of Prospect.

Port Augusta City Council - Classification

79. In 2016 the Tribunal received a letter from the Port Augusta City Council dated 30 November, enquiring if the Tribunal would consider a change to the classification of the Council within the 5 level classification structure.
80. The letter stated that Council had "*identified savings that could be made in regard to Elected Member allowances if Council were to be classified as a Group 3 Council, rather than the current Group 2 classification*".
81. The Executive Officer of the Tribunal replied on behalf of the Tribunal, advising that a submission concerning the appropriate classification for members of the Council would be received and given due consideration for the purposes of making the Determination to which this report relates.

82. Subsequently, a further letter was received dated 25 June 2018. That letter was brief and referred to the letter of 2016 to the Tribunal and the Tribunal's response. The letter thanked the Tribunal for the opportunity to provide feedback in relation to the Tribunal's review for the purposes of the 2018 Determination. The letter specifically asked that the information in the exchange of correspondence referred to above "*could be reconsidered as part of the 2018 review process*". No more extensive submission was received.
83. It is uncertain if the limited information provided to the Tribunal, concerning potential "savings", can be understood as an official submission on behalf of the Council, seeking a change of classification from level 2 to level 3. Moreover, the letters were signed by Mr Lee Heron, Director – City & Cultural Services and not the Chief Executive of the Council. While not critical to consideration of the issue it would be more appropriate for an official communication of this kind to be made by the Chief Executive, either officially on behalf of the Council or, independently, as a submission on behalf of the Chief Executive.
84. No other submission was received from an elected member of the Council or an enrolled elector proposing a change to the classification of the allowances payable to elected members of the Council.
85. Critically, there is no submission which makes out the basis of a change to the classification of the Council by reference to the statutory criteria for the determination of the allowances under consideration, specifically, the matters to which section 76 of the Act and in particular subsection (3) thereof refer, to which the Tribunal must have regard for the purposes of the relevant Determination.
86. The considerations set out above and the desirability of stability within the structure established, unless the merits of a change based on the relevant criteria which the Tribunal must have regard to are made out, or become clearly apparent, cause considerable doubt about the wisdom of making the change alluded to in the correspondence.
87. It is against this background that the Tribunal considered the classification of the Port Augusta City Council. While the Council ranks last in the order of Councils in the level 2 classification and the population and rate base have correlation with Councils in the upper order of level 3 the total operating revenue of the Council is significantly higher. This factor is one to which the Tribunal must have regard.
88. Arguably, inclusion of the Council in level 2 is marginal. However, that observation could also be made in respect of other Councils at the lower rungs of the various levels. In a system of classification of the kind under consideration, which requires the drawing of several lines of demarcation, this marginal feature of the classifications is, most likely, unavoidable.
89. Taking all of the above into account, on balance, the Tribunal decided against varying the classification of the Port Augusta City Council for the purposes of the Determination made. Given the limitations of the contents of the correspondence, together with the informality of the communication observed above, the Tribunal notes that "*identification of possible savings*" referred to is not a sufficient ground upon which to do so. Particularly as that is not a consideration to which the statute directs the Tribunal's consideration.

District Council of Streaky Bay

90. The Tribunal received a detailed submission from the District Council of Streaky Bay which coherently and comprehensively addresses the relevant statutory criteria for the purposes of the Tribunal's determination of the relevant allowances. The submission was concisely and informatively formatted in accordance with the Guidelines for submissions published on the Tribunal's website.
91. The principal aspect of the submission was a proposal for the classification of the Council at level 4, rather than level 5 as currently determined. Council's submission proposed the abolition of level 5 and that all Council's currently in level 5 be incorporated within the level 4 classification.
92. In addition, the submission proposed that the Principal Member allowance should be 6 times the allowance for an elected member rather than 4 times. The latter factor being the current factor, which is the factor determined in 2010 and has been common to all Councils other than the City of Adelaide since the initial Determination.
93. The Tribunal gave careful consideration to the Council's submissions and the current money value of the annual allowance determined for level 5.
94. The ratio of population to geographic area was a notable feature of the information provided. This aspect of Local Government in regional South Australia is relevant to several Councils. In such circumstances, regard must be had to the necessary time spent travelling to and from meetings by elected members of Council in order to perform their function and the provision of a travelling time payment in the current Determination. The determination of the appropriate travelling time payment was informed by consideration of the information provided in the Council's submission.
95. The Tribunal accepted that part of the submission which asserts that, in large Council areas with small populations, the factors of distance and travelling time affect residents and ratepayers significantly. The frequency and intimacy of the relationship between elected members of Councils and constituents may give rise to greater intensity of interactions, in relation to the representative function of Council members. More so perhaps than might be the case in other Council areas without such characteristics.
96. In respect of the proposal that level five of the classification structure be abolished and all Councils currently classified at that level be classified at level 4, it is notable that there are currently 18 Councils classified within level 5. To act on the submission of the District Council of Streaky Bay and the submission immediately below, made personally by the an elected member of the District Council of Kimba, to abolish the level 5 classification would have significant impact beyond the immediate circumstances from which those two submissions emanate. The Tribunal considered such wholesale change to the classification structure in these circumstances would not be justified without the views of more of the Councils within level 5 of the classification structure which have not made submissions. The 5 level structure has operated since 2010, in the absence of any further submissions for change there must be some doubt about the level of support for the change proposed.
97. Having regard to the area, population and revenue of the District Council of Streaky Bay the Tribunal was not satisfied that reclassification of the Council would be appropriate. In relation to the role of an elected member the Tribunal was satisfied that there should be some variation of the level of allowances at level 5 and the travelling time allowance which is dealt with elsewhere in this report.

District Council of Kimba

98. The Tribunal received one other submission proposing general reclassification of Councils from level 5 to level 4, similarly by the abolition of level 5. That submission was provided on behalf of an elected member of the District Council of Kimba. The author stated that this submission had been the subject of consultation with similar sized and larger Councils. The views of those consulted are not detailed. Presumably, the Tribunal is to understand that those consulted are in accord or do not disagree with the submission. Given the extent and impact of the change proposed, the Tribunal is left to wonder why those concerned have not made a submission likewise.

99. The submission addresses the relevant statutory criteria and makes similar points to those of the submission of the District Council of Streaky Bay. Comments in respect of the latter submission, above, are likewise applicable in respect of those aspects of the submission under consideration.
100. The submission was taken into account for the purposes of consideration of the allowances to be determined in respect of the Councils currently classified at level 5 generally and the classification of the District Council of Kimba individually.
101. The Tribunal was not satisfied that it would be appropriate to abolish the level 5 classification for the reasons already stated above. The Tribunal was satisfied that it would be appropriate to vary the level of allowance at level 5.
102. The Tribunal was not satisfied that the area population and revenue of the District Council of Kimba justify a reclassification of the Council at level 4. As previously stated, the Tribunal addresses the role of an elected member of the Council having regard to the time spent travelling to perform that role elsewhere in this Report.

District Council of Grant

103. A formal official submission received from the District Council of Grant proposes the reclassification of the Council within the existing 5 level structure. The Council is currently classified at level 4, whereas, the submission proposes that the Council be classified at level 3. The submission is detailed and addresses the relevant statutory criteria. Considerable stress is placed on the extent of the Council area and the demands that distance and travel requirements place on the representative function of elected members of the Council.
104. Attention was drawn to the fact that the level of allowances to which elected members were entitled before 2010 was reduced by the Determination of the Tribunal of that year and that effect has continued in the history of the relative real value of the allowances payable to Councillors since.
105. Notably, the Council is responsible, for the operation of a major regional airport linking the South East of the State with Adelaide and Melbourne.
106. The submission concludes as follows:

“Conclusion

The area and population of a council are not the only indicators of the relative commitment of an elected member towards their constituency. Their employment circumstances, sense of obligation, desire for involvement and level of commitment to community service are more likely to dictate the time and effort expended by an elected member rather than the size of the council. The above submission is intended to provide some insight into the potential time commitment and breadth of expertise required for an elected member of the Grant Council, both current and future.

The level of allowance has not sat well with longer serving members since the reduction in 2010 and may not be considered adequate by people considering nomination for the November Council elections. Local Government needs to make itself attractive to new intending members, particularly younger members. If we want to attract the best candidates, if we want people to make family sacrifices and if we want people to put business interests aside, it is important to appropriately compensate such people. Service as an elected member is akin to Board membership – it is no longer a voluntary role albeit making a positive contribution to the community remains the driving force.

A return to the allowance levels of November 2009 (adjusted annually for CPI) should be the starting point for consideration in the context of this submission. However, Council would argue that an elevation from Group 4 to Group 3 for the determination of the allowances would more appropriately recognise our relative size and strong synergies with other south-east regional councils including Naracoorte Lucindale, Tatiara and Wattle Range”

107. It is appropriate to commence by reference to the Tribunal’s consideration of the submission concerning the sense of dissatisfaction with the consequences of the Determination made in 2010, which dominates the conclusion set out above. In essence, the proposition is that the Tribunal reached an erroneous conclusion in 2010 which has been effectively perpetuated since that time. Accordingly, it is proposed that the “starting point” for consideration of appropriate allowances is a return to the level of allowances of 2009, updated for CPI increases in the meantime. As previously observed, prior to the Tribunal’s initial Determination elected member allowances were determined by Councils.
108. The Tribunal considered that to adopt this “starting point” would conflict with the legislative policy that the relevant allowances should be independently determined by a Tribunal with reference to the specified statutory criteria. To uphold this aspect of the submission for the reasons stated would not be coherent with the Tribunal’s responsibility to make the requisite Determination by reference to those criteria. Rather, to do so would be to effectively determine the level of allowances on the basis that the allowances set by the Council in 2009 should be the dominant criteria. Nothing in the Act accords such weight to the allowances fixed by Councils in existence at the time the Act was made or at the time of the Tribunal’s initial Determination. It would have been open to the legislature to include such a consideration as a part of the statutory direction to the Tribunal in relation to the criteria for that Determination to avoid the consequence complained of. That was not done and the outcome complained of was, therefore, always a possibility.
109. The Tribunal has considered the relevant statutory criteria in subsection (3) of Section 76 of the Act in relation to the submission of the Council. The considerations of area, population, revenue and representative function must be given the significant weight accorded by the statute for the purposes of judging the outcome proposed by the Council’s submission. In relation to the first three of those considerations the Tribunal is unable to conclude that the District Council of Grant is wrongly classified within the existing 5 level structure. The Tribunal is unable to observe any extraordinary change in area, population, rates or operating revenue. In relation to the fourth consideration, the issues of distance and travel are matters to be approached with regard to the level of travelling time allowance rather than the classification of the Council within the 5 level structure prescribing the annual allowances. As previously noted that allowance is dealt with elsewhere.

City of Onkaparinga

110. The Council of the City of Onkaparinga Council provided a submission which addresses the statutory criteria. The submission makes reference to a number of factors which go to the annual allowances of elected members, including the following:

“Elector Representation Review 2017

The City of Onkaparinga recently conducted a review of the composition of Council ward boundaries and number of Councillors. The review concluded in October 2017 with certification of the review received from the Electoral Commission in December 2017.

The below composition and structure will come into effect in November 2018.

The principal member of Council will be a Mayor elected by the community.

The elected body of Council will comprise the Mayor and twelve (12) ward councillors.

The Council area will be divided into six wards.

Each ward will be represented by two (2) ward councillors.

The wards will be identified as Mid Coast, Knox, Pimpala, Thalassa, Southern Vales and South Coast.

It should be noted that the City of Onkaparinga currently has a Mayor elected by the community and twenty (20) councillors. Therefore, there will be a reduction of eight (8)

councillors following the November 2018 elections when the new composition of the Council will come into effect.

Further detail on the Review can be found in the Elector Representation Review Final Report attached for your information.

Size (number of elected members etc)

The number of electors in the City of Onkaparinga is currently in excess of 121,000. The reduction in elected member numbers come November 2018 will serve to increase the current elector ratio across the City of one councillor per 6,093 to approximately one councillor per 10,155. This will be the highest elector ratio in the state."

111. The submission concludes by asking the Tribunal to give particular consideration to the following:

"whether the City of Onkaparinga continues to be captured within the current Group A of metropolitan Council's (sic) for the purpose of setting allowances or whether the City of Onkaparinga should be in a separate Group due to its (sic) elector ratio due to come into effect in November 2018."
112. The reference to Group A is understood to be intended to refer to Group 1A. The Tribunal has given careful consideration to the Council's submission as requested.
113. From the information provided it is not possible to understand the submission to contemplate the possibility that the Council could be appropriately classified at level 1B of the classification structure established by the 2014 Determination. However, for the avoidance of doubt, we do not think that the Council could be appropriately classified within the classification structure at level 1B having regard to the relevant statutory criteria.
114. The Council's submission can only be cogently understood to seek the Tribunal's consideration of whether a higher level of allowance than applies to level 1A would be appropriate, in light of the changes to the Council's representational arrangements and the consideration of other information, concerning the population, geographic area, revenue, expenditure, economic, social and demographic factors affecting the Council, plus the schedule of governance activity included with the submission.
115. The provisions of sub paragraph (a) of subsection (3) of Section 76 of the Act direct the Tribunal to have regard to the following:

"(a) the role of members of council as members of the council's governing body and as representatives of their area;"
116. The ordinary meaning of the word *role* in the relevant context is the expected function of a person in a particular setting. In this case the statutory provisions specify two considerations, namely, governance and representative functions.
117. The Council provided a copy of a report to the Electoral Commissioner on the extensive process by which the decision to change the number of elected members from 20 to 12 was arrived at. Included in that report are two expressions of view which are relevant to consideration of whether this change should cause the creation of a new classification for the City of Onkaparinga, at a higher level of allowance than would apply at level 1A.
118. The relevant text of the views expressed in the report is set out below:

"Council believes that the proposed reduction to twelve ward councillors is the right and responsible course of action to take at this time. Whilst Council is keen to maintain the quality of representation long afforded the community, it believes that twelve councillors should be sufficient to provide adequate and fair representation to the community, and to perform the roles and responsibilities of Council.

Although the task of a councillor may become more demanding, candidates for election will be aware of the task facing them. Further, the role of an elected member has changed over the years to primarily that of a strategic and policy decision maker, and a communication conduit between Council and the community. This being the case, it is envisaged that the demands to be placed upon the future elected members should be manageable and may, in part, be mitigated by ever improving telecommunications and information technology.

Council is confident that twelve councillors should be able to represent and serve the community of the City of Onkaparinga adequately over the coming years."
119. Further and elsewhere, under the heading of "Communication", the following is stated:

"Council believes that the mayor and twelve ward councillors can provide adequate lines of communication between Council and the community, given the relatively compact nature of the urban precincts within the Council area, wherein a large percentage of the population resides. Representation of the communities and electors residing in the large rural area may be more challenging and demanding, however, the task will be known to aspiring members and they will have to adjust and adapt in order to meet the demands of their constituents. Most of the larger (area) regional councils have similar circumstances and are able provide fair and adequate representation.

In addition, the task of representing each of the proposed wards will be shared by two ward councillors; and on-going advances in telecommunications and information technology should serve to assist in this regard."
120. Taken at the highest, the submission rests upon a somewhat unknown and potentially uneven level of increased demand upon Councillors, which it is considered may arise from the combination of a higher elector to member ratio, changing role definition and the advantages of contemporary communication and information technologies. Having regard to the views referred to above, it appeared that the Council is yet to ascertain the actual extent and distribution of the impact on the representative function which will arise from the change in the number of elected members. The contents of the report to the Electoral Commissioner seem equivocal on the subject. The Tribunal considered that it would be premature to reach a conclusion that the change in the number of elected members of the Council, of itself, should result in the creation of a new and higher level of allowance than that which is appropriate for level 1A.
121. The Tribunal has given close consideration to the area, population, revenue, social and economic features of the Councils jurisdiction. On this occasion, on balance, the Tribunal is not convinced that the creation of a new and discrete classification for the Council of the City of Onkaparinga is appropriate. However, the Council's profile against the statutory criteria shows relevant development.
122. Should the current trends continue relative to other Councils and the actual experience of the change in the number of elected members be relevant, a more substantive case for such a reclassification may emerge over the coming four years. The evaluation of that question would be a matter for the Tribunal at that time, and no indication of an outcome should be inferred from this observation.

TRAVELLING TIME ALLOWANCES

123. Several submissions drew attention to the demands upon elected members of non-metropolitan Council's caused by distance and the need to travel for sometimes significant amounts of time to attend meetings. The size of the geographic area of Councils is a relevant statutory consideration. Such a consideration inherently directs the Tribunal's attention to the issue of travelling time as a factor pertinent to the determination of the relevant allowances.
124. The submissions can be divided into two considerations. The first is the general aspect of the extent of the travelling time demands upon elected members of those Councils. The second concerns the structure of the existing travelling time allowances and in particular the distance criteria for the entitlement to the current amounts of the allowances. In this latter respect, the submissions identify what are considered to be anomalies in the application of the terms of the 2014 Determination. Namely that the distance criteria are too widely separated.
125. It is convenient to set out the relevant provisions of the 2014 determination.

"TIME TRAVEL ALLOWANCES FOR MEMBERS OF NON-METROPOLITAN COUNCILS

- 4.1 *An allowance of \$336 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located at least 30 kms but less than 50 kms from that council's principal office, via the most direct road route.*
- 4.2 *An allowance of \$560 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located at least 50 kms but less than 100 kms from that council's principal office, via the most direct road route.*
- 4.3 *An allowance of \$1,120 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located 100 kms or more from that council's principal office, via the most direct road route.*
- 4.4 *The non-metropolitan council members travel time allowance will be payable in addition to any entitlement to reimbursement of expenses actually incurred.*
- 4.5 *A list of the non-metropolitan councils to which this payment applies is provided in Appendix 2."*
126. The Tribunal considers the amount of the travelling time allowances to be modest and has made an adjustment to the allowances to more adequately address the relevant demands.
127. Additionally, the existing distance table of travelling time entitlements has been varied. An allowance for travelling time of an elected member of a non-metropolitan Council whose usual place of residence is within the relevant Council area and at least 75 kilometres but less than 100 kilometres from that Council's office by the most direct route will be included. Respectively an allowance for the relevant distance between 75 kilometres and 100 kilometres is provided for. Finally, the allowance for a member travelling more than 100 kilometres has been increased by \$297 per annum. None of these or other travelling time allowances will apply to Principal Members.
128. All of the above variations address the representative function of elected members of Councils with large geographic areas, to a modest degree, having regard to the limited information available from the submissions before us.

