



# THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

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ADELAIDE, TUESDAY, 21 NOVEMBER 2017

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

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Department of the Premier and Cabinet  
Adelaide, 21 November 2017

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the Motor Accident Commission Board, pursuant to the provisions of the Motor Accident Commission Act 1992:

Director: From 21 November 2017 until 30 June 2019  
Mary Lydon

By command,

KYAM JOSEPH MAHER, for Premier

T&F17/077CS

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Department of the Premier and Cabinet  
Adelaide, 21 November 2017

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

Director: From 21 November 2017 until 20 February 2018  
Jan McMahan

Director: From 2 December 2017 until 1 December 2020  
Kathryn Anne Presser

By command,

KYAM JOSEPH MAHER, for Premier

T&F17/082CS

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Department of the Premier and Cabinet  
Adelaide, 21 November 2017

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the Protective Security Officers Disciplinary Tribunal, pursuant to the provisions of the Protective Security Act 2007:

Panel Member: From 22 November 2017 until 28 April 2020  
Oliver Rudolf Gerhard Koehn

By command,

KYAM JOSEPH MAHER, for Premier

AGO0159/17CS

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Department of the Premier and Cabinet  
Adelaide, 21 November 2017

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the Police Disciplinary Tribunal, pursuant to the provisions of the Police Complaints and Discipline Act 2016:

Panel Member: From 22 November 2017 until 28 April 2020  
Oliver Rudolf Gerhard Koehn

By command,

KYAM JOSEPH MAHER, for Premier

AGO0159/17CS

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Department of the Premier and Cabinet  
Adelaide, 21 November 2017

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint Oliver Rudolf Gerhard Koehn as a Magistrate commencing on 22 November 2017 - pursuant to the provisions of the Magistrates Act 1983.

By command,

KYAM JOSEPH MAHER, for Premier

AGO0159/17CS

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Department of the Premier and Cabinet  
Adelaide, 21 November 2017

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint, by Notice in the Government Gazette the people listed as Justices of the Peace for South Australia, upon the terms and conditions set out in the Notice below - pursuant to Section 4 of the Justices of the Peace Act 2005.

#### NOTICE OF APPOINTMENT OF JUSTICES OF THE PEACE FOR SOUTH AUSTRALIA

*Pursuant to Section 4 of the Justices of the Peace Act 2005*

I, the Governor's Deputy in Executive Council, hereby appoint the people listed as Justices of the Peace for South Australia for a period of ten years commencing and expiring on the dates detailed below, it being a condition of appointment that the Justices of the Peace must take the oaths required of a Justice under the Oaths Act 1936 and return the oaths form to the Justice of the Peace Services within 3 months of the date of appointment.

For a term commencing on 13 December 2017 and expiring on 12 December 2027

Antonio Cutufia  
Janine Kaye Dunn  
Marie Anne Girolamo  
Peter Brian Johnston  
Young Song Lee  
Peter John Mason  
Mary Patetsos

Matthew Peter Sarunic  
Mary Tuck

For a term commencing on 17 January 2018 and expiring on 16 January 2028

Glenn Daniel Clifford  
Joanne Damento  
Jacqueline Joyce Hines  
Emmanuel Mani Kalampattel  
Sheila Knowles  
Lucy Anne Mahon  
David Mitchell  
Melita Elizabeth Probert  
Roger John Sanderson  
David Charles Skey  
George Vanco

For a term commencing on 24 January 2018 and expiring on 23 January 2028

Joseph Sebastian Bagnara  
Rocchina Maria Catalano  
Gael Patricia Clark  
Leeanne Norreen D'Arville  
Eric Alan Holroyd  
Sonia Marree Pringle  
Nasreen Taj Wilson

For a term commencing on 31 January 2018 and expiring on 30 January 2028

Shahzad Khayam Ali  
Mathew Michael Deane  
Mara Beatrice Di Francesco  
Geoffrey Evans  
Sharon Anne Ferguson  
Shane Peter Hennessy  
Gregory Brian Howard  
James Stuart Lonergan  
Heather Ann Mattner  
Rosalie Jean Schultz

By command,

KYAM JOSEPH MAHER, for Premier

JP17/017CS

Department of the Premier and Cabinet  
Adelaide, 21 November 2017

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint, by Notice in the Government Gazette the people listed in the Notice as Justices of the Peace for South Australia, upon the terms and conditions set out in the Notice below - pursuant to Section 4 of the Justices of the Peace Act 2005.