CONCLUSION

129. The Tribunal has applied the indexation of the allowances determined in 2014 in accordance with the scheme prescribed by regulation 4(2) of the *Local Government (Members and Benefits) Regulations 2010* for the purposes of its consideration of the appropriate level of the allowances to be prescribed in accordance with section 76(2) of the Act.
130. As previously set out, section 76(9) of the Act prescribes as follows:
"(9) An allowance determined under this section is to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index under a scheme prescribed by the regulations."
131. The Regulation which prescribes the scheme for the indexation of the relevant allowances between four yearly Determinations by the Tribunal is set out below:
Section 4(2) of the Local Government (Member Allowances and Benefits) Regulations 2010
"(2) For the purposes of section 76(9) of the Act, an allowance is to be adjusted by multiplying the allowance by a proportion obtained by dividing the Consumer Price Index for the September quarter last occurring before the date on which the allowance is to be adjusted by the Consumer Price Index for the September quarter immediately before the date on which the allowance was determined under section 76 of the Act (with the amount so adjusted being rounded up to the nearest dollar)."
132. The date upon which the allowances were determined by the Tribunal in 2014 was 28 July 2014. Consequently, that is the first reference point for the operation of the scheme. For the avoidance of doubt this was the subject of advice from the Crown Solicitor's Office.
133. Taking all the submissions into account, our independent enquiries, data published by the Local Government Grants Commission, a review of changes in the circumstances confronting elected members of councils since the 2014 review, the Tribunal determined that it was appropriate to provide the allowances set out in Determination 6 of 2018. The allowances have been increased in various amounts according to discrete considerations gleaned from the submissions and the information gathered independently, upon which the Tribunal has proceeded, having regard to the statutory criteria prescribed by section 76 of the Act for the making of the Determination.
134. The increases in the amounts of the allowances do not involve reclassification of any Council within the previously determined 5 levels including sub divisions 1a and 1b of level 1. The proportionate increase in the amount of the allowance at level 5 is greatest, as a result of the Tribunal's concern that the money value of the allowance at that level of the structure was inadequate.
135. The Tribunal has made changes to the structure and amounts of travelling time allowances which address equity issues raised in the submissions received and to ensure that allowances for elected members travelling significant distances are adequate.
136. The money value of the increase in the level of the annual allowances varies within the range of \$212 and \$460, depending upon the classification of the Council. The cost of the increases in the allowances to all Councils will be marginal as a factor of total operating revenue respectively.
137. On the basis of the information published by the Local Government Grants Commission, as far as the Tribunal can ascertain, the cost of the increase in the annual allowances for the year ending 30 June 2017, determined represents 0.001 of one per cent of the revenue of a Council with total operating revenue as low as \$3.65 million per annum, and less than 0.001 of one per cent of the revenue of the council with the highest total operating revenue. For many councils, the cost of the increase in the allowances is likely to be less as a result of increases in revenue since the publication of the data by the Local Government Grants Commission.

Dated: 30 August 2018

JOHN LEWIN
President

PETER ALEXANDER
Member

PAMELA MARTIN
Member

ATTACHMENT 1 – PART 5 OF THE LOCAL GOVERNMENT ACT 1999

Part 5—Allowances and benefits

76—Allowances

- (1) Subject to this section, a member of a council is entitled to the allowance determined by the Remuneration Tribunal in relation to the member's office and indexed in accordance with this section.
- (2) The Remuneration Tribunal must make determinations under this section on a 4 yearly basis before the designated day in relation to each set of periodic elections held under the Local Government (Elections) Act 1999.
- (3) The Remuneration Tribunal must, in making a determination under this section, have regard to the following:
 - (a) the role of members of council as members of the council's governing body and as representatives of their area;
 - (b) the size, population and revenue of the council, and any relevant economic, social, demographic and regional factors in the council area;
 - (c) the fact that an allowance under this section is not intended to amount to a salary for a member;
 - (d) the fact that an allowance under this section should reflect the nature of a member's office;
 - (e) the provisions of this Act providing for the reimbursement of expenses of members.
- (4) For the purposes of the proceedings before the Remuneration Tribunal but without derogating from the operation of subsection (3), the allowances to be determined under this section will be taken to be in the nature of a fee under the definition of remuneration in the Remuneration Act 1990.
- (5) Without limiting section 10 of the Remuneration Act 1990, the Remuneration Tribunal must—
 - (a) allow persons who are entitled to be enrolled on the voters roll for an area a reasonable opportunity to make submissions orally or in writing to the Tribunal in relation to a determination under this section that relates to the members of the council for that area; and
 - (b) allow the LGA a reasonable opportunity to make submissions orally or in writing to the Tribunal in relation to any determination under this section.
- (6) Nothing in subsection (5) requires the Remuneration Tribunal, for the purposes of making all determinations required under this section in any 4 year period, to hold more than 1 hearing to receive any oral submissions that persons may care to make (and the Tribunal is not required to hold any hearing if it appears to the Tribunal that no one is seeking to make oral submissions).
- (7) The rates of allowances may vary from office to office, and from council to council.
- (8) An allowance determined under this section will, in relation to the members of a particular council, be payable for the period—
 - (a) commencing on the conclusion of the relevant periodic election; and
 - (b) concluding at the time at which the last result of the next periodic election is certified by the returning officer under the Local Government (Elections) Act 1999 (including in respect of a member of the council for whom the conclusion of the next periodic election is, for other purposes, the last business day before the second Saturday of November of the year of the periodic election as a result of the operation of section 4(2)(a)).
- (9) An allowance determined under this section is to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index under a scheme prescribed by the regulations.
- (10) Sections 17 and 19 of the Remuneration Act 1990 do not apply in relation to a determination under this section.
- (11) Subject to subsection (8), a member of a council who holds an office for part only of the period in respect of which an allowance is payable is entitled to the proportion of the allowance that the period for which the member held the office bears to the total period.
- (12) An allowance under this section is to be paid in accordance with any requirement set out in the regulations (unless the member declines to accept payment of an allowance).
- (13) Despite any other Act or law, the reasonable costs of the Remuneration Tribunal in making a determination under this section are to be paid by the LGA under an arrangement established by the Minister from time to time after consultation with the President of the LGA and the President of the Tribunal.
- (14) Regulations made for the purposes of this section may make different provision according to the offices or classes of council to which they are expressed to apply.
- (15) In this section—

Consumer Price Index means the Consumer Price Index (All groups index for Adelaide) published by the Australian Bureau of Statistics;

designated day, in relation to particular periodic elections, means the day that is 14 days before the day on which nominations close for those elections.

77—Reimbursement of expenses

- (1) A member of a council is entitled to receive from the council—
 - (a) reimbursement of expenses of a kind prescribed for the purposes of this paragraph incurred in performing or discharging official functions and duties; and

(b) reimbursement of expenses of a kind prescribed for the purposes of this paragraph, and approved by the council (either specifically or under a policy established by the council for the purposes of this section), incurred in performing or discharging official functions and duties.

- (2) A policy under subsection (1)(b) lapses at a general election of the council.
- (3) A person is entitled to inspect (without charge) a policy of a council under subsection (1)(b) at the principal office of the council during ordinary office hours.
- (4) A person is entitled, on payment of a fee fixed by the council, to a copy of a policy under subsection (1)(b).

78—Provision of facilities and support

- (1) A council may provide facilities and other forms of support to its members to assist the members in performing or discharging official functions and duties.
- (2) The provision of facilities and services under this section is at the discretion of the council subject to complying with the following requirements:
 - (a) the council must specifically resolve that the provision of the facilities or services is necessary or expedient to the performance or discharge of official functions or duties;
 - (b) facilities and services must be available to members on a uniform basis (other than facilities or services specifically provided for the benefit of the principal member);
 - (c) any property provided to a member remains the council's.
- (3) A member of a council must not use a facility or service provided by the council under this section for a purpose unrelated to the performance or discharge of official functions or duties (unless the use has been approved by the council and the member has agreed to reimburse the council for any additional costs or expenses associated with this use).

78A—Obtaining of legal advice

- (1) The regulations may establish a scheme under which a member of a council may directly obtain legal advice at the expense of the council to assist the member in performing or discharging official functions and duties.
- (2) The scheme may require the preparation and adoption of a policy by a council and include provisions for the variation of the policy and its availability to the public.
- (3) The scheme or a policy adopted under the scheme may—
 - (a) impose limitations on the obtaining of legal advice; and
 - (b) provide for a process for approval of requests to obtain legal advice; and
 - (c) allow for conditions to be imposed on an approval, including a condition limiting the expenditure that may be incurred; and
 - (d) provide for a council to set an overall budget for the purpose; and
 - (e) include other relevant provisions.

79—Register of allowances and benefits

- (1) The chief executive officer of a council must ensure that a record (the **Register of Allowances and Benefits**) is kept in which is entered, in accordance with principles (if any) prescribed by the regulations, in respect of each member of the council—
 - (a) the annual allowance payable to the member; and
 - (b) details of any expenses reimbursed by the council under section 77(1)(b); and
 - (c) details of other benefits paid or payable to, or provided for the benefit of, the member by the council.
- (2) The chief executive officer must ensure that an appropriate record is made in the Register, in accordance with principles prescribed by the regulations, in respect of—
 - (a) changes in the allowance or a benefit payable to, or provided for the benefit of, members; or
 - (b) the provision of a reimbursement (other than a reimbursement under section 77(1)(a)) or benefit not previously recorded in the Register.
- (3) A person is entitled to inspect (without charge) the Register at the principal office of the council during ordinary office hours.
- (4) A person is entitled, on payment of a fee fixed by the council, to an extract from the Register.

80—Insurance of members

A council must take out a policy of insurance insuring every member of the council, and a spouse, domestic partner or another person who may be accompanying a member of the council, against risks associated with the performance or discharge of official functions or duties by members.

DETERMINATION OF THE REMUNERATION TRIBUNAL

NO. 6 OF 2018

Allowances for Members of Local Government Councils

SCOPE OF DETERMINATION

1. The Remuneration Tribunal has jurisdiction under section 76 of the *Local Government Act 1999* (“the Act”), to determine the allowance payable to elected members of Local Government Councils constituted under that Act.
2. This Determination applies to the members of Councils constituted under the Act, but does not apply to members of the Adelaide City Council.

INTERPRETATION

3. In this Determination, unless the contrary appears:
 - “**Committee**” means a committee established by a council in terms of section 41 of the Act.
 - “**Councillor**” means a person appointed or elected as a member of a local government council under the Act.
 - “**Principal Member**” means a principal member under the Act.

“**Prescribed Committee**” means for the purposes of this determination, a committee that endures, irrespective of whether the council has assigned any particular work for the committee to perform and assists the council or provides advice to the council in any of the following areas or any combination thereof:

- Audit
- Chief Executive Officer performance review
- Corporate services
- Finance
- Governance
- Infrastructure and works
- Risk management
- Strategic planning and development

ALLOWANCES

4. Councillors

The annual allowance for a councillor who is not a principal member, deputy mayor, deputy chairperson or presiding member of a prescribed committee shall be as follows:

Council Group	\$ per annum
Group 1A	\$23,350
Group 1B	\$20,630
Group 2	\$17,270
Group 3	\$13,900
Group 4	\$9,900
Group 5	\$6,500

Council Groups are provided in Appendix 1.

5. Principal Members

The annual allowance for principal members of a local government councils constituted under the Act will be equal to four (4) times the annual allowance for councillors of that council.

6. Deputy Mayor, Deputy Chairperson or Presiding Member of a Committee

The annual allowance for a councillor who is a deputy mayor or deputy chairperson, or the presiding member of a prescribed committee or more than one prescribed committees established by a council, will be equal to one and a quarter (1.25) times the annual allowance for councillors of that council.

7. An additional allowance in the form of a sitting fee is payable to a councillor (other than the principal member or deputy principal member, chairperson or deputy chairperson or a presiding member of a prescribed committee) who is the presiding member of a committee, that is not a prescribed committee, at the following rates:

- a. Where the councillor is a member of a council in Group 1A or Group 1B; an allowance of \$230 per meeting limited to an aggregate amount of allowance of \$1,380 per annum;
- b. Where the councillor is a member of a council in Group 2 or Group 3; an allowance of \$170 per meeting limited to an aggregate amount of allowance of \$1,020 per annum;
- c. Where the councillor is a member of a council in Group 4 or Group 5; an allowance of \$110 per meeting limited to an aggregate amount of allowance of \$660 per annum.

TRAVEL TIME ALLOWANCE FOR MEMBERS OF NON-METROPOLITAN COUNCILS

8. An allowance of \$410 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 30 kms but less than 50 kms** from that council’s principal office, via the most direct road route.
9. An allowance of \$700 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 50 kms but less than 75 kms** from that council’s principal office, via the most direct road route.
10. An allowance of \$1,050 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 75 kms but less than 100 kms** from that council’s principal office, via the most direct road route.
11. An allowance of \$1,490 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **100 kms or more** from that council’s principal office, via the most direct road route.
12. The non-metropolitan council members travel time allowance will be payable in addition to any entitlement to reimbursement of expenses actually incurred.
13. A list of the non-metropolitan councils to which this payment applies is provided in Appendix 2.

DATE OF OPERATION

14. As provided for by section 76(8) of the Act, this Determination will come into operation on the conclusion of the 2018 Local Government Elections.

Dated: 30 August 2018

JOHN LEWIN
President

PETER ALEXANDER
Member

PAMELA MARTIN
Member

APPENDIX 1 – COUNCIL GROUPS

GROUP 1A	GROUP 4
City of Charles Sturt	Adelaide Plains Council (formerly Mallala)
City of Onkaparinga	Corporation of the Town of Walkerville
City of Port Adelaide Enfield	District Council of Coorong
City of Salisbury	District Council of Grant
GROUP 1B	District Council of Lower Eyre Peninsula
City of Holdfast Bay	District Council of Yankalilla
City of Marion	District Council of Renmark Paringa
City of Mitcham	Kangaroo Island Council
City of Playford	Northern Areas Council
City of Tea Tree Gully	Regional Council of Goyder
City of West Torrens	Wakefield Regional Council
GROUP 2	GROUP 5
Adelaide Hills Council	District Council of Barunga West
Alexandrina Council	District Council of Ceduna
Barossa Council	District Council of Cleve
Campbelltown City Council	District Council of Coober Pedy
City of Burnside	District Council of Elliston
City of Mount Gambier	District Council of Franklin Harbour
City of Prospect	District Council of Karoonda East Murray
City of Norwood Payneham and St Peters	District Council of Kimba
City of Unley	District Council of Mount Remarkable
City of Whyalla	District Council of Orroroo Carrieton
District Council of Mount Barker	District Council of Peterborough
Port Augusta City Council	District Council of Robe
Rural City of Murray Bridge	District Council of Streaky Bay
Town of Gawler	District Council of Tumby Bay
GROUP 3	Flinders Ranges Council
Berri Barmera Council	Kingston District Council
City of Port Lincoln	Southern Mallee District Council
City of Victor Harbor	Wudinna District Council
Clare and Gilbert Valleys Council	
District Council of Loxton Waikerie	
District Council of The Copper Coast	
District Council of Yorke Peninsula	
Light Regional Council	
Mid Murray Council	
Naracoorte Lucindale Council	
Port Pirie Regional Council	
Tatiara District Council	
Wattle Range Council	

APPENDIX 2 – NON – METROPOLITAN COUNCILS

Adelaide Hills Council	District Council of Renmark Paringa
Adelaide Plains Council (formerly Mallala)	District Council of Robe
Alexandrina Council	District Council of Streaky Bay
Berri Barmera Council	District Council of The Copper Coast
Barossa Council	District Council of Tumby Bay
City of Whyalla	District Council of Yankalilla
Clare and Gilbert Valleys Council	District Council of Yorke Peninsula
District Council of Barunga West	Flinders Ranges Council
District Council of Ceduna	Kangaroo Island Council
District Council of Cleve	Kingston District Council
District Council of Coober Pedy	Light Regional Council
District Council of Coorong	Mid Murray Council
District Council of Elliston	Naracoorte Lucindale Council
District Council of Franklin Harbour	Northern Areas Council
District Council of Grant	Port Augusta City Council
District Council of Karoonda East Murray	Port Pirie Regional Council
District Council of Kimba	Regional Council of Goyder
District Council of Lower Eyre Peninsula	Rural City of Murray Bridge
District Council of Loxton Waikerie	Southern Mallee District Council
District Council of Mount Barker	Tatiara District Council
District Council of Mount Remarkable	Wakefield Regional Council
District Council of Orroroo Carrieton	Wattle Range Council
District Council of Peterborough	Wudinna District Council

REPORT OF THE REMUNERATION TRIBUNAL

NO. 7 OF 2018

*Allowances for Members of Adelaide City Council***INTRODUCTION**

1. This Report concerns a Determination made by the Remuneration Tribunal (“the Tribunal”).
2. The Tribunal has made two Determinations which prescribe allowances to which persons elected or appointed as members of Councils constituted under Local Government legislation are entitled to be paid.
3. The two Determinations are as follows.
 - Determination 6 of 2018 establishes allowances payable to members of Councils constituted under the *Local Government Act 1999*.
 - Determination 7 of 2018 establishes allowances payable to members of the Adelaide City Council.
4. This Report concerns Determination 7 of 2018.
5. Determination 6 of 2018, which prescribes allowances payable to members of Local Government Councils established under the *Local Government Act 1999*, is subject to a separate Report in relation to that Determination.

BACKGROUND

6. The *City of Adelaide Act 1998* (“the Act”) and the *Local Government Act 1999* direct the Tribunal to determine allowances payable in relation to the offices held by members of Councils on a 4 yearly basis.
7. The scheme of the legislation is that the allowances to which members of Councils will be entitled during a term of office should be determined prior to the periodic elections held under the *Local Government (Elections) Act 1999*. The date for the close of nominations for the conduct of such elections is 18 September 2018. The relevant provisions of the Act require the Tribunal to have made such a Determination 14 days before that date. The term of the offices for which the election is to be held is 4 years.
8. Clearly, the intention is to inform persons eligible for election who may be considering nomination to know what the allowance(s) payable in respect of an office(s) will be in the event they are elected. This certainty is reinforced by statutory provisions which index adjustments to the amounts of the allowances so determined by the Tribunal, during the term of office for which the election is held.
9. The establishment of the statutory scheme under which the Tribunal makes such a Determination occurred with the passage and enactment of the relevant legislation¹ which commenced operation on 14 January 2010.
 - ¹ Statutes Amendment (Council Allowances) Act 2009
10. Determinations were made by the Tribunal in 2010 and 2014 in accordance with the legislation. The relevant Reports and Determinations are available on the Tribunal’s website. In 2010, a 5 level structure prescribing levels of allowances in an ascending order from level 5 to level 1 was determined. The Adelaide City Council was included at level 1.
11. In 2014, the Tribunal determined to make a separate Determination for the Adelaide City Council. The level of the allowances so fixed were higher than the highest level otherwise applicable in the Determination of allowances payable to elected members of Councils constituted under the *Local Government Act 1999*.
12. The allowance for the Lord Mayor, in 2014, was Determined as a money amount per annum.
13. The relevant legislation provides for the allowances determined by the Tribunal to be indexed, as follows:

Section 24(9) of the City of Adelaide Act 1998

“(9) An allowance determined under this section is to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index under a scheme prescribed by the regulations.”
14. The Regulation which prescribes the scheme for the indexation of the relevant allowances between 4 yearly Determinations by the Tribunal is set out below:

Section 4(2) of the City of Adelaide (Member Allowances and Benefits) Regulations 2010

“(2) For the purposes of section 24(9) of the Act, an allowance is to be adjusted by multiplying the allowance by a proportion obtained by dividing the Consumer Price Index for the September quarter last occurring before the date on which the allowance is to be adjusted by the Consumer Price Index for the September quarter immediately before the date on which the allowance was determined under section 24 of the Act (with the amount so adjusted being rounded up to the nearest dollar).”
15. The date upon which the allowances were determined by the Tribunal in 2014 was 28 July 2014. Consequently, that is the first reference point for the operation of the scheme.

PROCEDURAL HISTORY

16. Section 10(2) of the *Remuneration Act 1990* requires that before the Tribunal makes a Determination affecting the remuneration of a particular person, or persons, the Tribunal must allow that person, or persons, a reasonable opportunity to make submissions orally or in writing to the Tribunal.
17. Section 24(5) of the Act requires that, without limiting section 10 of the *Remuneration Act 1990*, the Tribunal must allow persons who are entitled to be enrolled on the voters roll for the City of Adelaide, and the Local Government Association (“LGA”), a reasonable opportunity to make submissions in relation to the Tribunal’s Determination of allowances for members of Council.
18. On 29 May 2018, by letters, the Tribunal wrote to the following officers, notifying of its intention to review Local Government Council Allowances in 2018. The Tribunal fixed a closing date for submissions of 6 July 2018.
 - The President of the Local Government Association of South Australia;
 - The CEOs of Local Government Councils;
 - The Minister for Local Government, as the Minister responsible for the Act; and
 - The Premier, as the Minister responsible for the *Remuneration Act 1990*.
19. On 31 May 2018, a LGA circular was distributed to Local Government Councils by the LGA, which notified councils of the Tribunal’s intention to conduct a review of Local Government Council Allowances in 2018.

20. On the week commencing 2 June 2018, the Tribunal placed the below public notices in *The Advertiser*, *The Messenger*, and in rural newspapers, calling for submissions in relation to the review. Additionally, a notice was placed on the Tribunal's public website.



REMUNERATION TRIBUNAL DETERMINATION OF ALLOWANCES FOR MEMBERS OF COUNCILS

Section 76 of the *Local Government Act 1999* (SA) and Section 24 of the *City of Adelaide Act 1998* (SA), require the Remuneration Tribunal to determine, on a four yearly basis, allowances for members of Local Government Councils.

The Remuneration Tribunal, in making its Determination, must have regard to:

- the role of members of council as members of the council's governing body and as representatives of the council's area;
- the size, population and revenue of the council, and any relevant economic, social, demographic and regional factors in the council area;
- such an allowance is not intended to amount to a salary for a member;
- such an allowance should reflect the nature of a member's office; and
- the Act's provisions to provide for reimbursement of members' expenses.

Councils, individual members of Councils, and interested associations are invited to make written submissions to the Tribunal outlining views they consider should be taken into account in the determination of the above allowances.

Persons who are entitled to be enrolled on the voters roll for a council area are also invited to make submissions, regarding Determinations relating to members of the council for that area.

Guidelines for the making of written submissions, and information about the current allowances, may be obtained by going to the Remuneration Tribunal website: www.remtribunal.sa.gov.au

Opportunities for oral submissions will be determined based on need. Persons interested in making an oral submission should contact the Executive Officer to register their interest in making an oral submission.

Submissions must be received by **5pm Friday, 6 July 2018** and can be forwarded to:

**The Executive Officer
Remuneration Tribunal
GPO Box 2343
ADELAIDE SA 5001**

Telephone: (08) 8429 5459

Submissions may also be sent via email to RemunerationTribunal@sa.gov.au

The *Local Government Act 1999* (SA) and the *City of Adelaide Act 1998* (SA) are available at: www.legislation.sa.gov.au

SUBMISSIONS

21. The Adelaide City Council did not make an official submission. No submission was received from the Lord Mayor, the Deputy Lord Mayor or the Chief Executive. No submission was made by the Minister for Local Government in respect of the Tribunal's determination of allowances for members of the Adelaide City Council. No elected member of the Adelaide City Council made a submission.
22. The Tribunal did receive a personal submission and a number of attachments of information from a member of the public, who is presumed to be an enrolled voter for the purposes of elections for membership of the Council.
23. This submission was made by a former Councillor who has served as Deputy Lord Mayor.
24. The statutory direction for the making of the relevant Determination, which is set out in section 24 of the Act, in particular subsection (3) thereof, which is set out below:
- “(3) *The Remuneration Tribunal must, in making a determination under this section, have regard to the following:*
- (a) *the role of members of the Council as members of the Council's governing body and as representatives of their area;*
- (b) *the size, population and revenue of the Council, and any relevant economic and social factors in the council area;*
- (c) *the fact that an allowance under this section is not intended to amount to a salary for a member;*
- (d) *the fact that an allowance under this section should reflect the nature of a member's office;*
- (e) *the provisions of this Act providing for the reimbursement of expenses of members.*”
25. The submission focused on consideration of the comparative allowances for elected members of capital city Councils in Australia, particularly the City of Melbourne, and those to which elected members of the Adelaide City Council are entitled.
26. The submission took issue with the following paragraph of the Tribunal's 2014 Report which accompanied the Determination² providing for the allowances for elected members of the Adelaide City Council.
- “*There was some argument presented to the Tribunal that the allowances payable to members of the ACC should be more aligned with the level of allowances payable to members of the City of Melbourne Council, or even the rates payable to members of the City of Perth Council. The Tribunal came to the view that there were numerous reasons why it was inappropriate.*”
- ² Remuneration Tribunal Determination 6 of 2014 – Allowances for Members of Adelaide City Council
27. The submission contended that the “*clear intent of the legislation is that it would be appropriate to closely align the level of allowances for the Adelaide City Council with those payable to councillors in other capital cities.*”
28. The submission also states as follows:

"I am also very familiar with the City of Melbourne, and Melbourne's council. I can see no substantive difference at all between being a member of the Adelaide City Council and Melbourne City Council in terms of role and responsibilities. The situation is, for all intents and purposes, identical. I can conceive of no reason why a member of the Adelaide City Council, holding the different offices one can hold, should receive any less than the equivalent that is paid for the equivalent position in the City of Melbourne."

29. The submission stated that *"the Lord Mayoral allowance should be no less than \$225,000 and a councillor role should be no less than \$45,000"* with *"a loading of 15% for any member who is a chairman of a council committee"* plus superannuation of at least 9.5%.
30. It was appropriate to consider the submission according to the mandatory statutory direction which identifies those matters to which the Tribunal must have regard for the purposes of determining the relevant allowances, as shown above; namely, size, population, revenue and the role of a Council member, plus relevant social and economic features of the Council's jurisdiction.
31. For convenience, the table below sets out the comparative size, population and revenue of the Adelaide City Council and the Melbourne City Council.

Council	Size (Ha)	Population (Persons)	Revenue
Melbourne City Council	3,770	137,000	\$512,939,000
Adelaide City Council	1,524	22,690	\$211,111,000

32. Having regard to the statutory considerations, the focus of the submission is not sound. In reaching this conclusion, in addition to the significant differences in area, population and revenue, the nature of the representative function in the two jurisdictions was considered likely to differ in the comparative circumstances of scale and complexity.
33. While, conceptually, the general representative functions of elected members of Councils may be considered comparable, the context in which the role is performed will differ, usually because of the scale and complexity of a Council's operations. This was recognised by the Tribunal in 2014, with the making of a separate Determination of allowances for elected members of the Adelaide City Council, having regard to the relevant differences between it and other Councils. The combination of the provisions of Section 24(3) of the Act and the provisions of Section 76(3) of the *Local Government Act 1999*, which are identical, make clear that these considerations are fundamental to the statutory policy which guides the Tribunal's consideration of the appropriate level of allowances.
34. Moreover, the Tribunal is unable to discern the statutory policy or intent that the submission relied upon. In this respect, the Tribunal sees nothing in the express provisions of the Act which accords with the submission that the policy of the legislature is that the Tribunal should have regard to and take into account the allowances payable to elected members of other capital city Councils and "align" therewith. Certainly, there is no such expression in Section 24 of the legislation or indeed Division 4, Allowances and benefits of Part 3 – Special arrangements for the Adelaide City Council.
35. Likewise, the Objects of the Act, expressed in section 3 thereof, offer no support to the submission. Unless the general reference to the special role the city plays as the capital city and the heart of South Australia can be taken to be a clear inference that the alignment of allowances for Councillors and those applicable in other capital cities is intended to be an Object of the legislation. The Tribunal considers that such an indirect and general inference is not available, in light of the absence of any reference to such a consideration in the specific provisions of Division 4 of Part 3 of the legislation.
36. The author of the submission attached a draft submission prepared for consideration by the Adelaide City Council for the purposes of the Tribunal's deliberations in relation to the 2018 Determination of allowances payable to elected members of the Council. The Tribunal's understanding, which the Executive Officer of the Tribunal has confirmed with the Adelaide City Council, is that the draft submission was not adopted by the Council. In these circumstances, and those mentioned at the outset concerning the paucity of submissions received, the Tribunal can place little reliance on that part of the draft submission provided, which refers, very briefly and without justification, to alignment with allowances payable in other jurisdictions.
37. Also included were attachments of material prepared for the purposes of the 2014 Determination of the relevant allowances by the Tribunal. The submission urged the Tribunal to reconsider that material. While the Tribunal may be at liberty to disagree with its predecessors, due regard should be paid to the principle of comity. Given the limited and unpersuasive nature of submissions before us, it was not considered appropriate to conduct a critical analysis of the reasons for, or the outcome of, the 2014 Determination. In this regard, it is appropriate to note that in addition to making a separate Determination to apply to the Adelaide City Council, in 2014, the Tribunal significantly increased the level of allowances payable to elected members of the Adelaide City Council at that time, in response to the submissions received.
38. Rather than revisit the proceedings as at 2014, the Tribunal directed its attention to the relevant circumstances obtaining in 2018, as far as possible, in the absence of a formal submission on behalf of the Adelaide City Council, the Lord Mayor, the Chief Executive or an elected member which addressed the relevant statutory considerations.
39. The submission that the allowances payable to elected members of the Adelaide City Council should be the subject of superannuation contributions is, in the Tribunal's view, beyond the Tribunal's jurisdiction. The Tribunal sought Crown Law opinion on this subject in 2014 and was advised that the subject was beyond jurisdiction. We respectfully concur with the conclusion reached accordingly by the Tribunal, as it then was.
40. The Tribunal does not think it necessary to provide an extensive analysis of the issue of jurisdiction. However, even if the Tribunal's conclusion were technically wrong about the issue of jurisdiction, consideration of the relevant statutory provisions would cause the Tribunal to conclude that the determination of superannuation entitlements to elected Council members was not the intention of the legislature when the Tribunal's jurisdiction was established.
41. The Tribunal considers that the allowances determined by the Tribunal, which the statute prescribes are taken to be in the nature of a fee, are a different species of entitlement to an obligation upon an employer to make superannuation contributions in respect of the income of an employee. As the legislation specifically states, the allowances determined by the Tribunal are not to be taken as salary. If the allowances were to be taken to be in the nature of salary the amount of the allowances may, and most likely would, be subject to relevant superannuation legislation. The express distinction and definition of the nature of the allowances in the statute is considered conclusive of the legislature's intention that the Tribunal has not been authorised to determine a superannuation obligation upon Councils in respect of elected members.

CONCLUSION

42. Having carefully considered all of the relevant criteria and the only submission before it in relation to the allowances to be determined for members of the Adelaide City Council, the Tribunal concluded that there should be only a minor change to the level of the allowances currently applicable and issued Determination 7 of 2018 to give effect to this conclusion. The variation to the level of allowances is marginal and is considered appropriate to maintain coherence within the overall structure of the amount of allowances payable to elected members of Councils generally, having regard to changes determined under the provisions of the *Local Government Act 1999*, in respect of other allowances within that structure.

43. The Tribunal has determined new levels of allowances for members of the City of Adelaide Council. The amounts of those allowances is included in the accompanying Determination. The money value of the increase in the level of the annual allowances is \$379 for councillors and \$1,339 for the Lord Mayor. The cost of the increase in the allowances to members of the Adelaide City Council will be marginal as a factor of total operating revenue respectively.
44. On the basis of the information published by the Local Government Grants Commission, as far as the Tribunal can ascertain, the cost of the increase in the annual allowances for councillors, determined for the year ending 30 June 2017, represents 0.00261 of one per cent of the total operating revenue of Adelaide City Council. The cost of the increase in the allowances is likely to be less as a result of increases in revenue since the publication of the data by the Local Government Grants Commission in 2017.

Dated: 30 August 2018

JOHN LEWIN
President

PETER ALEXANDER
Member

PAMELA MARTIN
Member

DETERMINATION OF THE REMUNERATION TRIBUNAL

NO. 7 OF 2018

Allowances for Members of Adelaide City Council

SCOPE OF DETERMINATION

- 1 The Remuneration Tribunal has jurisdiction under section 24 of the *City of Adelaide Act 1998* ("the Act"), to determine the allowance payable to elected members of the Adelaide City Council.
- 2 This Determination applies to members of the Adelaide City Council, and does not apply to councils other than the Adelaide City Council.

INTERPRETATION

In this Determination, unless the contrary appears:

"Committee" means a committee established by the Council in terms of section 41 of the *Local Government Act 1999*.

"Councillor" means a person appointed or elected as a member of the Adelaide City Council other than the Lord Mayor.

"Lord Mayor" means the principal elected member of the Adelaide City Council.

"Prescribed Committee" means for the purposes of this determination, a committee that endures, irrespective of whether Council has assigned any particular work for the committee to perform, and assists the Council or provides advice to the Council in any of the following areas or any combination thereof:

- Audit
- Chief Executive Officer performance review
- Corporate services
- Finance
- Governance
- Infrastructure and works
- Risk management
- Strategic planning and development

ALLOWANCES

3 Councillors

The annual allowance for a member of the Adelaide City Council who is not the Lord Mayor, Deputy Lord Mayor or presiding member of a prescribed committee will be \$25,930 per annum.

4 Lord Mayor

The annual allowance for the Lord Mayor of the City of Adelaide will be \$177,000 per annum.

5 Deputy Lord Mayor and Presiding Member of a Committee

The annual allowance for the Deputy Lord Mayor will be equal to one and a half (1.5) times the annual allowance for councillors of the Adelaide City Council.

The annual allowance for a councillor (other than the Deputy Lord Mayor) who is the presiding member of a prescribed committee or more than one prescribed committees established by the Adelaide City Council will be equal to one and a quarter (1.25) times the annual allowance for councillors.

An additional allowance in the form of a sitting fee is payable to a councillor (other than the Deputy Lord Mayor or a presiding member of a prescribed committee) who is the presiding member of a committee, that is not a prescribed committee, at the rate of allowance of \$280 per meeting limited to an aggregate amount of allowance of \$1,680 per annum.

DATE OF OPERATION

- 6 As provided for by section 24(8) of the Act, this Determination will come into operation on the conclusion of the 2018 Local Government Elections.

Dated: 30 August 2018

JOHN LEWIN
President

PETER ALEXANDER
Member

PAMELA MARTIN
Member

REPORT OF THE REMUNERATION TRIBUNAL

NO. 8 OF 2018

*Manager Family Violence List Allowance – Magistrates***INTRODUCTION**

The Remuneration Tribunal (“the Tribunal”) has jurisdiction under section 13 of the *Remuneration Act 1990* (“the Act”), to determine the remuneration payable to the judiciary and the holders of public offices listed in that section of the Act.

Section 13 of the *Magistrates Act 1983* confers jurisdiction on the Tribunal to determine additional remuneration for a Magistrate, for the period that Magistrate performs special duties, insofar as those duties are directed by the Chief Magistrate, with the concurrence of the Attorney-General.

BACKGROUND

The Tribunal’s last Determination in relation to the Manager Family Violence List Allowance for Magistrates was Determination 2 of 2017. That Determination provided for a Manager Family Violence List Allowance at the level of \$21,290 per annum with an operative date of 18 April 2017.

PROCEDURAL HISTORY

Section 10(2) of the Act requires that prior to the making of a Determination affecting the remuneration of a particular person, or persons of a particular class, the Tribunal must allow that person, or persons of that class, a reasonable opportunity to make submissions.

The Tribunal wrote to the affected parties on 9 April 2018, notifying of the Tribunal’s intention to review Determination 2 of 2017, and inviting submissions for the purposes of the review. The Tribunal also invited submissions from the Premier, as the Minister responsible for the Act, and placed a notice of the review on the Tribunal’s public website.

SUBMISSIONS

The Tribunal received submissions from the Chief Magistrate, the Judicial Remuneration Coordinating Committee (“JRCC”), the Magistrates Association of South Australia (“MASA”) and the Crown Solicitor’s Office (“CSO”) on behalf of the Premier, in the public interest.

Those submissions are summarised as follows:

The Chief Magistrate

- The level of the Manager Family Violence List Allowance should be adjusted to the same amount as the Regional Manager and Country Resident Magistrates Allowances within the Tribunal’s Determination of salaries and allowances for members of the judiciary; and
- The Manager Family Violence List Allowance Determination be consolidated with the Tribunal’s Determination of salaries and allowances for members of the judiciary, and that the Manager Family Violence List Allowances is reviewed on the same basis as the other salaries and allowances within that Determination.

The Magistrates Association of South Australia

- MASA supports the submission provided by the Chief Magistrate; and
- MASA respectfully urges the Tribunal to include this allowance in the Tribunal’s decision in respect of its general review, consistent with other allowances for Magistrates.

The Judicial Remuneration Coordinating Committee

- The JRCC agrees with the submission of the Chief Magistrate and submits that the Tribunal should make a Determination in accordance with that submission.

The Crown Solicitor’s Office, on behalf of the Premier

- The Manager Family Violence Allowance is payable to the Magistrate performing the role of Manager Family Violence List and the level of allowance is consistent with the allowance payable to Magistrates who are Regional Managers or Country Resident Magistrates;
- The Premier supports the payment of any higher amount, consistent with the amount of allowance payable to Magistrates who are Regional Managers or Country Resident Magistrates; and
- That the Tribunal give consideration to consolidating the Determination arising from this review with the Tribunal’s Determination in relation to judicial remuneration.

CONSIDERATION OF ALLOWANCE

The Tribunal has decided to adjust the level of Manager Family Violence List Allowance, having regard to the Tribunal’s Determination for judicial officers, issued in 2018. Accordingly, the Tribunal will issue the accompanying Determination, adjusting the level of the allowance to \$22,770 per annum.

The Tribunal intends to consolidate the accompanying Determination with the Tribunal’s Determination in relation to judicial remuneration¹, at the next annual review of that Determination.

¹ Remuneration Tribunal Determination 2 of 2018 – Remuneration of Members of the Judiciary, Presidential Members of the South Australian Employment Tribunal, the State Coroner, and Commissioners of the Environment, Resources and Development Court.

The Tribunal has decided that the operative date of its Determination will be 1 June 2018.

Dated: 30 August 2018

JOHN LEWIN
President

PETER ALEXANDER
Member

PAMELA MARTIN
Member

DETERMINATION OF THE REMUNERATION TRIBUNAL

NO. 8 OF 2018

*Manager Family Violence List Allowance – Magistrates***DETERMINATION**

1. The level of the Manager Family Violence List Allowance, as previously determined in Remuneration Tribunal Determination 2 of 2017, shall be adjusted to the amount of \$22,770 per annum.
2. The allowance shall be payable to the Magistrate appointed to the position of Manager Family Violence List by the Chief Magistrate with the concurrence of the Attorney-General, to perform special duties, relating to family violence state-wide, for as long as that person continues in that position and performs the duties of the position.
3. Should the magistrate be appointed to that position on a part-time basis, the magistrate shall be entitled to payment of the allowance in accordance with paragraph 1 hereof, calculated on a pro-rata basis, as provided for by section 13(1b) of the *Magistrates Act 1983*.
4. The Remuneration Tribunal intends to consolidate this Determination with the Remuneration Tribunal's Determination¹ in relation to the remuneration of judicial officers, at the next annual review of that Determination.
 - ¹ Determination 2 of 2018 – Remuneration of Members of the Judiciary, Presidential Members of the South Australian Employment Tribunal, the State Coroner, and Commissioners of the Environment, Resources and Development Court
5. This Determination supersedes the previous Determination 2 of 2017.
6. The operative date of this Determination shall be 1 June 2018.