#### NOTICE OF APPOINTMENT OF JUSTICES OF THE PEACE FOR SOUTH AUSTRALIA

*Pursuant to Section 4 of the Justices of the Peace Act 2005*

I, the Governor in Executive Council, hereby appoint the people listed as Justices of the Peace for South Australia for a period of ten years commencing from 21 November 2017 and expiring on 20 November 2027, it being a condition of appointment that the Justices of the Peace must take the oaths required of a Justice under the Oaths Act 1936 and return the oaths form to the Justice of the Peace Services within 3 months of the date of appointment.

Judith Anne Causby  
Sarah Jane Hennessy Mead  
Senurie Lourdes Jayasuriya  
Madeline Laura Gladys Jenkins  
Robert Louis Johncock  
Devraj Kandel  
Josephine Mary Koerner  
Kayleen Mary Lesue  
Troy Richardson Mansfield  
Margaret Jane Minney  
Nadia Marie Minuzzo-Larsen  
Nagammal Mudaliar  
Elizabeth Mary O'Connor  
Michelle Louise Putterill  
Denise Elaine Rigby-Meth  
Michael Thomas Roche  
Hirenkumar Liladharbhai Rupareliya  
Melissa Sue-Anne Rushby  
Michael Angelo Bada Santos  
Melissa Amy Shortman  
Brandon Tyler Smith  
Melvyn Smith  
Vanessa Therese Francis Stalley-Gordon  
Rachael Jane Temby  
Christopher Thompson  
Danuta Toop

By command,

KYAM JOSEPH MAHER, for Premier

JP17/022CS

## AQUACULTURE (ZONES-LOWER EYRE PENINSULA) POLICY 2013

## Clause 28

TAKE NOTICE that the notice made for the purposes of clause 8(1)(a)(ii) of the *Aquaculture (Zones-Lower Eyre Peninsula) Policy 2013* in relation to prescribed criteria for the Boston Bay aquaculture zone being the first and only notice published on page 4781 of the South Australian Government Gazette dated 5 November 2015 is HEREBY REVOKED.

Dated 14 November 2017.

LEON BIGNELL MP, Minister for Agriculture, Food and Fisheries

## DEVELOPMENT ACT 1993

## NOTICE UNDER SECTION 25(17):

*Coorong District Council**Town Centres, Townships and Environs Part 1—Development Plan Amendment**Preamble*

1. The Town Centres, Townships and Environs Part 1 Development Plan Amendment (the Amendment) by the Coorong District Council has been finalised in accordance with the provisions of the *Development Act 1993*.
2. The Minister for Planning has decided to approve the Amendment.

PURSUANT to section 25 of the *Development Act 1993*, I –

- a. approve the Amendment; and
- b. fix the day on which this notice is published in the Gazette as the day on which the Amendment will come into operation.

Dated 16 November 2017.

JOHN RAU, Deputy Premier, Minister for Planning

## DEVELOPMENT ACT 1993

## NOTICE UNDER SECTION 25(17):

*Marion Council**Recreation/Community Development Plan Amendment**Preamble*

1. The Recreation/Community Development Plan Amendment (the Amendment) by the Marion Council has been finalised in accordance with the provisions of the *Development Act 1993*.
2. The Minister for Planning has decided to approve the Amendment.

PURSUANT to section 25 of the *Development Act 1993*, I –

- a. approve the Amendment; and
- b. fix the day on which this notice is published in the Gazette as the day on which the Amendment will come into operation.

Dated 16 November 2017.

JOHN RAU, Deputy Premier, Minister for Planning

## FISHERIES MANAGEMENT ACT 2007

*Items Seized*

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

At CAPE NORTHUMBERLAND on 12/11/2017:

- 1) 1 x rock lobster pot with red neck, white rope, 1 black bait basket, 1 wire bait basket, white 20 litre container 1 x rock lobster pot with red neck, purple plastic tube (around neck) white/yellow rope, 1 black bait basket, white 20 litre container with "Lotus White Vinegar" recorded on it

The above items were suspected to have been used, or intended to be used, in contravention of the *Fisheries Management Act, 2007*, and were taken into possession at:

**CAPE NORTHUMBERLAND**

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

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

Dated 16 November 2017.