Dated: 30 August 2018

JOHN LEWIN
PresidentPETER ALEXANDER
MemberPAMELA MARTIN
Member

REPORT OF THE REMUNERATION TRIBUNAL

NO. 9 OF 2018

*2018 Review of Salary for Presidential Members of the South Australian Civil and Administrative Tribunal***INTRODUCTION**

1. The *South Australian Civil and Administrative Tribunal Act 2013* ("the SACAT Act") provides that, pursuant to section 10(6) and section 14(6) of the SACAT Act, the Remuneration Tribunal ("the Tribunal") may make a determination that the President and Deputy President(s) appointed under subsection (1)(a) of the SACAT Act, to the South Australian Civil and Administrative Tribunal ("SACAT"), will have an additional component of salary or allowance, as a judge, on account of holding office under the SACAT Act.
2. The relevant statutory provisions are as follows:
 - 10(6) – Without limiting subsection (5), the Remuneration Tribunal may determine that the President's salary or allowance as a judge will have an additional component on account of holding office under this Act (and the jurisdiction to make such a determination is conferred on the Remuneration Tribunal by this Act);
 - 14(6) – Without limiting subsection (5), in the case of an appointment under subsection (1)(a), the Remuneration Tribunal may determine that a Deputy President's salary or allowance as a judge will have an additional component on account of holding office under this Act (and the jurisdiction to make such a determination is conferred on the Remuneration Tribunal by this Act); and
 - 14(10) – Without limiting subsection (9), in the case of an appointment under subsection (1)(b), the Remuneration Tribunal will determine the salary or allowances to be paid to the person on account of holding office under this Act (and the jurisdiction to make such a determination is conferred on the Remuneration Tribunal by this Act).
3. Section 10(1) of the SACAT Act prescribes that the President of SACAT will be a judge of the Supreme Court appointed by the Governor, by proclamation, to be President of SACAT. A Deputy President appointed under section 14(1)(a) of the SACAT Act will be a judge of the District Court.

BACKGROUND

4. The last review of salary for presidential members of the SACAT was conducted by the Tribunal in 2017, resulting in no change to the applicable salary loadings, as previously determined by the Tribunal.
5. In accordance with the provisions of the *Remuneration Act 1990* ("the Act"), the Tribunal invited affected persons to make submissions in relation to the Tribunal's review. The Tribunal invited the Premier, as Minister responsible for the Act, to make submissions in the public interest.

SUBMISSIONS

6. The Tribunal received submissions from the President of SACAT, the Judicial Remuneration Coordinating Committee ("JRCC") and the Crown Solicitor's Office, on behalf of the Premier, in the public interest.
7. The submissions received by the Tribunal are summarised below.
8. President of SACAT, Justice Judy Hughes
 - That the remuneration loading for the role of President of SACAT remain unchanged. The loading set in Determination 2 of 2015 reflects the duties associated with leading the Tribunal.
 - Her Honour Judge Suzanne Cole resigned as Deputy President effective 29 August 2017. There has been no appointment of a Deputy President, however, an Acting Deputy President has been appointed for a short period by the Attorney-General pursuant to section 16(3)(b). That officer's remuneration is governed by section 16(6) of the SACAT Act and does not require a determination of the Remuneration Tribunal.

9. Judicial Remuneration Coordinating Committee

- The JRCC agrees with the submission of Justice Hughes, President of the SACAT, that the previous Determination applicable to the President should continue to apply.
- As Senior Judge Cole has resigned as the Deputy President of SACAT, the previous Determination which applied to Her Honour for so long as she was the sole Deputy President of SACAT should be revoked by the Tribunal.

10. Crown Solicitor's Office, on behalf of the Premier

- It is appropriate and in the public interest that the additional component of salary payable to the President of SACAT, as set out in Determination 2 of 2015, is maintained at the current rate of 10 per cent of the salary of a puisne judge of the Supreme Court.
- The position of Deputy President of SACAT does not currently have an ongoing appointee. Any further consideration of an additional component of salary to a Deputy President or Deputy Presidents should only occur following such appointment/s and the provision of information to the Tribunal concerning the additional duties and responsibilities of that person or persons.
- That the Tribunal give consideration to consolidating any Determination arising from this review with the Tribunal's existing Determination in relation to members of the judiciary.

CONCLUSION

11. The Tribunal has reached a decision that no change should be made to the additional salary percentage loading payable to the President of SACAT, as fixed in Determination 2 of 2015 and restated in Determination 8 of 2016.
12. The Tribunal has decided that the *in personum* Determination of additional salary for Judge Cole as Deputy President of SACAT shall be revoked, having regard to Judge Cole no longer holding that appointment.
13. The Tribunal intends to consolidate the Determination arising from this review with the Tribunal's Determination in relation to the remuneration of judicial officers¹, at the next annual review of that Determination.

¹ Determination 2 of 2018 – Remuneration of Members of the Judiciary, Presidential Members of the South Australian Employment Tribunal, the State Coroner, and Commissioners of the Environment, Resources and Development Court
14. The accompanying Determination will issue accordingly.

Dated: 30 August 2018

JOHN LEWIN
President
PETER ALEXANDER
Member
PAMELA MARTIN
Member

DETERMINATION OF THE REMUNERATION TRIBUNAL

NO. 9 OF 2018

*2018 Review of Salary for Presidential Members of the South Australian Civil and Administrative Tribunal***DETERMINATION**

1. A puisne judge of the Supreme Court appointed as President of the South Australian Civil and Administrative Tribunal shall be entitled to an additional component of salary equivalent to 10 per cent of the salary of a puisne judge of the Supreme Court of South Australia, on account of holding the office of President of the South Australian Civil and Administrative Tribunal ("SACAT").
2. The Remuneration Tribunal's previous *in personum* Determination of additional salary for Her Honour Judge Susanne Cole, as fixed in Determination 2 of 2015 and restated in Determination 8 of 2016, is hereby revoked with effect from the date which Judge Cole's appointment ceased as Deputy President of SACAT.
3. The Tribunal intends to consolidate this Determination with the Remuneration Tribunal Determination in relation to the remuneration of judicial officers¹, at the next annual review of that Determination.

¹ Determination 2 of 2018 – Remuneration of Members of the Judiciary, Presidential Members of the South Australian Employment Tribunal, the State Coroner, and Commissioners of the Environment, Resources and Development Court
4. The operative date of this Determination shall be 30 August 2018.

Dated: 30 August 2018

JOHN LEWIN
President
PETER ALEXANDER
Member
PAMELA MARTIN
Member

RETIREMENT VILLAGES ACT 2016

SECTION 59 (1)

Voluntary Termination of Retirement Village Scheme

TAKE NOTICE that I, STEPHEN WADE, Minister for Health and Wellbeing, pursuant to section 59(1) of the *Retirement Villages Act 2016*, HEREBY TERMINATE the Thomas Hutchinson Retirement Village scheme situated at 6 East Terrace, Gawler East, SA, 5118 and comprising all of the land and improvements in Certificate of Title Register Book Volume 5291 Folio 934. I do so being satisfied for the purposes of section 59(2) of the Act that there are no retirement village residents in occupation. The termination will take effect on the day upon which the retirement village endorsement is cancelled.

Dated: 13 August 2018

STEPHEN WADE
Minister for Health and Wellbeing

SECURITY AND INVESTIGATION INDUSTRY ACT 1995

Exemption

TAKE notice that I, Robert Templeton, Commissioner for Consumer Affairs, as delegate for the Minister for Business Services and Consumers, pursuant to section 33 of the *Security and Investigation Industry Act 1995* hereby exempt Securitas Transport Aviation Security Australia Pty Ltd (ACN 623 529 028), on the condition set out in schedule 1, from compliance with section 8(3a).

SCHEDULE 1

Exemption applies to directors Mr Marc Pissens and Mr Johannes Mulder only while they reside outside of Australia.

Dated: 29 August 2018

ROBERT TEMPLETON
Commissioner for Consumer Affairs
As delegate for the Attorney-General

SUPERANNUATION ACT 1988

SUPER SA

Election of Two Board Members

PURSUANT to Regulation 17 under the Act, I hereby declare Bill Griggs and Alison Kimber elected to fill the two vacancies on the South Australian Superannuation Board. The number of first preferences received for each candidate was as follows:

KIMBER, Alison	3088 votes
YORK, Leah	2164 votes
GILES, Janet	2310 votes
GRIGGS, Bill	4627 votes
BARNES, Jenny	593 votes
KITCHIN, Nev	1755 votes
BEAR, Deanne	1212 votes
SCHEFFLER, Tom	1329 votes

At the conclusion of the distribution of preferences, Bill Griggs was elected with 6906 votes and Alison Kimber was elected with 5236 votes. 4936 votes were deemed to be 'exhausted' as the ballot papers did not contain continuing preferences and were unable to be distributed.

The term of office for the successful candidates commences on 2 October 2018 and expires on 1 October 2021.

Dated: 6 September 2018

MICK SHERRY
Electoral Commissioner

ECSA 220/17

SUPERANNUATION FUNDS MANAGEMENT CORPORATION OF SOUTH AUSTRALIA ACT 1995

FUNDS SA

Election of One Board Member

PURSUANT to Regulation 15 under the Act, I hereby declare Bill Griggs elected to fill the vacancy on the Superannuation Funds Management Corporation of South Australia Board. The number of first preferences received for each candidate was as follows:

CRAWSHAW, Kevin	4707 votes
GRIGGS, Bill	5291 votes
KITCHIN, Nev	2009 votes
SCHEFFLER, Tom	2102 votes
BEAR, Deanne	2404 votes
BARNES, Jenny	1146 votes

At the conclusion of the distribution of preferences, Bill Griggs was elected with 7093 votes. Kevin Crawshaw received 5870 votes and 4696 votes were deemed to be 'exhausted' as the ballot papers did not contain continuing preferences and were unable to be distributed.

The term of office for the successful candidate commences on 2 October 2018 and expires on 1 October 2021.

Dated: 6 September 2018

MICK SHERRY
Electoral Commissioner

ECSA 220/17

South Australia

Young Offenders (Assignment of Powers) Revocation Notice 2018

under section 22 of the *Young Offenders Act 1993*

Part 1—Preliminary

1—Short title

This notice may be cited as the *Young Offenders (Assignment of Powers) Revocation Notice 2018*.

2—Commencement

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

Part 2—Revocation of notice made under the *Young Offenders Act 1993* assigning powers to Minister for Family and Community Services (*Gazette 31.12.1993 p3190*)

3—Revocation of notice

The notice made under section 22 of the *Young Offenders Act 1993* on 31 December 1993 assigning ministerial powers under the *Criminal Law (Sentencing) Act 1988* to the Minister for Family and Community Services (*Gazette 31.12.1993 p3190*) is revoked.

Made by the Governor

with the advice and consent of the Executive Council
on 6 September 2018

AGO0103-18CS

South Australia

Criminal Law Consolidation (Mental Impairment) Amendment Act (Commencement) Proclamation 2018

1—Short title

This proclamation may be cited as the *Criminal Law Consolidation (Mental Impairment) Amendment Act (Commencement) Proclamation 2018*.

2—Commencement

Section 6(3) of the *Criminal Law Consolidation (Mental Impairment) Amendment Act 2017* (No 19 of 2017), but only insofar as it inserts section 269C(3) into the *Criminal Law Consolidation Act 1935*, will come into operation on 6 September 2018.

Made by the Governor

with the advice and consent of the Executive Council
on 6 September 2018

AGO0104-18CS

South Australia

Liquor Licensing (Liquor Review) Amendment Act (Commencement) Proclamation 2018

1—Short title

This proclamation may be cited as the *Liquor Licensing (Liquor Review) Amendment Act (Commencement) Proclamation 2018*.

2—Commencement of suspended provisions

- (1) The following provisions of the *Liquor Licensing (Liquor Review) Amendment Act 2017* (No 49 of 2017) (the **Amendment Act**) will come into operation on 24 September 2018:
 - (a) section 57(3);
 - (b) section 58;
 - (c) section 67;
 - (d) sections 78 and 79;
 - (e) sections 84 to 90 (inclusive);
 - (f) sections 92 to 95 (inclusive);
 - (g) section 96(2);
 - (h) Schedule 2, clause 12.
- (2) Section 91 of the Amendment Act will come into operation on 1 January 2019.

Made by the Governor

with the advice and consent of the Executive Council
on 6 September 2018

AGO0099-18CS

South Australia

Administrative Arrangements (Conferral of Ministerial Powers and Functions) Proclamation 2018

under sections 6 and 11 of the *Administrative Arrangements Act 1994*

1—Short title

This proclamation may be cited as the *Administrative Arrangements (Conferral of Ministerial Powers and Functions) Proclamation 2018*.

2—Commencement

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

3—Conferral of ministerial powers and functions

The ministerial powers and functions under the following provisions of the *Young Offenders Act 1993* are conferred on the Minister for Human Services:

- (a) section 4(1) (but only insofar as it relates to an authorisation by the Minister for the purposes of the definition of *home detention officer*);
- (b) section 4A;
- (c) section 15(1) and (2);
- (d) section 37B(2)(b);
- (e) section 38(2)(c);
- (f) section 40A(3);
- (g) section 41C;
- (h) section 59A(4);
- (i) section 62(1).

Schedule 1—Revocation of proclamation**1—Revocation of proclamation**

The *Administrative Arrangements (Conferral of Ministerial Powers and Functions) Proclamation 2015 (Gazette 12.03.2015 p1149)* is revoked.

Made by the Governor

with the advice and consent of the Executive Council
on 6 September 2018

AGO0103-18CS

South Australia

Environment Protection (Mount Lofty Ranges Water Protection Area) Proclamation 2018

under section 61A of the *Environment Protection Act 1993*

1—Short title

This proclamation may be cited as the *Environment Protection (Mount Lofty Ranges Water Protection Area) Proclamation 2018*.

2—Commencement

This proclamation will come into operation on 4 October 2018.

3—Declaration of part of the State to be water protection area

The following part of the State is declared to be a water protection area:

The *Mount Lofty Ranges Water Protection Area* delineated in the plan deposited in the General Registry Office No 19/2018.

Made by the Governor

on the recommendation of the Authority and with the advice and consent of the Executive Council on 6 September 2018

18EWEPACS0006

South Australia

Environment Protection (Water Protection Area) Variation Proclamation 2018

under section 61A of the *Environment Protection Act 1993*

Preamble

- 1 By proclamation made under section 42 of the *Water Resources Act 1990* on 15 November 1990 (*Gazette 15.11.1990 p1491*), the Mount Lofty Ranges Water Protection Area was declared.
- 2 The *Water Resources Act 1990* was repealed by the *Water Resources Act 1997*.
- 3 Section 20 of the *Statutes Amendment (Water Resources) Act 1997* provides that a proclamation declaring a part of the State to be a water protection area under Part 5 of the *Water Resources Act 1990* that was in force immediately before the repeal of that Part is taken to have been made under section 61A of the *Environment Protection Act 1993*.

- 4 It is now intended that the proclamation be varied so that the reference to the Mount Lofty Ranges Water Protection Area be deleted and that the Mount Lofty Ranges Water Protection Area be declared a water protection area by another proclamation made on this day under section 61A of the *Environment Protection Act 1993*.
-

Part 1—Preliminary

1—Short title

This proclamation may be cited as the *Environment Protection (Water Protection Area) Variation Proclamation 2018*.

2—Commencement

This proclamation will come into operation on 4 October 2018.

3—Variation provisions

In this proclamation, a provision under a heading referring to the variation of a specified proclamation varies the proclamation so specified.

Part 2—Variation of proclamation made under the *Water Resources Act 1990* declaring Mount Lofty Ranges Water Protection Area (*Gazette 15.11.1990 p1491*) and taken to have been made under section 61A of the *Environment Protection Act 1993*

4—Variation of proclamation

- (1) Item relating to declaration of Mount Lofty Ranges Water Protection Area—delete the item
- (2) Schedule, map 8—delete the map

Made by the Governor

on the recommendation of the Authority and with the advice and consent of the Executive Council
on 6 September 2018

18EWEPACS0006

South Australia

Liquor Licensing (General) (Minors and Other Matters) Variation Regulations 2018

under the *Liquor Licensing Act 1997*

Contents

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 - 6 Insertion of regulation 18A
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 - 9 Insertion of regulation 22
 - 22 Transitional provision in connection with *Liquor Licensing (Liquor Review) Amendment Act 2017*—approved crowd controllers
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Liquor Licensing (General) (Minors and Other Matters) Variation Regulations 2018*.

2—Commencement

These regulations will come into operation on the day on which section 78 of the *Liquor Licensing (Liquor Review) Amendment Act 2017* 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 *Liquor Licensing (General) Regulations 2012*

4—Insertion of regulation 15A

After regulation 15 insert:

15A—Sale of liquor through direct sales transaction

- (1) For the purposes of section 107A(4)(a) of the Act, a person who takes delivery of liquor purchased through a direct sales transaction must produce evidence of the person's identity and age that complies with the following requirements:
 - (a) in a case where a person would reasonably assume that the person who is taking delivery is clearly over the age of 18—the person taking delivery must sign a declaration that states their name and that they are of or above 18 years of age;
 - (b) in any other case—the person taking delivery must produce a document of a kind referred to in paragraphs (a) to (d) of regulation 18 as evidence of the person's identity and age.
- (2) For the purposes of section 107A(4)(b) of the Act, the record of evidence of identity and age required to be made by a person who delivers liquor purchased through a direct sales transaction—
 - (a) must be in writing and include—
 - (i) the type of evidence of identity and age produced; and
 - (ii) the name and date of birth stated in the evidence produced; and
 - (iii) the address of the premises to which the liquor was delivered; and
 - (b) if the evidence of identity and age produced is of a kind referred to in regulation 15A(1)(a)—must include the signed declaration of the person taking delivery of liquor; and
 - (c) must be retained by the person for at least 1 year following the delivery.

5—Variation of regulation 18—Evidence of age

Regulation 18(b) and (d)—delete "card" wherever occurring and substitute in each case:
document

6—Insertion of regulation 18A

After regulation 18 insert:

18A—Seizure of evidence of age document

- (1) For the purposes of section 115A(2)(b) of the Act, an article or material used to display an image of an identification document through a device is prescribed.

- (2) For the purposes of section 115A(3)(a) of the Act, a receipt for a document seized under section 115A(1) must include—
 - (a) the type of evidence of age document seized, including any identification number on the document; and
 - (b) the name, date of birth and address that appears on the document; and
 - (c) the ground on which the document was seized (being a ground set out in section 115A(1) of the Act); and
 - (d) the date of the seizure; and
 - (e) in the case of a seizure on or in the vicinity of regulated premises—the name and address of the premises; and
 - (f) the name of the prescribed person; and
 - (g) in the case of a document seized by a prescribed person to whom section 115A(4) of the Act applies—the address of the police station at which the relevant licensee will produce the document to a police officer.
- (3) For the purposes of section 115A(3)(b) and (5)(c) of the Act, the prescribed person must—
 - (a) make a record of the seizure, which must include a copy of the receipt provided in accordance with section 115A(3)(a) of the Act or the details appearing on that receipt; and
 - (b) ensure that the record—
 - (i) is kept on the licensed premises (in the case of a document seized by a prescribed person to whom section 115A(4) of the Act applies); and
 - (ii) is readily available for inspection or copying by an authorised officer (within the meaning of section 122 of the Act); and
 - (iii) is retained for at least 1 year following the seizure; and
 - (c) ensure that the following are given to the police officer to whom the relevant document seized under section 115A of the Act is produced:
 - (i) a copy of the receipt provided in accordance with section 115A(3)(a) of the Act, which must accompany the document seized;
 - (ii) a statement (whether appearing on the copy of the receipt or otherwise) verifying that a copy of the receipt has been produced to a police officer and specifying the date on which the document was produced to the police officer.
- (4) A police officer who seizes a document under section 115A of the Act must comply with the requirements of the Commissioner of Police relating to the seizure of evidence of age documents (and subregulations (2) and (3) do not apply to police officers).