BREE BALMER, Prosecutions Coordinator

## FISHERIES MANAGEMENT ACT 2007

*Items Seized*

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

At MARION BAY on 20/10/2017:

- 1) Shimano Rod & Reel Combo with Squidding rig
- 2) Silstar Rod & Sentinel Reel with Squidding rig
- 3) Jarvis Walker Rod & Reel Combo with Squidding rig

The above items were suspected to have been used, or intended to be used, in contravention of the *Fisheries Management Act, 2007*, and were taken into possession at:

**MARION BAY**

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

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

Dated 13 November 2017.

BREE BALMER, Prosecutions Coordinator

FISHERIES MANAGEMENT ACT 2007

SECTION 115

*Ministerial Exemption ME9902964*

TAKE NOTICE that pursuant to section 115 of the *Fisheries Management Act 2007* ('the Act'), a registered master fishing pursuant to a Northern Zone Rock Lobster Fishery licence (the 'exemption holder') is exempt from regulation 7 and clause 18 of schedule 6 of the *Fisheries Management (General) Regulations 2007* but only insofar as the exemption holder, or a person acting as their agent, may take Southern Rock Lobster (*Jasus edwardsii*) pursuant to their licence using rock lobster pots that do not have escape gaps ('the exempted activity'), subject to the conditions in Schedule 1, during the period 18 November 2017 until 31 October 2018, unless varied or revoked earlier.

SCHEDULE 1

1. A person fishing pursuant to a Northern Zone Rock Lobster Fishery licence may only undertake the exempted activity when an independent observer is on board the boat and that observer is undertaking catch sampling for research purposes, in accordance with the SA Northern Zone Rock Lobster Fishery 2017/18 Pot Sampling Strategy agreed to by the South Australian Northern Zone Rock Lobster Fishermen's Association and PIRSA in the 2017/18 cost recovery program.
2. Data generated from the exempted activity must be forwarded directly to SARDI Aquatic Sciences. Data may not be copied or provided to additional parties.
3. The independent observers, for the purpose of this exemption, must be either Mr Mark Barwick of Eyre Logistics, 48 St Andrews Terrace, Port Lincoln South Australia 6606 or an employee of SARDI.
4. Escape gaps may only be closed on more than three rock lobster pots while an observer is on board the boat undertaking the exempted activity.
5. With the exception of three rock lobster pots, all escape gaps on rock lobster pots on board the boat must be open when no independent observer is present or as soon as the independent observer leaves the boat.
6. Before conducting the exempted activity, the exemption holder must contact the PIRSA FISHWATCH on 1800 065 522 and answer a series of questions about the exempted activity. You will need to have a copy of your exemption with you at the time of making the call, and be able to provide the following details:
  1. name of the person making the call;
  2. licence number;
  3. name of the boat and its registration number;
  4. the name of the Registered Master on board the boat;
  5. port of departure;
  6. number of days at sea
7. While engaged in the exempted activity, the exemption holder must have in their possession a copy of this notice and produce a copy of this notice if requested by a Fisheries Officer.
8. The exemption holder shall not contravene or fail to comply with the *Fisheries Management Act 2007* or any regulations made under that Act, except where specifically exempted by this notice.

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

Dated 17 November 2017.

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

FISHERIES MANAGEMENT ACT 2007

SECTION 115

*Ministerial Exemption: ME9902965*

TAKE NOTICE that pursuant to section 115 of the *Fisheries Management Act 2007*, A/Professor Luciana Möller of the School of Biological Sciences, Flinders University, GPO Box 2100, ADELAIDE SA 5001 (the 'exemption holder') or a person acting as her agent, is exempt from sections 71 (1) (b) and 71 (2) of the *Fisheries Management Act 2007* but only insofar as they may undertake the activities described in Schedule 1, subject to the conditions set out in Schedule 2, from 11 November 2017 until 11 November 2018, unless varied or revoked earlier.

SCHEDULE 1

Species and maximum number of individuals that can be sampled

Species	Life stage	Number of individuals and samples collected
Southern Australian bottlenose dolphin – <i>Tursiops australis</i>	Juveniles and Adults only	Maximum 130 individuals sampled for skin biopsies and exhaled breath
Common dolphin – <i>Delphinus delphis</i>	Juveniles and Adults only	Maximum 30 individuals sampled for exhaled breath
Baleen whales (parvorder Mysticeti)	Juveniles and Adults only	Maximum 30 individuals sampled for skin biopsies and exhaled breath

## SCHEDULE 2

1. The exempted activity is permitted in South Australian Marine Coastal Waters including Marine Parks but excluding Sanctuary zones and restricted access zones (unless authorised by a permit under the *Marine Parks Act 2007*), and excluding Aquatic Reserves unless otherwise authorised by a permit under the *Fisheries Management Act 2007*.
2. The exemption holder must make all reasonable attempts to minimise interference with the animals' natural activities. The exemption holder must take all reasonable steps to minimise the extent of injury, damage or harm to the cetaceans in undertaking the research activity.
3. No cetacean of any species may be removed from the water.
4. Any unexpected deaths, injuries or other complications that impact on the wellbeing of any species while undertaking the exempted activity must be reported to PIRSA Fisheries on 1800 065 522 as soon as practicable.
5. The following persons are authorised to act as agents under this exemption:
  - Miss Eleanor Pratt, Flinders University School of Biological Sciences
  - Miss Kimberly Batley, Flinders University School of Biological Sciences
  - Dr Guido Parra, Flinders University School of Biological Sciences
  - Dr Catherine Attard, Flinders University School of Biological Sciences
  - Miss Nikki Zanardo, Flinders University School of Biological Sciences
  - Miss Andrea Barcelo Celis, Flinders University School of Biological Sciences
  - Mr Fernando Diaz Aguirre, Flinders University School of Biological Sciences
6. Before undertaking the exempted activity, the exemption holder or a person acting as an agent must contact PIRSA FISHWATCH on 1800 065 522 and answer a series of questions about the exempted activity. The exemption holder will need to have a copy of the exemption at the time of making the call and be able to provide information about the area and time of the exempted activity, the vehicles and/or boats involved, the number of agents undertaking the exempted activity and other related questions.
7. While engaging in the exempted activity, the exemption holder or agent must be in possession of a copy of this notice. Such notice must be produced to a Fisheries Officer immediately upon request.
8. The exemption holder must provide a report in writing detailing the outcomes of the research and collection of organisms pursuant to this notice to PIRSA, Fisheries and Aquaculture (GPO Box 1625, ADELAIDE SA 5001) within 30 days of the final collection (the exempted activity) with the following details:
  - the date, time and location of sampling;
  - the number and description of all species sampled; and
  - any other information deemed relevant or of interest that is able to be volunteered.
9. The exemption holder must not contravene or fail to comply with the *Fisheries Management Act 2007* or any regulations made under that Act, except where specifically exempted by this notice.

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

Dated 10 November 2017.

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

## FISHERIES MANAGEMENT ACT 2007

## SECTION 115

*Ministerial Exemption ME9902968*

TAKE NOTICE that pursuant to section 115 of the *Fisheries Management Act 2007*, Mary Asikas, Principal of Hallett Cove R-12 School, 2-32 Gledsdale Road, HALLETT COVE SA 5158 (the 'exemption holder'), or a person acting as her agent, is exempt from section 70 of the *Fisheries Management Act 2007* and Regulation 7 and Clauses 72 and 118 of Schedule 6 of the *Fisheries Management (General) Regulations 2007* but only insofar as the exemption holder shall not be guilty of an offence when engaging in the taking or possessing aquatic organisms (excluding species protected pursuant to section 71 of the *Fisheries Management Act 2007*) from the waters specified in Schedule 1, using the gear specified in Schedule 2 (the 'exempted activity') and subject to the conditions specified in Schedule 3, from 18 November 2017 until 18 November 2018, unless varied or revoked earlier.

## SCHEDULE 1

South Australian marine coastal waters (including intertidal rocky reefs) excluding aquatic reserves and specially protected areas, being Marine Park Sanctuary Zones and Restricted Access Zones (unless authorised under the *Marine Parks Act 2007*), the Adelaide Dolphin Sanctuary and River Murray.