- (5) For the purposes of section 115A(5)(b) of the Act, the following provisions apply to a document seized under that section:
- (a) if, within 14 days after the document was produced to a police officer at a police station in accordance with section 115A(4) of the Act, a person attends at the police station and satisfies a police officer that the document is the person's authentic property, the police officer must return the document to that person;
 - (b) in any other case—a police officer may destroy or otherwise dispose of the document.

7—Insertion of Part 6A

After Part 6 insert:

Part 6A—Disciplinary action

18B—Definition of *prescribed licensee*—section 119B

For the purposes of paragraph (a) of the definition of *prescribed licensee* in section 119B(8) of the Act, each of the following is a prescribed offence:

- (a) an offence involving the unlawful sale or supply of liquor to a minor;
- (b) an offence involving the unlawful sale or supply of liquor to an intoxicated person.

8—Variation of regulation 20—Procedures relating to prevention of persons from entering or removal of persons from licensed premises

Regulation 20(d)(iii)(A), ninth dot point—delete "and, if so, the name or badge number of the police officer"

9—Insertion of regulation 22

After regulation 21 insert:

22—Transitional provision in connection with *Liquor Licensing (Liquor Review) Amendment Act 2017*—approved crowd controllers

Until the commencement of section 55 of the *Liquor Licensing (Liquor Review) Amendment Act 2017*, a reference in the Act to a person who holds a security agents licence that authorises the person to perform the function of controlling crowds on licensed premises under the *Security and Investigation Industry Act 1995* will be taken to be a reference to an approved crowd controller.

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 6 September 2018

No 209 of 2018

AGO0099-18CS

South Australia

Security and Investigation Industry (Liquor Review) Variation Regulations 2018

under the *Security and Investigation Industry Act 1995*

Contents

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-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Security and Investigation Industry (Liquor Review) Variation Regulations 2018*.

2—Commencement

These regulations will come into operation on the day on which section 78 of the *Liquor Licensing (Liquor Review) Amendment Act 2017* 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 *Security and Investigation Industry Regulations 2011*

4—Variation of regulation 5—Other exemptions

Regulation 5(3)—delete subregulation (3) and substitute:

- (3) The following persons are exempt from the requirement to hold a licence authorising the performance of the function of controlling crowds:
 - (a) a person who is not employed or engaged to deal with persons who behave in a disorderly manner or create a nuisance, unless the person is employed or engaged to control crowds on licensed premises;
 - (b) a licensee or a responsible person for licensed premises, whether or not the licensee or responsible person (as the case requires) performs the function of controlling crowds on licensed premises.

(4) In subregulation (3)—

licensed premises, licensee and *responsible person* have the same respective meanings as they do in the *Liquor Licensing Act 1997*.

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 6 September 2018

No 210 of 2018

AGO0099-18CS

CITY OF BURNSIDE
BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999
Permits and Penalties By-law 2018
By-law No 1 of 2018

To provide for a permit system, set penalties for breaches of by-laws, provide for certain matters pertaining to liability and evidence, set regulatory requirements, clarify the construction of Council's by-laws and for related purposes.

Part 1 – Preliminary

1. **Short Title**

This by-law may be cited as the *Permits and Penalties By-law 2018*.

2. **Commencement**

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. **Definitions**

3.1 In any by-law of the Council, unless the contrary intention is clearly indicated:

- 3.1.1 **authorised person** means a person appointed as an authorised person pursuant to Section 260 of the *Local Government Act 1999*;
- 3.1.2 **Council** means the City of Burnside;
- 3.1.3 **drive** a vehicle means to be in control of the steering, movement or propulsion of the vehicle;
- 3.1.4 **driver** of a vehicle means the person driving the vehicle;
- 3.1.5 **motor vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 3.1.6 **person** includes a natural person, a body corporate or incorporated association;
- 3.1.7 **road** has the same meaning as in the *Local Government Act 1999*;
- 3.1.8 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and the *Australian Road Rules*.

3.2 In this by-law:

- 3.2.1 **owner** has the same meaning as in the *Road Traffic Act 1961*;
- 3.2.2 **prescribed offence** means an offence against a by-law of the Council relating to the driving, parking or standing of vehicles.

4. **Construction**

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

Part 2 – Permits

5. **Council May Grant Permits**

If any by-law of the Council states that a person needs a 'permit' or 'permission' to do a specified thing, then the following provisions apply:

- 5.1 The permit must be in writing.
- 5.2 The Council may:
 - 5.2.1 attach conditions to the permit;
 - 5.2.2 change or revoke a condition, by notice in writing; or
 - 5.2.3 add new conditions, by notice in writing.
- 5.3 A person who holds a permit must comply with every condition attached to it. Failure to do so constitutes a breach of this by-law.
- 5.4 The Council may revoke a permit, by notice in writing, if:
 - 5.4.1 the holder of the permit fails to comply with a condition attached to it; or
 - 5.4.2 the permit is of a continuing nature, and the Council has reasonable grounds for revoking it.
- 5.5 The Council may, by resolution, fix, vary or revoke fees or charges for the granting of a permit to do a specified thing.

Part 3 – Enforcement

6. **Penalties**

- 6.1 A person who contravenes, or fails to comply with any by-law of the Council is guilty of an offence and is liable to a maximum penalty, being the maximum penalty referred to in the *Local Government Act 1999*, which may be fixed for offences against a by-law.
- 6.2 A person who is convicted of an offence against any by-law of the Council in respect of a continuing act or omission is liable, in addition to the penalty otherwise applicable, to a further penalty, being the maximum penalty referred to in the *Local Government Act 1999* which may be fixed for offences of a continuing nature against a by-law.

7. **Liability of Vehicles Owners and Expiation of Certain Offences**

- 7.1 Without derogating from the liability of any other person, but subject to this paragraph, if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of an offence and liable to the same penalty as is prescribed for the principal offence and the expiation fee that is fixed for the principal offence applies in relation to an offence against this paragraph.
- 7.2 The owner and driver of a vehicle are not both liable through the operation of this paragraph to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the driver and conversely conviction of the driver exonerates the owner.

- 7.3 An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged prescribed offence involving the vehicle must be accompanied by a notice inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:
- 7.3.1 setting out the name and address of the driver; or
 - 7.3.2 if they had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer - setting out details of the transfer (including the name and address of the transferee).
- 7.4 Before proceedings are commenced against the owner of a vehicle for an offence against this section involving the vehicle, the complainant must send the owner a notice:
- 7.4.1 setting out particulars of the alleged prescribed offence; and
 - 7.4.2 inviting the owner, if he or she was not the driver at the time of the alleged prescribed offence, to provide the complainant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subparagraph 7.3.
- 7.5 Subparagraph 7.4 does not apply to:
- 7.5.1 proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
 - 7.5.2 proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this section as the driver of the vehicle.
- 7.6 Subject to subparagraph 7.7, in proceedings against the owner of a vehicle for an offence against this paragraph, it is a defence to prove:
- 7.6.1 that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or
 - 7.6.2 that the owner provided the complainant with a statutory declaration in accordance with an invitation under this paragraph.
- 7.7 The defence in paragraph 7.6.2 does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.
- 7.8 If:
- 7.8.1 an expiation notice is given to a person named as the alleged driver in a statutory declaration under this paragraph; or
 - 7.8.2 proceedings are commenced against a person named as the alleged driver in such a statutory declaration, the notice or information, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.
- 7.9 The particulars of the statutory declaration provided to the person named as the alleged driver must not include the address of the person who provided the statutory declaration.

8. Evidence

In proceedings for a prescribed offence, an allegation in an information that:

- 8.1 a specified place was a road or local government land; or
- 8.2 a specified vehicle was driven, parked or left standing in a specified place; or
- 8.3 a specified vehicle was parked or left standing for the purposes of soliciting business from a person or offering or exposing goods for sale; or
- 8.4 a specified place was not formed or otherwise set aside by the Council for the purposes of the driving, parking or standing of vehicles; or
- 8.5 a specified person was an authorised person; or
- 8.6 a specified provision was a condition of a specified permit granted under paragraph 5 of this by-law; or
- 8.7 a specified person was the owner or driver of a specified vehicle; or
- 8.8 a person named in a statutory declaration under paragraph 7 of this by-law for the prescribed offence to which the declaration relates was the driver of the vehicle at the time at which the alleged offence was committed; or
- 8.9 an owner or driver of a vehicle for a prescribed offence was given notice under paragraph 7 of this by-law on a specified day,

is proof of the matters so alleged in the absence of proof to the contrary.

Part 4 – Miscellaneous

9. Revocation

Council's *By-law No. 1 – Permits and Penalties*, published in the *Gazette* on 4 August 2011, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the City of Burnside held on 28 August 2018 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

MR PAUL DEB
Chief Executive Officer

CITY OF BURNSIDE
BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999
Moveable Signs By-law 2018
By-law No 2 of 2018

To set standards for moveable signs on roads and to provide conditions for the appearance and placement of such signs.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Moveable Signs By-law 2018*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the Act.

3. Definitions

In this by-law:

3.1 **business** means the business to which a moveable sign relates;

3.2 **business premises** means the premises from which a business, trade or calling is conducted;

3.3 **footpath area** means:

3.3.1 that part of the road between the property boundary of the road and the edge of the carriageway on the same side as that boundary; or

3.3.2 a footway, laneway or other place made or constructed for the use of pedestrians and not for the use of vehicles;

3.4 **moveable sign** has the same meaning as in the *Local Government Act 1999*.

Part 2 – Provisions Applicable to Moveable Signs

4. Construction

A moveable sign must:

4.1 be of a kind known as an 'A' frame or sandwich board sign, an 'inverted 'T'' sign or a flat sign, or, with the permission of the Council, a sign of some other kind;

4.2 be designed, constructed and maintained in good condition so as not to present a hazard to any member of the public;

4.3 be of strong construction so as to be stable when in position and to be able to keep its position in adverse weather conditions;

4.4 not contain any sharp or jagged edges or corners;

4.5 not be unsightly or offensive in appearance or content;

4.6 not rotate or contain moving parts;

4.7 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;

4.8 not contain flashing lights or be illuminated internally;

4.9 not be more than 1 metre high, 600mm wide and 600mm deep;

4.10 not have a display area exceeding 700mm square in total or, if the sign is two sided, 700mm square on each side;

4.11 be stable when in position;

4.12 in the case of an 'A' frame or sandwich board sign:

4.12.1 be hinged or joined at the top;

4.12.2 be of such construction that its sides shall be securely fixed or locked in position when erected; and

4.13 in the case of an 'inverted 'T'' sign, contain no struts or supports that run between the display area and the base of the sign.

5. Appearance

A moveable sign must, in the opinion of an authorised person:

5.1 be painted or otherwise detailed in a competent and professional manner;

5.2 be aesthetically appealing, legible and simply worded to convey a precise message;

5.3 be of such design and contain such colours as are compatible with the architectural design of the premises adjacent to the sign, and which relate well to the townscape and overall amenity of the locality in which it is situated and not detract from or conflict with traffic, safety or direction signs or signals; and

5.4 contain combinations of colour and typographical styles which blend in with and reinforce the heritage qualities of the locality and the buildings where it is situated.

6. Placement

A moveable sign must:

6.1 only be placed on the footpath area of a road;

6.2 where there is no kerb to define the footpath area, be set back from the edge of the carriageway by no less than 400mm;

6.3 in the case of a flat sign, the message of which only contains newspaper headlines and the name of a newspaper, be in line with and against the business to which it relates;

6.4 be no less than 2 metres from any structure, fixed object, tree, bush or plant (including another moveable sign);

6.5 be placed directly in front of the business premises to which it relates;

- 6.6 not be placed on a sealed part of any footpath area unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare of at least 1.8 metres;
- 6.7 not be placed within 10 metres of the corner of a road;
- 6.8 be adjacent to the premises of the business to which it relates;
- 6.9 not be placed on a landscaped area;
- 6.10 not be placed on a designated parking area or within 1 metre of an entrance to or exit from premises; and
- 6.11 not unreasonably restrict the use of the footpath area.

7. **Restrictions**

A moveable sign must:

- 7.1 only display material which advertises a business being conducted on commercial premises adjacent to the sign or the products available from that business;
- 7.2 be limited in number to one moveable sign per business premises;
- 7.3 only be displayed when the business to which it relates is open to the public;
- 7.4 be securely fixed in position such that it cannot be blown over or swept away;
- 7.5 not be placed in such a position or in such circumstances that the safety of any user of the road is at risk;
- 7.6 not be displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible; and
- 7.7 not to be displayed on a median strip, traffic island or on a carriageway of a street or road.

Part 3 – Enforcement

8. **Removal of Non-complying Moveable Signs**

- 8.1 If:
 - 8.1.1 the design or construction of a moveable sign that has been placed on a road does not comply with a requirement of this by-law; or
 - 8.1.2 the positioning of a moveable sign does not comply with a requirement of this by-law; or
 - 8.1.3 any other relevant requirement of this by-law is not complied with; or
 - 8.1.4 the moveable sign unreasonably:
 - 8.1.4.1 restricts the use of the road; or
 - 8.1.4.2 endangers the safety of members of the public,
 an authorised person may order the owner of the sign to remove the sign from the road.
- 8.2 A person must comply with an order of an authorised person made pursuant to subparagraph 8.1 of this by-law.
- 8.3 If the authorised person cannot find the owner, or the owner fails to comply immediately with the order of an authorised person, the authorised person may remove and dispose of the moveable sign.
- 8.4 The owner or other person entitled to recover a moveable sign removed pursuant to subparagraph 8.3 of this by-law must pay to the Council any reasonable costs incurred by the Council in removing, storing and attempting to dispose of the moveable sign before being entitled to recover the moveable sign.

9. **Removal of Complying Moveable Signs**

- 9.1 The owner of, or other person responsible for, a moveable sign must remove or relocate the moveable sign at the request of an authorised person if, in the reasonable opinion of that authorised person, and notwithstanding compliance with this by-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign.
- 9.2 The owner of, or other person responsible for, a moveable sign must remove or relocate the moveable sign at the request of an authorised person for the purpose of special events, parades, road works or in any other circumstances which, in the reasonable opinion of the authorised person, requires relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

Part 4 – Miscellaneous

10. **Specified Exemptions**

- 10.1 This by-law does not apply to a moveable sign which:
 - 10.1.1 is a moveable sign that is placed on a public road pursuant to an authorisation under the *Local Government Act 1999* or another Act;
 - 10.1.2 directs people to the open inspection of any land or building that is available for purchase or lease;
 - 10.1.3 directs people to a garage sale that is being held on residential premises;
 - 10.1.4 directs people to a charitable function;
 - 10.1.5 is related to a State or Commonwealth election and is displayed during the period commencing at 5.00pm on the day before the day of the issue of writ or writs for the election and ending at the close of polls on polling day;
 - 10.1.6 is related to an election held under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* and is displayed during the period commencing four weeks immediately before the date that has been set for polling day and ending at the close of voting on polling day;
 - 10.1.7 is related to a referendum and is displayed during the course and for the purpose of that referendum;
 - 10.1.8 is displayed with permission of the Council and in accordance with any conditions attached to that permission; or
 - 10.1.9 is a sign of a class prescribed in regulations.

- 10.2 Clauses 7.1, 7.2 and 7.3 of this by-law do not apply to a flat sign containing only the banner or headlines of a newspaper or magazine.
11. **Prohibition**
- 11.1 The Council may, by resolution, prohibit the display of moveable signs on a road or part of road subject to this clause.
- 11.2 A resolution made by the Council under sub-clause 11.1 may prohibit the display of moveable signs absolutely, or at particular times or on particular days.
- 11.3 The Council may only make a resolution under sub-clause 11.1 if, in the opinion of the Council, the display of movable signs on the road would endanger the safety of road users or otherwise be unsuitable.
- 11.4 Notwithstanding any other clause of this by-law, a person must not display a moveable sign on a road or part of a road contrary to a prohibition made by the Council under this clause.
12. **Revocation**
- Council's *By-law No 2 – Moveable Signs*, published in the *Gazette* on 4 August 2011, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the City of Burnside held on 28 August 2018 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

MR PAUL DEB
Chief Executive Officer

CITY OF BURNSIDE
BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999
Local Government Land By-law 2018
By-law No 3 of 2018

For the management and regulation of the use of and access to all land vested in or under the control of Council, including the prohibition and regulation of particular activities on local government land.

Part 1 – Preliminary

1. **Short Title**
- This by-law may be cited as the *Local Government Land By-law 2018*.
2. **Commencement**
- This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the Act.
3. **Interpretation**
- In this by-law:
- 3.1 **animal** includes birds, insects and fish;
- 3.2 **boat** includes a raft, canoe, personal watercraft or any other similar device;
- 3.3 **electoral matter** has the same meaning as in the *Electoral Act 1985*;
- 3.4 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 3.5 **local government land** has the same meaning as in the *Local Government Act 1999*, but does not include any road;
- 3.6 **open container** means a container which:
- 3.6.1 after the contents thereof have been sealed at the time of manufacture and:
- 3.6.1.1 being a bottle, has had its cap, cork or top removed (whether or not it has since been replaced);
- 3.6.1.2 being a can, has been opened or punctured;
- 3.6.1.3 being a cask, has had its tap placed in a position to allow it to be used;
- 3.6.1.4 being any other form of container, has been opened, broken, punctured or manipulated in such a way as to allow access to the contents thereof; or
- 3.6.2 is a flask, glass, mug or other container used for drinking purposes;
- 3.7 **park** has the same meaning as in the *Local Government Act 1999*;
- 3.8 **public place** has the same meaning as in the *Local Government Act 1999*;
- 3.9 **reserve** has the same meaning as in the *Local Government Act 1999*; and
- 3.10 **waters** means any body of water, including a pond, lake, river, creek or wetland, under the care, control and management of the Council.

Part 2 – Management of Local Government Land

4. **Activities Requiring Permission**
- A person must not on any local government land, without the permission of the Council:
- 4.1 **Advertising**
- display any sign for the purpose of commercial advertising other than a moveable sign which is displayed in accordance with the *Moveable Signs By-law 2018*;
- 4.2 **Amplification**
- use an amplifier or other device, whether mechanical or electrical, for the purpose of amplifying sound to the public;

- 4.3 **Animals**
- 4.3.1 cause or allow any animal to stray onto, move over, graze or be left unattended;
- 4.3.2 cause or allow any animal to enter, swim, bathe or remain in any waters located on local government land to which the Council has resolved this subparagraph shall apply;
- 4.3.3 lead or drive a horse, cattle or sheep, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind;
- 4.4 **Annoyance**
- do anything likely to offend or unreasonably interfere with any other person:
- 4.4.1 using that land; or
- 4.4.2 occupying nearby premises,
by making a noise or creating a disturbance;
- 4.5 **Aquatic Life**
- introduce any aquatic life to any waters;
- 4.6 **Athletic and Ball Sports**
- 4.6.1 promote, organise or take part in any organised athletic sport;
- 4.6.2 play any organised competition sport, as distinct from organised social play;
- 4.6.3 play or practise the game of golf;
- 4.7 **Attachments to Trees**
- attach, hang or fix any rug, blanket, sheet, rope or other material to any tree, shrub, plant, tree guard, notice board, seat fence, post or other item or structure;
- 4.8 **Camping and Tents**
- 4.8.1 camp or stay overnight; or
- 4.8.2 erect any tent, booth, marquee or other structure for the purpose of habitation for a period of 24 hours or more;
- 4.9 **Canvassing and Preaching**
- preach, canvass, harangue or otherwise solicit for religious purposes except on any land or part thereof where the Council has, by resolution, determined this restriction shall not apply;
- 4.10 **Cemeteries**
- comprising a cemetery:
- 4.10.1 bury or inter any human or animal remains;
- 4.10.2 erect any memorial;
- 4.11 **Closed Lands**
- enter or remain on any part of local government land:
- 4.11.1 at any time during which the Council has declared that part to be closed to the public and which closure is indicated by a sign on or adjacent to that land to that effect;
- 4.11.2 where land is enclosed with fences and/or walls and gates, at any time when the gates have been closed and locked; or
- 4.11.3 where admission charges are payable to enter without paying those charges;
- 4.12 **Dispose of Dead Animals**
- dispose of any dead animals or part thereof in any Council rubbish bin;
- 4.13 **Defacing Property**
- deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or other property of the Council;
- 4.14 **Distributing**
- distribute any handbill, book, notice, leaflet, or other printed matter to any bystander, passer-by or other person;
- 4.15 **Donations**
- ask for, receive or indicate that he or she desires, a donation of money or any other thing;
- 4.16 **Encroachment**
- erect or place any fencing, posts or other structures or any other items or substances so as to encroach onto the land;
- 4.17 **Entertaining**
- 4.17.1 sing, busk or play a recording or musical instrument for the purpose of, or so as to appear to be for the purpose of, entertaining others whether or not receiving money;
- 4.17.2 conduct or hold any concert, festival, show, public gathering, circus, meeting, performance or other similar activity;
- 4.18 **Filming**
- conduct or participate in any filming where the filming is for a commercial purpose;
- 4.19 **Fires**
- light any fire except:
- 4.19.1 in a place provided by the Council for that purpose; or

- 4.19.2 in a portable barbecue, as long as the barbecue is used in an area that is clear of flammable material for a distance of at least four metres; and
- 4.19.3 in accordance with the *Fire and Emergency Services Act 2005*;
- 4.20 **Fireworks**
ignite, explode or use any fireworks or rockets;
- 4.21 **Flora and Fauna**
subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
- 4.21.1 damage, pick, disturb, interfere with or remove any plant or flower;
- 4.21.2 lead or drive any animal, or stand or walk, on any flower bed or garden plot;
- 4.21.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 4.21.4 take, interfere with, tease, harm or disturb any animal, bird or marine creature or the eggs or young of any animal, bird or marine creature;
- 4.21.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 4.21.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 4.21.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or marine creature;
- 4.21.8 burn any timber or dead wood;
- 4.22 **Games**
- 4.22.1 promote, organise or participate in any game, recreation or amusement which involves the use of a ball, missile or other object which by the use thereof may cause or be likely to cause injury or discomfort to any person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land;
- 4.22.2 fly any model aircraft, drone or operate any power model boat;
- 4.22.3 participate in any game, recreation or amusement which is likely to cause damage to lawns, gardens, trees or other property; or
- 4.22.4 participate in any game, recreation or event where the Council has caused a notice to be erected indicating the playing of such a game, recreation or event is prohibited
- and, where taking part in any of the activities referred to in subparagraphs 4.22.1, 4.22.2, 4.22.3 or 4.22.4, all persons must cease those activities in favour of other persons making use of the land unless in a designated sporting area identified by goal posts, cricket pitches or similar equipment or improvements;
- 4.23 **Liquor**
excepting sealed containers, consume, carry or be in possession or charge of any liquor in an open container between the hours of 9.00pm on any day and 9.00am on the day immediately following (provided the land constitutes a park or reserve) except on premises in respect of which a licence is in force pursuant to the *Liquor Licensing Act 1997*;
- 4.24 **Overhanging Articles**
suspend or hang any article or thing from any building, verandah, pergola, post or other structure where it might present a nuisance or danger to any person using local government land;
- 4.25 **Picking Fruit**
pick fruit, nuts or berries from any trees or bushes;
- 4.26 **Removing Soil**
carry away or remove any soil, sand, clay, timber, stones, pebbles, gravel, other organic or inorganic materials or any part of the land;
- 4.27 **Repairs to Vehicles**
perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except running repairs in the case of breakdown;
- 4.28 **Rubbish Dumps and Rubbish Bins**
- 4.28.1 interfere with, remove or take away any rubbish that has been discarded at any rubbish dump;
- 4.28.2 remove, dispense or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a Council rubbish bin;
- 4.29 **Smoking**
- 4.29.1 smoke tobacco or any other substance in any building;
- 4.29.2 smoke tobacco or any other substance on any local government land or part thereof to which the Council has resolved this subparagraph shall apply;
- 4.30 **Structures**
erect or allow to remain erected any shed, tent, hut or other structure provided that this sub-paragraph does not apply to the erection of any portable shading cover placed on the land for no longer than any eight hour period and not overnight, provided no pegs are used to stabilise such cover;
- 4.31 **Swimming and Aquatic Activity**
enter, swim or engage in any aquatic activity in or on any waters except:
- 4.31.1 waters that the Council has set aside for that purpose; or
- 4.31.2 in an area where a nearby sign states that such activity is allowed and in accordance with any conditions stated in the sign;

- 4.32 **Toilets**
in any public convenience:
- 4.32.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
 - 4.32.2 smoke tobacco or any other substance;
 - 4.32.3 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
 - 4.32.4 use it for a purpose for which it was not designed or constructed;
 - 4.32.5 enter any toilet set aside for use of the opposite gender except:
 - 4.32.5.1 a child under the age of seven accompanying an adult of that gender; and/or
 - 4.32.5.2 for the purpose of providing assistance to a disabled person;
- 4.33 **Trading**
- 4.33.1 carry on the business of buying, selling, offering or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing including, but not limited to, any vehicle, watercraft or aircraft;
 - 4.33.2 set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing including, but not limited to, any vehicle, watercraft or aircraft;
- 4.34 **Vehicles**
drive or propel any vehicle on local government land unless on an area or road that is constructed or set aside by the Council for that purpose;
- 4.35 **Weddings, Funerals or Special Events**
hold, conduct or participate in a marriage ceremony, game, picnic, other event or entertainment on any local government land except where the number of persons attending the event or entertainment does not exceed sixty.
5. **Prohibited Activities**
A person must not on any local government land:
- 5.1 **Glass**
wilfully break any glass, china or other brittle material;
 - 5.2 **Interference with Land**
 - 5.2.1 interfere with the land such as levelling or flattening land, planting grass, lawn or other vegetation, paving the land, or otherwise use the land in a manner contrary to the purpose for which the land was designed to be used; or
 - 5.2.2 destroy, damage or deface, or cause or permit to be destroyed, damaged or defaced any local government land or any article, structure, building or thing fixed thereto;
 - 5.3 **Interference with Permitted Use**
interrupt, disrupt or interfere with any person's use of parks or reserves for which permission has been granted;
 - 5.4 **Missiles**
throw, roll or discharge any stone, substance or missile to the danger of any person or animal;
 - 5.5 **Obstruction**
obstruct:
 - 5.5.1 any footpath or bicycle track;
 - 5.5.2 any door, entrance, stairway or aisle in any building; or
 - 5.5.3 any gate or entrance;
 - 5.6 **Solicitation**
tout or solicit customers for the parking of vehicles or for any other purpose;
 - 5.7 **Use of Equipment**
use any item of equipment and/or facilities or other Council property:
 - 5.7.1 other than in the manner and for the purpose for which it was designed or set aside; and
 - 5.7.2 where any nearby sign states the conditions of use, except in accordance with such conditions;
 - 5.8 **Waste**
deposit any domestic or commercial waste or other rubbish emanating from domestic or commercial premises in any Council rubbish bin.
6. **Removal of Encroachment or Interference**
Any person who encroaches onto or interferes with local government land contrary to this by-law must, at the request of an authorised person, whether verbal or written, cease the encroachment or interference and remove the source of the encroachment or interference and reinstate the land to the same standard as the state of the land prior to the encroachment or interference.
7. **Council May Do Work**
If a person fails to remove an encroachment or interference on local government land in accordance with a request of an authorised person pursuant to paragraph 6 of this by-law, the Council may:
- 7.1 undertake the work itself; and
 - 7.2 recover the cost of doing so from that person.

Part 3 - Miscellaneous**8. Directions**

Any person on local government land must comply with any reasonable direction or request from an authorised person relating to:

- 8.1 that person's use of the land;
- 8.2 that person's conduct and behaviour on the land;
- 8.3 that person's safety on the land;
- 8.4 the safety of other persons on the land;
- 8.5 the enjoyment of the land by other persons; and
- 8.6 the possible damage to lawn, grass, trees, shrubs, buildings, structures or objects on the land.

9. Removal of Animals and Directions To Persons

9.1 If any animal, person or object is found on any local government land in breach of a by-law:

- 9.1.1 any person in charge of the animal, person or object shall remove it from the local government land on the request of an authorised person; and
- 9.1.2 an authorised person may remove the animal or object from the land if a person fails to comply with the request, or if no person is in charge of it.

9.2 Any person who is committing or has committed a breach of this by-law must immediately comply with a direction of an authorised person to leave the local government land.

10. Exemptions

10.1 The restrictions in this by-law do not apply to any Police Officer, Council Officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or to an emergency worker performing emergency duties.

10.2 The restriction in paragraph 4.18 does not apply to any filming conducted for the purposes of gathering or reporting the news;

10.3 The restrictions in paragraphs 4.2, 4.7, 4.9, 4.14 and 5.6 of this by-law do not apply to:

- 10.3.1 electoral matters authorised by a candidate and which relate to a Commonwealth or State election that occurs during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- 10.3.2 electoral matters authorised by a candidate and which relate to an election under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 10.3.3 matters which relate to, and occur during the course of and for the purpose of a referendum.

11. Application

Any of paragraphs 4.3.2 and 4.29.2 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

12. Revocation

Council's *By-law No 3 – Local Government Land*, published in the *Gazette* on 4 August 2011, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the City of Burnside held on 28 August 2018 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

MR PAUL DEB
Chief Executive Officer

CITY OF BURNSIDE

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*Roads By-law 2018**By-law No 4 of 2018*

For the management, control and regulation of activities on roads in the Council's area.

Part 1 – Preliminary**1. Short Title**

This by-law may be cited as the *Roads By-law 2018*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the Act.

3. Interpretation

In this by-law:

- 3.1 *animal* includes birds and poultry but does not include a dog;
- 3.2 *electoral matter* has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 3.3 *emergency worker* has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*; and
- 3.4 *moveable sign* has the same meaning as in the *Local Government Act 1999*.

Part 2 – Management of Roads**4. Activities Requiring Permission**

A person must not on any road, without the permission of the Council:

4.1 Advertising

4.1.1 display any sign for the purpose of commercial advertising, other than a moveable sign which is displayed on a public road in accordance with the Council's *Moveable Signs By-law 2018*;

4.1.2 place or maintain any goods or sign on the road or park or stand a vehicle on the road for the purpose of:

4.1.2.1 soliciting any business from any person; or

4.1.2.2 offering or exposing goods or services for sale.

provided that this subparagraph 4.1.2 shall not apply to a person who is simply travelling along a road;

4.2 Amplification

use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound to the public;

4.3 Animals

4.3.1 cause or allow any animal, to stray onto, graze, wander on or be left unattended on any road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind and, then only if under the effective control of a person;

4.3.2 lead, drive or exercise any animal in such a manner as to endanger the safety of any person;

4.4 Camping

4.4.1 erect any tent or other structure of calico, canvas, plastic or similar material as a place of habitation;

4.4.2 camp or remain overnight;

4.5 Donations

ask for or receive or indicate that he or she desires a donation of money or any other thing or otherwise solicit for charitable purposes;

4.6 Exhibition or Display

4.6.1 sing, busk or play any recording or musical instrument for the apparent purpose of either entertaining others or receiving money;

4.6.2 conduct or hold any concert, festival, show, public gathering, street party, circus, meeting, performance or other similar activity;

4.6.3 cause any public exhibitions or displays;

4.7 Preaching

preach, harangue or otherwise solicit for religious purposes;

4.8 Repairs to Vehicles

perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except for running repairs in the case of breakdown.

Part 3 - Miscellaneous**5. Directions**

A person must comply with any reasonable direction or request from an authorised person relating to:

5.1 that person's use of the road;

5.2 that person's conduct and behaviour on the road;

5.3 that person's safety on the road;

5.4 the safety and enjoyment of other persons on the road; and

5.5 the possible damage to lawn, grass, trees, shrubs, buildings, structures or objects on the road.

6. Removal of Animals and Directions to Persons

6.1 If any animal is found on a road in breach of a by-law any person in charge of the animal shall remove it on the request of an authorised person.

6.2 An authorised person may:

6.2.1 remove the animal if a person fails to comply with the request, or if no person is in charge of the animal;

6.2.2 direct any person who is considered to be committing or has committed a breach of this by-law to leave that part of the road, and failure to comply with that direction forthwith is a breach of this by-law; and

6.2.3 direct any person who is considered to be committing or has committed a breach of this by-law to cease that action and to take specified action to remedy the breach.

7. Exemptions

7.1 The restrictions in this by-law do not apply to any Police Officer, Council Officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or to an emergency worker performing emergency duties.

7.2 The restrictions in paragraph 4.2, 4.6 and 4.7 of this by-law do not apply to:

7.2.1 electoral matters authorised by a candidate and which relate to a Commonwealth or State election that occurs during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day; or

- 7.2.2 electoral matters authorised by a candidate and which relate to an election under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 7.2.3 matters which relate to, and occur during the course of and for the purpose of a referendum.

8. **Revocation**

Council's *By-law No 4 – Roads*, published in the *Gazette* on 4 August 2011, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the City of Burnside held on 28 August 2018 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

MR PAUL DEB
Chief Executive Officer

CITY OF BURNSIDE

BY-LAW MADE UNDER THE DOG AND CAT MANAGEMENT ACT 1995 AND THE LOCAL GOVERNMENT ACT 1999

Dogs By-law 2018

By-law No 5 of 2018

For the management and control of dogs within the Council's area.

Part 1 – Preliminary

1. **Short Title**

This by-law may be cited as the *Dogs By-law 2018*.

2. **Commencement**

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. **Definitions**

In this by-law:

- 3.1 **approved kennel establishment** means a building, structure or area approved by the relevant authority, pursuant to the *Development Act 1993* for the keeping of dogs on a temporary or permanent basis;
- 3.2 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled and includes a dog undergoing training of a kind approved by the Board for assistance dogs;
- 3.3 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of such devices if there is no enclosed area);
- 3.4 **control**, in relation to a dog, includes the person having ownership, possession or charge of, or authority over, the dog;
- 3.5 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.6 **effective control** means a person exercising effective control of a dog either:
- 3.6.1 by means of a physical restraint;
- 3.6.2 by command, the dog being in close proximity to the person, and the person being able to see the dog at all times;
- 3.7 **keep** includes the provision of food or shelter;
- 3.8 **leash** includes any chain, cord or leash;
- 3.9 **local government land** has the same meaning as in the *Local Government Act 1999*;
- 3.10 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.11 **premises** includes:
- 3.11.1 land;
- 3.11.2 a part of any premises or land;
- 3.12 **public place** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.13 **small premises** means a premises comprising any self-contained dwelling where the premises associated with the dwelling contains a secured unobstructed yard area of less than 100 square metres;
- 3.14 **wetland area** includes any park, reserve, scrub, trail or other land adjacent to a wetland.

Part 2 – Dog Management and Control

4. **Dog Free Areas**

- 4.1 A person must not allow a dog in that person's control to be in, or remain in a dog free area.
- 4.2 For the purposes of this paragraph, a **dog free area** is any:
- 4.2.1 local government land; or
- 4.2.2 public place,
- to which the Council has resolved this paragraph applies.
- 4.3 The restrictions in subparagraph 4.1 do not apply to any assistance dog.

5. **Dog on Leash Areas**

- 5.1 A person must not allow a dog under that person's control to be in, or remain in, a dog on leash area unless the dog is secured by a strong leash not exceeding two metres in length which is either:

- 5.1.1 tethered securely to a fixed object capable of securing the dog; or
- 5.1.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.
- 5.2 For the purposes of this paragraph, a **dog on leash area** is any local government land or public place to which the Council has resolved that this paragraph applies.
6. **Dog Exercise Areas**
- 6.1 Subject to paragraphs 4 and 5, a person may enter any dog exercise area for the purpose of exercising a dog under his or her control.
- 6.2 For the purposes of this paragraph, a **dog exercise area** is any:
- 6.2.1 park; or
- 6.2.2 local government land that the Council has resolved is a dog exercise area.
- 6.3 A person must ensure that any dog under their control remains under effective control while the dog is in a dog exercise area.
7. **Limit on Dog Numbers**
- 7.1 A person must not, without permission, keep any dog on any premises where the number of dogs on the premises exceeds the prescribed limit.
- 7.2 Subject to subparagraph 7.3, the **prescribed limit** on the number of dogs to be kept on premises:
- 7.2.1 constituting a small premises is one dog;
- 7.2.2 other than a small premises is two dogs.
- 7.3 For the purposes of calculating the prescribed limit, any dog that is under three months of age is to be disregarded.
- 7.4 The prescribed limit does not apply to:
- 7.4.1 an approved kennel establishment;
- 7.4.2 a veterinary practice;
- 7.4.3 a pet shop;
- 7.4.4 any premises that the Council has exempted from the requirements of this paragraph; or
- 7.4.5 any business involving dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995*.

Part 3 – Miscellaneous

8. **Application**
- 8.1 The Council may from time to time, by resolution, identify local government land as a dog exercise area in accordance with subparagraph 6.2.2 of this bylaw.
- 8.2 Any of subparagraphs 4 and 5.2 of this by-law shall apply only in such portion or portions of the area as the Council may from time to time, by resolution, direct in accordance with Section 246 of the *Local Government Act 1999*.
- 8.3 Where the Council makes a resolution under either of subparagraphs 8.1 or 8.2, the Council's Chief Executive Officer must ensure that:
- 8.3.1 the area is denoted by signs erected by the Council; and
- 8.3.2 information is provided to the public on the Council's website and in any other manner determined by the Council's Chief Executive Officer.
9. **Revocation**
- Council's By-law No 5 – Dogs, published in the Gazette on 4 August 2011, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the City of Burnside held on 28 August 2018 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

MR PAUL DEB
Chief Executive Officer

CITY OF BURNSIDE
BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999
Waste Management By-law 2018
By-law No 6 of 2018

To regulate and control the removal of domestic, recyclable and green organic waste from premises, for the prevention and suppression of nuisances, and for regulating the management of Council property.

Part 1 – Preliminary

1. **Short Title**
- This by-law may be cited as the *Waste Management By-law 2018*.
2. **Commencement**
- This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the Act.
3. **Interpretation**
- In this by-law:
- 3.1 **green organics** means any clean organic matter consisting of lawn clippings, plants, leaves, prunings or other materials for which permission has been given by the Council but no item larger than 15cm in diameter;

- 3.2 **green organics container** means a container provided or designated by the Council for the reception of green organics;
- 3.3 **household waste** means any kind of domestic and kitchen waste generated from residences, but excludes liquids, metals (other than food containers), building materials, stones, bricks, soil, lead acid batteries and any dangerous or toxic waste;
- 3.4 **household waste container** means a container provided or designated by the Council for the reception of household waste;
- 3.5 **recyclables** means newspapers, magazines, clean paper and cardboard, clean plastic containers of a type specified by the Council, clean tins and cans, clean glass and clean milk and juice containers and other materials for which permission has been given by the Council;
- 3.6 **recyclables container** means a container provided or designated by the Council for the reception of recyclables.