## SCHEDULE 2

Soft mesh hand nets with the following configuration:

- Head – approximately 500 mm x 500 mm
- Handle – 1,500 mm extendable
- Mesh – 2 mm to 3 mm spacing

## SCHEDULE 3

1. The nominated agents of the exemption holder;
  - Mr Bill Round
2. The collection of the following from coastal waters:
  - Rock Pool Shrimp x 50
  - Sweep x 1
  - Blennies and Globies x 10
  - Cowfish x 2
  - Old Wives x 4
  - Toadfish x 2
  - Weedfish x 4
  - Southern Rock Lobster x 2
  - Blue Swimmer Crab x 2
  - Seastar x 6

- Magpie Morwong x 2
  - Live Rock (including attached aquatic organisms) 25kg
- 3 The specimens collected by the exemption holder are for educational display purposes only and must not be sold.
  - 4 Any protected species taken incidentally while undertaking research under this exemption must be returned to the water as soon as possible.
  - 5 The exemption holder must not collect specimens for aquaculture research purposes pursuant to this notice.
  - 6 Organisms collected pursuant to this notice must not be released if they have been kept separate to their natural environment.
  - 7 Within 14 days of the collection of organisms pursuant to this notice, the exemption holder must provide a report in writing to PIRSA Fisheries and Aquaculture, (GPO Box 1625, ADELAIDE SA 5001), giving the following details:
    - the date and time of collection
    - the name and number of each species taken, including any mortalities resulting from collecting
    - locations of collection
    - details of disease outbreaks, if any
  - 8 At least 1 hour before conducting research under this exemption, the exemption holder must contact PIRSA Fishwatch on **1800 065 522** and answer a series of questions about the exempted activity. The exemption holder will need to have a copy of this notice in their possession at the time of making the call, and be able to provide information about the area and time of the exempted activity, the vehicles and/or boats involved, the number of permit holders undertaking the exempted activity and other related questions.
  - 9 A person acting as an agent of the exemption holder must possess a copy of a signed letter from the exemption holder stating that they are acting as an agent during the exempted activity, and identification stating that they are affiliated with the Hallett Cove R-12 School.
  - 10 The exemption holders or a person acting as an agent must not contravene or fail to comply with the *Fisheries Management Act 2007* or any regulations made under that Act, except where specifically exempted by this notice.

This notice does not purport to override the provisions or operation of any other Act including, but not limited to, the *Marine Parks Act 2007*, the *River Murray Act 2003* or the *Adelaide Dolphin Sanctuary Act 2005*.

Dated 17 November 2017.

SEAN SLOAN, A/Executive Director, Fisheries and Aquaculture

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

##### *Closure of Brookfield Conservation Park*

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

- 5 am on Friday, 15 December 2017 until 5 pm on Monday, 18 December 2017.
- 5 am on Saturday, 10 February 2018 until 5 pm on Friday, 16 February 2018.
- 5 am on Saturday, 12 May 2018 until 5 pm on Friday, 18 May 2018.
- 5 am on Saturday, 8 September 2018 until 5 pm on Friday, 14 September 2018.

The purpose of the closure is to ensure the safety of the public during a pest control and monitoring program within the park area during the period indicated.

Dated 15 November 2017.

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

#### PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

##### *Application for Grant of Associated Activities Licence AAL 254*

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

##### **Beach Energy Limited Great Artesian Oil and Gas Pty Ltd**

The application will be determined on or after 19 December 2017.

##### *Description of Application Area*

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

All coordinates in GDA94, Zone 54

381628.00mE	6900911.00mN
381539.00mE	6900802.00mN
381467.00mE	6900877.00mN
381351.00mE	6901044.00mN
381084.00mE	6901111.00mN
374779.33mE	6901206.00mN
374778.37mE	6901298.00mN
381666.00mE	6901194.00mN
381663.00mE	6901034.00mN
381628.00mE	6900911.00mN

AREA: **0.70** square kilometres approximately

Dated 15 November 2017.

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

## PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

## GRANT OF PETROLEUM RETENTION LICENCES

PRLs 238, 239, 240, 241, 242, 243 and 244

NOTICE is hereby given that the undermentioned Petroleum Retention Licences have been granted under the provisions of the Petroleum and Geothermal Energy Act 2000.

No of Licence	Licensees	Locality	Expiry
PRL 238			
PRL 239			
PRL 240			
PRL 241	Victoria Oil Exploration (1977) Pty Ltd Acer Energy Pty Limited	Cooper Basin	13 November 2022
PRL 242			
PRL 243			
PRL 244			

Further information about the licences including descriptions of the licence areas is available for viewing on the Department of the Premier and Cabinet's Petroleum website via the following link:

[http://www.petroleum.dpc.sa.gov.au/licensing\\_and\\_land\\_access/registers](http://www.petroleum.dpc.sa.gov.au/licensing_and_land_access/registers)

Dated 14 November 2017.

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

## PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

## NOTICE UNDER SECTION 42

Practice Directions

**Preamble**

The State Planning Commission may issue a practice direction for the purposes of this Act.

A practice direction may specify procedural requirements or steps in connection with any matter arising under this Act.

**NOTICE**

PURSUANT to section 42 (4) (a) of the *Planning, Development and Infrastructure Act 2016*, I, **Timothy Anderson**, State Planning Commission Chairperson,

- a. issue the State Planning Commission Practice Direction (Environment and Food Production Areas – Greater Adelaide) 2017 (Practice Direction)
- b. fix the day on which the Practice Direction is published on the South Australian Planning Portal as the day on which the Practice Direction will come into operation.

Dated 15 November 2017.

TIMOTHY ANDERSON QC, State Planning Commission Chairperson

## PROFESSIONAL STANDARDS ACT 2004

Law Society of South Australia Professional Standards Scheme

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

Dated 10 November 2017.

JOHN RAU, Attorney-General

## PROFESSIONAL STANDARDS ACT 2004 (SA)

Instrument Amending the Law Society of South Australia Professional Standards Scheme

**Preamble**

- A. The Law Society of South Australia ("the Society") is an occupational association
- B. The Law Society of South Australia Professional Standards Scheme ("the Scheme") commenced on 1 July 2017.
- C. This instrument of amendment is prepared by the Society for the purposes of amending the Scheme to allow for mutual recognition of the Scheme in Tasmania.

**Amendment to the Scheme**

1. This instrument to amend the Law Society of South Australia Professional Standards Scheme is prepared pursuant to section 18 of the *Professional Standards Act 2004* (SA) by the Law Society of South Australia, whose business address is Level 10, Terrace Towers, 178 North Terrace, Adelaide, SA, 5000.

**Operation of the Scheme in multiple jurisdictions**

- 1.1 Amend recital G of the Preamble to delete the phrase "except Tasmania."
- 1.2 Amend clause 3.2 in the Scheme to insert the word "Tasmania," between the words "Western Australia," and "the ACT" thus:  
The Scheme applies in New South Wales, Victoria, Queensland, Western Australia, Tasmania, the ACT and the Northern Territory pursuant to the corresponding laws of each of those jurisdictions respectively.

**Definitions**

- 1.3 In clause 1 in the Scheme, delete the following references to the discretionary authority to specify a higher amount of liability from the definition “Monetary Ceiling”, thus:
- 1.3.1 Delete the phrase “(a) the higher of”; and
- 1.3.2 Delete the paragraph “OR (b) such higher amount as has been specified in relation to a specified Scheme Participant in respect of such case or class of case or generally as has been specified by the Society pursuant to clause 5.1;”.

**Conferral of discretionary authority**

- 1.4 Amend clause 5.1 in the Scheme to delete the words “Monetary Ceiling” from the final phrase of the paragraph and replace with the word “amount”, thus:
- The Scheme confers on the Society a discretionary authority, on application by a Scheme Participant, to specify in relation to the person a higher maximum amount of liability than would otherwise apply under the Scheme in relation to the person either in all cases or in any specified case or class of case, being a specified amount not exceeding \$50 million.