Part 2 – Management of Waste

4. Provide Containers

Every occupier of domestic premises shall keep on his or her premises those containers designated from time to time by resolution of the Council for the reception of green organics, household waste and recyclables unless exempted by the Council.

5. Management of Waste Collection Service

An occupier of premises must:

5.1 Household Waste

- 5.1.1 ensure that the household waste container conforms with the container provided by the Council or otherwise designated from time to time by resolution of the Council;
- 5.1.2 ensure that the household waste container has a hinged lid that, when closed, keeps the container rain and fly proof and is designed in such a way so as to allow it to be mechanically lifted from the position in which it was placed for emptying by apparatus on trucks employed in the collection of rubbish;
- 5.1.3 ensure that the household waste container contains only household waste;

5.2 Recyclables

- 5.2.1 ensure that the recyclables container conforms with the container provided by the Council or otherwise designated from time to time by resolution of the Council;
- 5.2.2 ensure that the recyclables container has a hinged lid that, when closed, keeps the container rain and fly proof and is designed in such a way so as to allow it to be mechanically lifted from the position in which it was placed for emptying by apparatus on trucks employed in the collection of rubbish;
- 5.2.3 ensure that the recyclables container contains only recyclables;

5.3 Green Organics

- 5.3.1 ensure that the green organics container conforms with the container provided by the Council or otherwise designated from time to time by resolution of the Council;
- 5.3.2 ensure that the green organics container has a hinged lid that, when closed, keeps the container rain and fly proof and is designed in such a way so as to allow it to be mechanically lifted from the position in which it was placed for emptying by apparatus on trucks employed in the collection of rubbish;
- 5.3.3 ensure that the green organics container contains only green organics;

5.4 Keep Container Clean

cause each container to be kept in a clean and sanitary condition, maintained in good order and repair, and kept watertight at all times;

5.5 Sealing of Container

cause each container to be continuously and securely covered or sealed except when waste is being deposited in or removed from the container;

5.6 Damage

ensure that each container is maintained so that it is not damaged or worn to the extent that:

- 5.6.1 it is not robust or watertight;
- 5.6.2 it is unable to be moved on its wheels (if any) efficiently;
- 5.6.3 the lid does not seal on the container when closed;
- 5.6.4 any vertical partition becomes damaged to the extent that it does not properly keep separate the kinds of waste/recyclables in the compartments or becomes loose; or
- 5.6.5 its efficiency or use is otherwise impaired;

5.7 Collection Services

- 5.7.1 facilitate the collection and removal of household waste, recyclables or green organics from the premises on the day of or the night before (and not before these times) the scheduled collection day;
- 5.7.2 ensure that, prior to the time appointed by the Council (but not outside the times provided in subparagraph 5.7.1) for the collection of a particular kind of household waste, recyclables or green organics from the premises, the container containing that kind of waste is placed out for collection in a position:
- 5.7.2.1 on the street in front of and on the same side as the premises, abutting the edge of (but not on) the carriageway and positioned so that the side of the container on which the hinges of the lid are situated faces the premises; or
- 5.7.2.2 as otherwise approved by the Council; and
- 5.7.2.3 not under the overhanging branches of street trees; and
- 5.7.2.4 remove the container from that position on the same day after the collection has taken place.

Part 3 – Enforcement**6. Interference With Garbage**

No person shall remove, disturb or interfere with any waste/recyclables (including bottles, newspapers, cans, containers or packaging) that has been placed:

- 6.1 for disposal in or near a household wastes container, a recyclables container or a green organics container; or
- 6.2 on a public street or road for collection by the Council, its agents or contractors, except with the permission of the Council or the authority of the owner.

Part 4 - Miscellaneous**7. Revocation**

Council's *By-law No 6 – Waste Management*, published in the *Gazette* on 4 August 2011, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the City of Burnside held on 28 August 2018 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

MR PAUL DEB
Chief Executive Officer

CITY OF BURNSIDE

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*Lodging Houses By-law 2018**By-law No 7 of 2018*

For controlling, licensing, inspecting, and regulating lodging houses.

Part 1 - Preliminary**1. Short title**

This by-law may be cited as the *Lodging Houses By-law 2018*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Interpretation

In this by-law:

- 3.1 **authorised officer** means a person appointed by the Council as an authorised person under the *Local Government Act 1999*, an authorised officer under the *Development Act 1993* or a local authorised officer under the *South Australian Public Health Act 2011*;
- 3.2 **bedding** includes any mattress, blanket, sheet, pillow, pillowcase, rug, quilt or other covering or coverings;
- 3.3 **bedroom** includes any dormitory, sleep-out or any other place where lodgers sleep;
- 3.4 **board and lodgings** means the use and occupation of any lodging house by any person to whom meals are served on the premises;
- 3.5 **common room** means a dining room, lounge, main entrance hall, or other compartment where lodgers may congregate;
- 3.6 **flat** includes any self-contained suite of rooms including any self-contained suite of rooms designed, intended or adopted for separate occupation including bathroom and sanitary conveniences provided for that occupation;
- 3.7 **lodger** means any occupant of a lodging house not being the proprietor or a member of the proprietor's family;
- 3.8 **lodging house** includes any building or part thereof which is let, proposed to be let or available to be let as lodgings, or board and lodgings, and occupied by more than five persons not being members of the proprietor's family, but does not include the residential portion of hotels and motels, schools, institutional buildings accommodating members of the staff of an institution, supported residential facilities or any building which comes within the definition of flat in clause 3.6 of this by-law;
- 3.9 **lodgings** means the use and occupation of any lodging house or part thereof by any person who is not served with meals by the proprietor;
- 3.10 **premises** means property which is licensed as a lodging house or used or apparently used as such, whether for gain or otherwise;
- 3.11 **person** includes anybody or persons whether corporate or unincorporated;
- 3.12 **proprietor** includes:
 - 3.12.1 the owner of the premises; and
 - 3.12.2 the owner or manager of the undertaking carried on at the premises, or their representative; and
 - 3.12.3 the person by whom or on whose behalf a premises or part of a premises is let as lodgings or for the purpose of board and lodgings and who receives or is entitled to receive the rents and profits arising from such letting; and
- 3.13 **supported residential facility** has the same meaning as in the *Supported Residential Facilities Act 1992*.

4. Application of By-law

The provisions of this by-law apply to all lodging houses.

Part 2 - Minimum Standards of Lodging Houses**5. Accommodation**

- 5.1 The proprietor of any lodging house must, in respect of bedroom accommodation, provide not less than 16m³ of space and not less than 6m² of floor area for every lodger.
- 5.2 In determining the minimum number of m³ of (free air) space per person as required by this clause, a room height of more than 3m must be excluded from the calculation.
- 5.3 The proprietor must not use or allow or suffer to be used as a bedroom any room through which other persons gain access to any part of the premises.
- 5.4 The proprietor must mark or cause to be marked in legible and durable character on the entrance door of every bedroom or immediately external to the entrance door of every bedroom used for the accommodation of any lodger an identification number or letter, and immediately below such number a letter or figure indicating the number of persons that may occupy such bedroom under the provisions of clause 5.1 of this by-law. The room numbers must correspond with the numbers shown on the sketch plan required to be submitted under the provisions of clause 15.2 of this by-law.
- 5.5 The proprietor must not use or allow or suffer to be used as a bedroom any room which can be directly accessed through a dining room, kitchen, servery or any place where food is kept, cooked, prepared or stored with specific permission from the Council.
- 5.6 The proprietor must at all times ensure that the lodging house has a minimum requirement for each lodger:
- 5.6.1 a mattress;
 - 5.6.2 not less than three blankets at least 2050mm in length or an equivalent down filled quilt;
 - 5.6.3 two sheets at least 2510mm in length;
 - 5.6.4 a pillow;
 - 5.6.5 two pillow cases;
 - 5.6.6 a towel;
 - 5.6.7 a towel rail;
 - 5.6.8 a bed head and base;
 - 5.6.9 a chair;
 - 5.6.10 a bedside locker;
 - 5.6.11 separate wardrobe facilities;
 - 5.6.12 a personal lamp; and
 - 5.6.13 a power outlet.
- 5.7 The proprietor must not allow or permit or suffer a larger number of beds in a bedroom at any time than is sufficient for the accommodation of the number of persons allowable for that particular bedroom under clause 5.1 of this by-law.
- 5.8 The proprietor must not install or cause or permit or allow to be installed a cooking stove of any description in any bedroom, corridor, passage or landing.
- 5.9 The proprietor must provide for the use of lodgers one or more approved common room(s) of a total area of at least 2m² for every lodger occupying or intending to occupy the lodging house. The minimum floor area for a common room must not be less than 7.5 m².
- 5.10 The proprietor must provide for the use of lodgers, external open space of at least 2m² for every lodger occupying or likely to occupy the lodging house.

6. Kitchen Facilities

- 6.1 The proprietor must provide at all times facilities to enable lodgers to prepare hot and cold refreshments and meals.
- 6.2 In order to comply with clause 6.1, kitchens and kitchen areas must be provided to the following standard and must contain the following facilities:
- 6.2.1 oven;
 - 6.2.2 grill;
 - 6.2.3 microwave;
 - 6.2.4 cook top (at least 4 hobs);
 - 6.2.5 double bowl sink and drainer (of suitable size);
 - 6.2.6 worktop (at least 1 m²);
 - 6.2.7 4 electric sockets (at least 2 sockets to be at the worktop);
 - 6.2.8 refrigerator;
 - 6.2.9 electric kettle;
 - 6.2.10 cupboard (for food storage);
 - 6.2.11 access to hot and cold running water.
- 6.3 Kitchens and kitchen areas must have a minimum floor area of 3.7 m² and be so arranged to allow safe access and use.
- 6.4 The kitchen area must have a suitable washable floor covering.
- 6.5 In a premises where meals are served to lodgers, the proprietor must ensure that the kitchen is fitted with a double bowl stainless steel sink and drainer and a separate hand basin together with soap and a suitable single use hand-drying facility.

7. Natural Lighting

The proprietor of a lodging house must:

- 7.1 ensure that any room used as a bedroom, common room or kitchen has at least one wall exposed to the open air having a window with a total glass area equal to at least 1m² or 1/15th of the floor area, (whichever is the greater) having a sill height of not more than 1.5m above the floor;
- 7.2 ensure that toilets, shower rooms and bathrooms have a window area to the external air of not less than 0.2m² or ensure that toilets, shower rooms and bathrooms are provided with artificial lighting in accordance with this by-law;
- 7.3 not use or allow or suffer to be used as a bedroom any room unless it complies with the requirements of this clause.
8. **Artificial Lighting and Electrical Installations**
The proprietor of a lodging house must ensure that:
- 8.1 The supply of electricity and all electrical installations including all connected equipment and artificial lighting complies with the provisions of Australian Standard AS3000:2007;
- 8.2 bedrooms, common rooms, kitchens, stairways, landings, passageways, water closets, laundries, shower rooms and bathrooms are provided with artificial lighting in accordance with the following:
- 8.2.1 incandescent lighting – 9W (nominal) per m² of floor space;
- 8.2.2 fluorescent lighting – 3W (nominal) per m² of floor space.
9. **Ventilation**
The proprietor of a lodging house must ensure that:
- 9.1 a cooking stove is provided with an approved mechanically ventilated canopy and flue (which provides the room with not less than six air changes per hour);
- 9.2 toilets, shower rooms and bathrooms are provided with openable windows or are mechanically ventilated so as to provide not less than ten air changes per hour;
- 9.3 a toilet, shower room or bathroom must not open directly into any dining room, kitchen, servery, and common room or room used for the preparation or storage of food; and
- 9.4 the air space between the ground surface and the floor (except in the case of concrete or other solid floors) is efficiently ventilated in accordance with the provisions of the Building Code of Australia.
10. **Drainage**
The proprietor of a lodging house must:
- 10.1 keep and maintain all drains, waste pipes, traps, fixtures and fittings in a satisfactory and sanitary condition;
- 10.2 cause all roofs, skylights, rainwater gutters and downpipes to be kept in a state of good repair;
- 10.3 provide such drains as may be necessary to convey storm waters to the street water table or such other approved discharge point; and
- 10.4 cause the land and yards to be suitably graded away from the building to prevent the accumulation of storm waters.
11. **Toilets, Showers, Bathrooms and Laundries**
The proprietor of a lodging house must:
- 11.1 provide on the premises toilets and showers which are properly constructed and conveniently situated.
- 11.2 ensure the lodging house has:
- 11.2.1 one toilet for every eight persons who may at any one time be or likely to be occupying the premises. However, if a toilet is situated in a bathroom or shower room without separate and private access to such toilet, such toilet must be deemed sufficient for not more than four persons;
- 11.2.2 one shower for every eight persons who may at any one time be or likely to be occupying the premises. However, if a shower is situated in a bathroom without separate and private access to such shower, such shower must be deemed sufficient for not more than four persons;
- 11.2.3 wash basins (which must be in the same room as the toilet).
- 11.3 Where ensuite facilities are provided to a bedroom, the requirements of clauses 11.2.1 to 11.2.3 must be calculated as if that bedroom and ensuite did not form part of the lodging house.
- 11.4 The proprietor of a lodging house must provide on the premises:
- 11.4.1 laundry facilities fitted with troughs;
- 11.4.2 a washing machine for use by lodgers; and
- 11.4.3 a clothes line, electronic tumble dryer or other means of clothes drying for the use of lodgers.
12. **Water Supply**
- 12.1 The proprietor of a lodging house must cause a continuous cold water supply to be provided to all toilets, showers, baths, hand basins, kitchen sinks, and laundry troughs.
- 12.2 The proprietor of a lodging house must cause a continuous hot water supply to be provided to all showers, baths, hand basins, kitchen sinks and laundry troughs.
13. **General Sanitary Provisions**
- 13.1 The proprietor of a lodging house must:
- 13.1.1 maintain the premises in such condition as to discourage the harbourage and/or breeding of vermin and must take all practicable measure for the destruction of any vermin on the premises;
- 13.1.2 at all times keep (or cause to be kept) the premises, in a clean and sanitary condition and in a state of good repair;
- 13.1.3 make provision for the storage and disposal of rubbish;
- 13.1.4 keep (or cause to be kept) all yards forming part of the premises (including sheds and outbuildings) clean and free from rubbish, garbage and offensive matter;

- 13.1.5 conduct (or cause to be conducted) inspections at least once a month of any room or rooms which are maintained or cleaned by any lodger or person residing on the premises for the purpose of ensuring that such room or rooms are being maintained in a clean condition;
- 13.1.6 provide sufficient and appropriate staff for the proper control and management of the premises;
- 13.1.7 retain possession of a duplicate key to the door of every room;
- 13.1.8 not use, suffer or permit:
 - 13.1.8.1 any verandah, balcony, balconette, portico, passage, stairway, landing, bathroom, toilet, laundry or bedroom to be used as a kitchen or for cooking purposes;
 - 13.1.8.2 any room (other than a kitchen) to be used as a kitchen or for cooking purposes;
 - 13.1.8.3 any room in use as a kitchen, pantry, scullery or common room or any passage, stairway or landing to be used or occupied as a bedroom.
- 13.1.9 cause each towel, sheet and pillow case which any lodger must have used to be laundered before being used by any other lodger;
- 13.1.10 cause the floors of all common rooms, sanitary compartments, passages and stairs to be vacuumed, swept and/or cleansed regularly;
- 13.1.11 provide and maintain in effective condition at all times fly proofing of all external openings; and
- 13.1.12 cause every bedstead and all bedding to be kept clean, free from vermin and in good repair and appropriate standard.
- 13.2 A lodger or person resident in a lodging house must not:
 - 13.2.1 use any part of the premises as a shop, store or factory, or for manufacturing or trading purposes;
 - 13.2.2 use any bath, shower or wash hand basin for any purpose other than ablutions;
 - 13.2.3 use any bathroom for laundry purposes;
 - 13.2.4 use any sink installed in any kitchen for any purpose other than for the washing and cleansing of food utensils, vessels, kitchenware and for culinary purposes.
- 13.3 A person must not place or keep any luggage, clothing, bedding or furniture in any part of a lodging house if such articles are infested with vermin.
- 13.4 A lodger or person who occupies any room in a lodging house must not obstruct or prevent the proprietor of such lodging house from making an inspection or examination of the room occupied by such lodger or person.

Part 3 – Licensing

14. Prohibition on use of Premises as Lodging House without Licence

A person must not use or allow or suffer to be used any premises as a lodging house unless and until:

- 14.1 such premises are licensed as a lodging house pursuant to this by-law; and
- 14.2 the proprietor of such premises is the holder of a licence pursuant to this by-law.

15. Requirements for Licence Application

- 15.1 When applying for a licence for a lodging house or application for renewal every applicant must submit the application in the form prescribed for that purpose in Schedule 'A' of this by-law.
- 15.2 Every application must be accompanied by:
 - 15.2.1 a sketch plan of the building or buildings drawn to scale of not less than 1 to 100 showing the position and dimensions of each compartment and the purpose for which it is intended to use each compartment. The bedrooms shown on the plan must be identified in accordance with the provisions of clause 5.4 of this by-law; and
 - 15.2.2 a certificate of a licensed electrician, certifying that the lodging house complies with Clauses 8, 9.1 and 9.2 of this by-law;
 - 15.2.3 an appropriate certificate of insurance for the lodging house and its contents.
- 15.3 Every application must be accompanied by a statement of relevant qualifications and experience of the proprietor, and where the resident manager is not the proprietor, a statement of relevant qualifications and experience of the resident manager.
- 15.4 Where there is change of proprietor a statement of relevant experience and qualifications of the new proprietor or resident manager must be forwarded to the Council within 14 days of the change taking place.
- 15.5 The plan required to be provided by clause 15.2 must be retained by the Council and it must not be necessary for the proprietor to submit a further plan when applying for renewal of the licence for the premises unless changes are proposed to the layout or the use of rooms or the number of lodgers.
- 15.6 Every proprietor of a lodging house whose application for licence has been approved must be issued with a licence in the form set forth in Schedule 'B' of this by-law.
- 15.7 The proprietor of any licensed lodging house may apply to the Council for its consent to have such licence transferred into the name of the person named in such application for transfer and a fee as determined by the Council from time to time must be paid with every application for transfer. The fee must be repaid to the applicant in the event of the application being refused. If the Council approves of such application for transfer it must endorse its approval upon the licence and the transferee must then become liable in every respect under this by-law as if the transferee had been the original holder of the licence.
- 15.8 Every application for a renewal of the licence of a lodging house must be submitted to the Council on or before the first day of June in each year and must be accompanied by the annual fee set by the Council.
- 15.9 An authorised officer of the Council may, by written notice, require the proprietor of a lodging house to provide the information necessary for the licensing a lodging house including (but not limited to):
 - 15.9.1 total number of rooms in the lodging house;

- 15.9.2 total number of lodgers proposed to be received at any time in the lodging house;
- 15.9.3 number of toilets, shower and bathrooms in the lodging house; and
- 15.9.4 a sketch plan of the premises in accordance with the provisions of clause 15.2.
- 15.10 The proprietor must, within 10 days of service of a notice under clause 15.9 of this by-law, provide the information required by the notice to the Council, in writing.
16. **Licence Term**
- 16.1 The licence of every lodging house will continue in force for twelve months from the first day of July in each year.
- 16.2 Every licence which has not been renewed after the thirtieth day of June each year will be deemed to have lapsed and the lodging house referred to in such lapsed licence will be deemed to be an unlicensed lodging house.
17. **Licence Fees**
- 17.1 Annual fees as determined by the Council from time to time are due and payable to the Council by the applicant for a licence or renewal of a licence (as the case may be) for a lodging house and must be deposited with the application.
- 17.2 Such annual fee must, when deposited, be kept to the credit of the applicant and must, if a licence or renewal is granted, be applied in payment for the fees thereof.
- 17.3 If such licence or renewal (as the case may be) is not granted such deposit must be refunded to the applicant within thirty days after notice to him/her by the Council of such refusal to grant such licence or renewal.
18. **Licence Conditions**
- The granting or the renewal of any licence may be made subject to such conditions in any particular case as the Council may think fit.
19. **Refusal or Revocation of Licence**
- 19.1 The Council may at its discretion refuse to grant any application for licensing of a lodging house if it is of the opinion that:
- 19.1.1 the lodging house, unsuitable, not in conformity or does not comply with this by-law; or
- 19.1.2 the proprietor or resident manager referred to in the application is not a fit and proper person.
- 19.2 The Council may revoke any licence issued under this by-law for:
- 19.2.1 any breach of the by-law; or
- 19.2.2 if the Council is of the opinion that the premises are in such a state as to be a nuisance or injurious to health or offensive; or
- 19.2.3 if the Council has reasonable cause to believe that the proprietor has committed an offence against this by-law or under any of the following legislation:
- 19.2.3.1 the Local Government Act 1999;
- 19.2.3.2 the South Australian Public Health Act 2011;
- 19.2.3.3 the Food Act 2001;
- 19.2.3.4 the Development Act 1993;
- 19.2.3.5 the Planning, Development and Infrastructure Act 2016;
- 19.2.3.6 the Supported Residential Facilities Act 1992; or
- 19.2.3.7 the Residential Tenancies Act 1995; or
- 19.2.4 if the Council considers that the proprietor is unsuitable to continue as the proprietor of the lodging house.
- 19.3 Before the Council revokes or refuses to renew a licence issued under the by-law notice must be given to the proprietor to show cause why the licence should not be revoked, cancelled or renewal refused, as the case may be. In such case, the proprietor will be given a period of two weeks to make written representations to the Council as to why the licence should not be revoked, cancelled or renewal refused.