**Limitation of liability**

- 1.5 Amend clause 6.4 in the Scheme to insert the phrase “and the Acts” between the words “Scheme” and “applies” in the first line of the paragraph, thus:
- The limitation of liability that, in accordance with this Scheme and the Acts, applies in respect of an act or omission continues to apply to every cause of action founded on it, irrespective of when the proceedings are brought in respect of it, and even if the Scheme has been amended or has ceased to be in force.
- 1.6 Amend clause 6.5 in the Scheme to insert the phrase “and corresponding provisions” between the words “the Act” and “the Scheme” in the first line of the paragraph, thus:
- For the purposes of section 28 of the Act and corresponding provisions, the Scheme only affects a liability for damages arising from a Single Claim (including a claim by a person who has 2 or more causes of action arising out of a single event) exceeding \$1,500,000.

**Duration of the Scheme**

- 1.7 Amend clause 7.1 in the Scheme to insert the following text after the date “1 July 2017”:
- except in relation to its application to Tasmania in which case the Scheme will commence on the date which is 2 months after the date of its publication in the Government Gazette of Tasmania.

**Commencement**

2. The amendments to the Scheme made by this instrument will commence 2 months after the date of its publication in the Gazette.

## PROFESSIONAL STANDARDS ACT 2004

*New South Wales Bar Association Scheme*

PURSUANT to section 14 of *Professional Standards Act 2004*, I authorise the publication in the *Gazette* of the Instrument amending the New South Wales Bar Association Scheme.

Dated 10 November 2017.

JOHN RAU, Attorney-General

## PROFESSIONAL STANDARDS ACT 1994 (NSW)

## THE NEW SOUTH WALES BAR ASSOCIATION SCHEME

*Instrument Amending the New South Wales Bar Association Scheme***PREAMBLE**

- A. The New South Wales Bar Association (ACN 000 033 652) is an Occupational Association and Australian Public Company, Limited by Guarantee.
- B. The New South Wales Bar Association Scheme (the Scheme) commenced on 1 July 2015.
- C. This instrument of amendment is prepared by the New South Wales Bar Association for the purposes of amending its scheme to allow for mutual recognition of its scheme in Tasmania.

**AMENDMENT TO THE SCHEME**

1. This instrument to amend the New South Wales Bar Association Scheme is prepared pursuant to the Professional Standards Act 1994 (NSW) (the Act) by the New South Wales Bar Association whose business address is Selborne Chambers, 174 Phillip Street, Sydney NSW 2000.

**PREAMBLE**

In the second sentence of the first paragraph delete the word ‘current’ between the words ‘Association’s’ and ‘Scheme’ and change the year from ‘2010’ to ‘2015’.

In the last sentence of the second paragraph change the number ‘2100’ to ‘2200’.

In the last sentence of the first paragraph under the heading ‘Nature and operation of the scheme’, delete the word ‘and’ and add a comma between the words ‘Western Australia’ and ‘South Australia’ and insert the words ‘and Tasmania’ at the end of the sentence.

Delete the existing paragraph under the heading ‘complaints and discipline’ and, in its place, insert the following:

Scheme members are subject to a complaints and discipline system operating under the *Legal Profession Uniform Law* (NSW), the *Legal Profession Uniform Conduct (Barristers) Rules 2015*, the *Legal Profession Uniform Law Application Act 2014* (LPULAA) and Regulations thereunder. All scheme members must comply with this legislation.

At the end of the sentence in the paragraph headed ‘scheme administration’ substitute the words ‘Policy Lawyer’ with the words ‘Senior Projects Lawyer’.

**THE NEW SOUTH WALES BAR ASSOCIATION SCHEME**

In the name of the Scheme, insert the words “Professional Standards” between the words “Association” and “Scheme”, thus:

**THE NEW SOUTH WALES BAR ASSOCIATION PROFESSIONAL STANDARDS SCHEME**

Under paragraph 1 ‘Occupational Association’ delete the word ‘and’ and add a comma between the words ‘Western Australia’ and ‘South Australia’ and insert the words ‘and Tasmania’ at the end of the sentence.

In clauses 2.3.2 and 2.3.3 delete the word ‘and’ and add a comma between the words ‘Western Australia’ and ‘South Australia’ and insert the words ‘and Tasmania’ at the end of the sentence.

After clause 3.3, insert a new clause 3.4, thus:

- 3.4 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 should be capped both by this scheme and also by any other scheme under Professional Standards Legislation (whether of this jurisdiction or under the 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.