Part 4 - General Responsibilities of Proprietor

20. **General Duty**
- The proprietor of a lodging house is responsible for the proper oversight of lodgers and for the cleanliness, safety and management of the lodging house.
21. **Register of Lodgers**
- 21.1 The proprietor of a lodging house must keep and maintain a register, which must be available for inspection by an authorised officer.
- 21.2 The register must record:
- 21.2.1 the full name, age, sex and last known place of abode of every lodger;
- 21.2.2 the date on which any lodger commences residing at the lodging house;
- 21.2.3 the bedroom used by the lodger;
- 21.2.4 the name and home address of next of kin of every lodger; and
- 21.2.5 the date on which any lodger leaves the lodging house.
22. **Access to By-law**
- The proprietor of a lodging house must make a copy of this by-law available for perusal by lodgers.

Part 5 - General and Supplementary Provisions

23. **Inspections**
- 23.1 An authorised officer may, for the purposes of any inspection:

- 23.1.1 enter into and upon any premises;
- 23.1.2 open up drains and execute any other necessary works.
- 23.2 Where the proprietor of a lodging house occupies or resides in any part of the premises, or retains a general possession or control of the premises, such proprietor must, when required by the authorised officer, facilitate free access to the interior of the premises and to all rooms for the purpose of the inspection by such officer.
- 23.3 Where the proprietor of a lodging house does not occupy or reside in any part of the premises, or retain a general possession or control of the premises, every lodger or other person who is entitled to have or to exercise the control of the outer door of the premises must, when required by an authorised officer, facilitate free access to the interior of the premises for the purpose of inspection by such officer.
- 23.4 Every lodger in a lodging house must, when required by an authorised officer, afford free access to the interior of any room or rooms, which may have been let to such lodger, for the purpose of inspection by such officer.
- 23.5 A person must not wilfully:
- 23.5.1 obstruct any authorised officer in the inspection of any part of a lodging house;
- 23.5.2 without reasonable excuse, neglect or refuse, when required by any authorised officer, to render the officer such assistance as may be reasonably necessary for the purpose of such inspection.
- 23.6 For the purpose of any inspection, an authorised officer may be assisted and accompanied by such persons as her or she considers necessary in the circumstances.
24. **No Holding Out**
- A person must not represent that he or she is the proprietor of a lodging house until such time as he or she has been licensed in accordance with the provisions contained of this by-law.

Part 6 – Miscellaneous

25. **Revocation**

Council's *By-law No 7 – Lodging Houses By-law 2014*, published in the *Gazette* on 1 May 2014, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the City of Burnside held on 28 August 2018 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

MR PAUL DEB
Chief Executive Officer

SCHEDULE A CITY OF BURNSIDE

Application for Licence or Renewal of Lodging House Licence

To the Chief Executive Officer
City of Burnside

I
of

hereby make application to the Chief Executive Officer of the City of Burnside to license (or renew the licence of)
the premises known as

of which

of

is the owner and

of

is the proprietor as a lodging house under Council's *Lodging Houses By-law 2018*, in accordance with the particulars in this form to license (or renew the licence to) me as the proprietor of such lodging house.

I also deposit herewith the sum of \$ _____ as the licence fee, such fee to be returned to me if the application is not granted. The particulars above referred to are as follows:

Total number of rooms of lodging house:

Number of toilets in the lodging house:

Number of showers in the lodging house:

Total number of persons proposed to reside at any one time in the lodging house:

Dated this day of 20

Applicant:

Every application must be accompanied by:

1. A sketch plan of premises as a lodging house. Plan to be drawn to scale is to be not less than 1:100, and must show the position of each compartment and the purpose for which it is intended to use each compartment. The bedrooms shown on the plan must be marked with an identification number or letter, and immediately below such number or letter a figure indicating the number of persons intended to be accommodated in such bedroom.
 2. A certificate of a licensed electrician certifying compliance with Clauses 8, 9.1 and 9.2 of the *Lodging Houses By-law 2018*.
 3. A certificate of insurance for the lodging house and its contents.
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SCHEDULE B
CITY OF BURNSIDE
Lodging House Licence

The premises known as:

in the City of Burnside described in application for licence of:

Dated the day of 20

are hereby licensed as a lodging house in accordance with the *Lodging Houses By-law 2018* of the by-laws of the City of Burnside.

of

is hereby licensed as the proprietor of the lodging house. This licence is issued subject to the following restrictions or limitations.

The maximum number of persons authorised to reside at any one time in each of the several sleeping rooms in this house is the number specified in respect of each room in the appropriate column of the following table:

Description or Use of Each Room	Room Number	Floor Area	Maximum Number of Lodgers
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CITY OF SALISBURY
CORRIGENDUM

Extinguishment of Car Parking Funds

On 10 April 2018, the first notice published on page 1359 of the *South Australian Government Gazette* was incorrect. The notice should be replaced with the following:

Notice is hereby given that the Ingle Farm Car Parking Fund and the Mawson Lakes Town Centre Car Parking Fund established on 1st July 2004 pursuant to Section 50A of the Development Act 1993, as amended, have been extinguished as of the date of publication of this notice.

Dated: 6 September 2018

JOHN HARRY
Chief Executive Officer

DISTRICT COUNCIL OF COOBER PEDY
Adoption of Valuations and Declaration of Rates

Notice is hereby given that at its meeting of 29 August 2018 the District Council of Coober Pedy adopted its valuations and declared its rates for the 2018/19 financial year.

Adoption of Valuations

Council adopted for rating purposes and effective from 1 July 2018 valuations of the Valuer-General of the Capital Value of land within the Council's area totalling \$173,870,700.

Declaration of Differential General Rates

Council declared differential general rates on all rateable land within its area as follows:

Land Use 1	Residential	0.4140 cents in the dollar
Land Use 2	Commercial – Shop	1.3940 cents in the dollar
Land Use 3	Commercial – Office	1.3590 cents in the dollar
Land Use 4	Commercial – Other	1.2758 cents in the dollar
Land Use 5	Industry Light	1.4077 cents in the dollar
Land Use 6	Industry – Other	1.0946 cents in the dollar
Land Use 8	Vacant Land	0.2552 cents in the dollar
Land Use 9	Other	1.3724 cents in the dollar

Council declared that a fixed charge of \$422.00 will apply to all rateable land within the Council's area for the financial year ending 30 June 2019.

Adoption of NRM Levy

Council declared a separate rate based on a fixed charge of \$59.74 in respect of all rateable land within the area of the Council and of the South Australian Arid Lands Natural Resource Management Board for the year ending 30 June 2019 to recover the levy payable to the Board.

Adoption of Water Annual Service Charge

Council declared an annual service charge for the financial year ending 30 June 2019 on land within the Council's area to which the Council provides or makes available the provision of water as follows:

Land Use 1	Residential	\$225.00
Land Use 2	Commercial – Shop	\$843.00
Land Use 3	Commercial – Office	\$843.00
Land Use 4	Commercial – Other	\$843.00
Land Use 5	Industry – Light	\$843.00
Land Use 6	Industry – Other	\$843.00
Land Use 8	Vacant Land	\$179.00
Land Use 9	Other	\$225.00

Council grants a rebate of \$399.00 for the financial year ending on 30 June 2019 on the Water Annual Service Charge to all land with a land use category of 2, 3, 4, 5 or 6 that used less than 300 kilolitres of water in the 2017/2018 financial year.

Declaration of Sewerage Service Rate

Council declared a service rate in respect of all land within the Sewerage Scheme Area for the financial year ending 30 June 2019 of 0.417 cents in the dollar.

Council grants a rebate of 100% of the Sewerage Service Rate in respect of all land that cannot be connected to the Sewerage Scheme.

Payment of Rates

Council resolved that for the financial year ending 30 June 2019 rates are payable in four equal or approximately equal instalments to be received on or before the 30 September 2018, 15 December 2018, 15 March 2019 and 14 June 2019.

C. PITMAN
Acting Chief Executive Officer

NATIONAL ENERGY RETAIL LAW

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

Under s 256, the making of a draft determination and related draft rule on the *Strengthening protections for customers in hardship* (Ref. RRC0017) proposal. Written requests for a pre-determination hearing must be received by **13 September 2018**. Submissions must be received by **18 October 2018**.

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

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

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

Australian Energy Market Commission

Level 6, 201 Elizabeth Street
Sydney NSW 2000

Telephone: (02) 8296 7800
www.aemc.gov.au

Dated: 6 September 2018

TRUSTEE ACT 1936

PUBLIC TRUSTEE

Estates of Deceased Persons

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

BRENNAN Maureen Gladys late of 6 Magnolia Court Banksia Court of no occupation who died 23 December 2017
HARRIS John Robert late of 25 Riverway Fulham Gardens Retired Sales Manager who died 26 December 2017
HUGO Brian Neil late of 81 Tapleys Hill Road Hendon Retired Messenger who died 15 May 2018
JONES Terence Lindsay late of 1A Walter Avenue Mitchell Park of no occupation who died 14 May 2017
KUEHN Dieter late of 19 Boronia Street Flinders Park Plumber who died 26 February 2018
LOCKLEY Arthur Frederick late of 45 Cecelia Street Hove of no occupation who died 3 January 2018
SANDER Herbert Albert late of 17 Kapoola Avenue Felixstowm of no occupation who died 19 March 2017
SANDERCOCK Dean late of 64 Raglan Avenue Edwardstown Cook who died 11 February 2017
SAVIC Milivoje late of 10 Sexton Court Coober Pedy of no occupation who died 12 September 2015
STIRLING Valma Jean late of 11 Edmund Street Port Broughton of no occupation who died 14 June 2018
WILLIS Valmai Dorothy late of 2 Jean Street Oaklands Park of no occupation who died 3 March 2018

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 5 October 2018 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: 6 September 2018

N S RANTANEN
Acting Public Trustee

UNCLAIMED MONEYS ACT 1891

Register of Unclaimed Moneys held by Mercantile Collection Services from 1 December 2012 to 30 June 2017

Name and Address of Owner	Amount \$	Description of Unclaimed Money	Date
Unknown	Unknown \$ 20.00	cash deposit	27/12/2012
Unknown	Unknown \$ 50.00	cash deposit	19/03/2013
Unknown	Unknown \$ 20.00	cash deposit	13/05/2013
Unknown	Unknown \$ 408.60	TSB CBA MCS	10/06/2013
Herbert Mack	Unknown \$ 500.00	Herbert Mack Mr Herbert	2/07/2013
Stevan Dixon	Unknown \$ 10.00	152872 Stevan Dixon	18/07/2013
Unknown	Unknown \$ 50.00	"Deposit Cash"	23/07/2013
Unknown	Unknown \$ 50.00	deposit	1/08/2013
Unknown	Unknown \$ 50.00	"Deposit"	6/08/2013
Unknown	Unknown \$ 100.00	deposit cash	26/08/2013
Unknown	Unknown \$ 100.00	agent credits 38013	4/10/2013
Unknown	Unknown \$ 30.00	Transfer Credits From 5960-153788679	26/11/2013
Unknown	Unknown \$ 30.00	DEPOSIT CASH	6/12/2013
Unknown	Unknown \$ 50.00	deposit cash	13/12/2013

Name and Address of Owner	Amount \$	Description of Unclaimed Money	Date
Stevan Dixon	Unknown \$ 20.00	Inter Bank Credit 1528728 Stevan Dixon creditors protec	24/01/2014
Stevan Dixon	Unknown \$ 10.00	Inter Bank Credit 485649843 Stevan Dixon creditors protec	30/01/2014
Unknown	Unknown \$ 70.00	Deposit Cash	21/02/2014
Unknown	Unknown \$ 20.00	deposit cash	5/03/2014
Unknown	Unknown \$ 66.00	Transfer Credits Internet Transfer dr jones dr jones	20/03/2014
Stevan Dixon	Unknown \$ 20.00	inter bank credit 152872 stevan dixon creditors protect	8/05/2014
Unknown	Unknown \$ 25.00	Inter-bank credit Westpac Choice B School	30/05/2014
Unknown	Unknown \$ 25.00	Inter-bank credit Westpac Choice B School	13/06/2014
Unknown	Unknown \$ 20.00	deposit cash	30/06/2014
Unknown	Unknown \$ 15.00	inter bank credit child care cba mcs trust	30/07/2014
Unknown	Unknown \$ 50.00	Payback Mitre 10	18/08/2014
Unknown	Unknown \$ 20.00	Deposit unknown	8/10/2014
Unknown	Unknown \$ 100.00	Cedskip1 MCS	31/10/2014
Unknown	Unknown \$ 80.00	deposit cash	6/11/2014
Unknown	Unknown \$ 50.00	Agent Credit 323101	25/11/2014
Unknown	Unknown \$ 50.00	Cedskip1 MCS	4/12/2014
Unknown	Unknown \$ 50.00	deposit cash	17/12/2014
Unknown	Unknown \$ 20.00	deposit cash	11/03/2015
Unknown	Unknown \$ 40.00	deposit cash	12/05/2015
Unknown	Unknown \$ 25.00	deposit cash	14/05/2015
Unknown	Unknown \$ 50.00	deposit cash	9/07/2015
Unknown	Unknown \$ 100.00	deposit cash	6/07/2015
Unknown	Unknown \$ 100.00	deposit cash	11/08/2015
Unknown	Unknown \$ 120.00	deposit cash	7/10/2015
Rebecca Lee Hann	Unknown \$ 30.00	Hann Rebecca Lee	24/02/2016
Unknown	Unknown \$ 16.56	deposit cash	29/02/2016
Unknown	Unknown \$ 50.00	deposit cash	29/02/2016
Rebecca Lee Hann	Unknown \$ 30.00	HANN Rebecca Lee MCS Trust - not allocated	18/03/2016
Unknown	Unknown \$ 0.20	deposit cash	18/03/2016
Craig Hudson	Unknown \$ 30.00	Hudson Craig and MCS Trust	28/04/2016
Unknown	Unknown \$ 100.00	deposit cash	11/05/2016
Sarah J Carter	Unknown \$ 132.00	Sarah J Carter	13/05/2016
Sarah J Carter	Unknown \$ 116.43	Sarah J Carter	17/06/2016
Rebecca Lee Hann	Unknown \$ 30.00	Rebecca Lee Hann	23/06/2016
Rebecca Lee Hann	Unknown \$ 30.00	Rebecca Lee Hann	7/07/2016
Craig Hudson	Unknown \$ 30.00	Craig Hudson	4/08/2016
Rebecca Lee Hann	Unknown \$ 30.00	Rebecca Lee Hann	18/08/2016
Brompton Primary School	Unknown \$ 21.75	Trust Cheque	5/04/2011
Out of school hours care			
Woodville Dental Clinic	Unknown \$ 11.02	Trust Cheque	2/06/2009
Craig Hudson	Unknown \$ 30.00	Craig Hudson	1/09/2016
Lavina Camil	Unknown \$ 62.00	Lavina Camil	14/09/2016
Craig Hudson	Unknown \$ 30.00	Craig Hudson	15/09/2016
Unknown	Unknown \$ 20.00	deposit cash	11/11/2016
Bill	Unknown \$ 550.00	Bill wholesaler	24/11/2016
Eleanor Wil	Unknown \$ 300.00	Unidentified payment Miss Eleanor Wil	7/12/2016
Craig Hudson	Unknown \$ 30.00	Unidentified payment (Hudson Craig)	8/12/2016
Unknown	Unknown \$ 30.00	deposit cash	5/01/2017
Unknown	Unknown \$ 20.00	deposit cash	23/01/2017
Patrick Walsh	Unknown \$ 50.00	Unidentified payment - Patrick Walsh	13/02/2017
Unknown	Unknown \$ 50.00	Unidentified payment - Walker Store I OWE	1/05/2017
Unknown	Unknown \$ 1.00	deposit cash	9/05/2017
Unknown	Unknown \$ 50.00	Unidentified payment - Walker Store I OWE	15/05/2017
Unknown	Unknown \$ 50.00	"deposit" - Unknown	18/07/2013
Unknown	Unknown \$ 20.00	Transfer from CBA	30/07/2013
Unknown	Unknown \$ 131.08	Deposit	21/08/2013
Unknown	Unknown \$ 245.00	Deposit	29/11/2013
Unknown	Unknown \$ 250.00	Deposit	31/01/2014
Unknown	Unknown \$ 250.00	Deposit	7/03/2014
Unknown	Unknown \$ 26.95	34909	30/04/2014
Unknown	Unknown \$ 250.00	Deposit	23/05/2014
Unknown	Unknown \$ 80.00	From NAB trust in error	22/12/2014
Unknown	Unknown \$ 80.00	From NAB trust in error	30/12/2014
Unknown	Unknown \$ 126.50	Transfer from CBA (Unknown)	9/01/2015
Unknown	Unknown \$ 4.83	Debt Relief EFT Divi 65590 - Unknown	27/04/2016
Unknown	Unknown \$ 6.04	Debt Relief EFT Divi 65590 - Unknown	26/05/2016
Unknown	Unknown \$ 4.83	Debt Relief EFT Divi 65590 - Unknown	28/06/2016
Unknown	Unknown \$ 6.04	Debt Relief EFT Divi 65590 - Unknown	26/07/2016

NOTICE SUBMISSION

Notices for publication must be submitted before 4 p.m. Tuesday, the week of intended gazettal.

Proofs of formatted content are supplied for all notice submissions. Alterations must be returned before 4 p.m. Wednesday.

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- A structured body of text
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