Delete the existing paragraph 4.1 of the Scheme and, in its place, insert the following:

- 4.1 The scheme commenced on 1 July 2015 in New South Wales, the Australian Capital Territory, Northern Territory, Queensland, Victoria, Western Australia and South Australia and is to remain in force in those jurisdictions until 30 June 2020 unless:

Delete the existing paragraph 4.2 of the Scheme and, in its place, insert the following:

- 4.2 The scheme will commence in Tasmania 2 months after the date of its publication in the Gazette of Tasmania and is to remain in force until 30 June 2020, unless it is earlier revoked or ceases to have effect or its period of operation is extended for a period of up to 12 months, or it ceases to have effect in New South Wales.

**COMMENCEMENT**

The amendments to the scheme will commence 2 months after its publication in the Gazette.

**PREAMBLE****Occupational Association**

The New South Wales Bar Association (ACN 000 033 652) is an Australian Public Company, Limited by Guarantee. The Association’s Scheme commenced on 1 July 2015. The NSW Bar Association’s website is [www.nswbar.asn.au](http://www.nswbar.asn.au)

The occupational group represented by the Association is barristers holding a New South Wales practising certificate. The Scheme only applies to barristers who hold a New South Wales practising certificate, who are members of the Association and who hold approved professional indemnity insurance as provided for in the Scheme. The number of members eligible to be covered by the Scheme is approximately 2200.

The Association’s objectives are outlined in clause 3 of the Constitution and include:

- to promote the administration of justice;
- to promote, maintain and improve the interests and standards of local practising barristers;
- to make recommendations with respect to legislation, law reform, rules of court and the business and procedure of courts;
- to seek to ensure that the benefits of the administration of justice are reasonably and equally available to all members of the community;
- to arrange and promote continuing legal education;
- to promote fair and honourable practice amongst barristers; to suppress, discourage and prevent malpractice and professional misconduct;
- to inquire into questions as to professional conduct and etiquette of barristers;
- to confer and cooperate with bodies in Australia or elsewhere representing the profession of the law;
- to encourage professional, educational, cultural and social relations amongst the members of the Bar Association; and
- to make donations to charities and such other objects in the public interest as determined from time to time by the Bar Council.

**Nature and Operation of the Scheme**

The Scheme operates for the purpose of improving the occupational standards of barristers and to protect the consumers of their services. The Scheme limits the civil liability of barristers to whom it applies. The Scheme is intended to operate in New South Wales, the Australian Capital Territory, the Northern Territory, Queensland, Victoria, Western Australia, South Australia and Tasmania.

The liability limited by the Scheme includes, to the extent permitted by the Act, all civil liability arising (in tort, contract or otherwise) directly or vicariously from anything done or omitted by a member of the Association or to any person to whom the Scheme applies in acting in the performance of his or her occupation. The Scheme does not apply to liability for damages arising from any matter to which the Act does not apply, including, but not limited to, liability for damages arising from death or personal injury to a person, a breach of trust, fraud or dishonesty.

The Scheme does not affect damages which are below \$1.5 million. The Scheme limits liability for damages to \$1.5 million provided the person has insurance which is not less than \$1.5 million. To date, there has never been a successful claim against a NSW barrister that has reached \$1.5 million in damages.

**Risk Management**

The Association has adopted many risk management strategies, including:

- requirements for professional entry to practice at the Bar;
- continuing professional development in the areas of ethics and regulation of the profession; management; substantive law, practice and procedure, and evidence, advocacy, mediation and other barristers’ skills;
- codes of ethical conduct;
- technical standards and guidance;
- advisory and support services;
- complaints and discipline systems; and
- claims monitoring.

The Bar Association will continue to report annually on the implementation and monitoring of its risk management strategies, the effect of those strategies and any changes made or proposed to be made to them.

### Complaints and Discipline

Scheme members are subject to a complaints and discipline system operating under the Legal Profession Uniform Law (NSW), the Legal Profession Uniform Conduct (Barristers) Rules 2015, the Legal Profession Uniform Law Application Act 2014 (LPULAA) and Regulations thereunder. All scheme members must comply with this legislation.

### Standards of Insurance

Scheme members are required to have approved professional indemnity insurance before they are issued with a practising certificate. The NSW Attorney General determines the statutory minimum level of professional indemnity insurance required to be taken out by barristers and approves the professional indemnity insurance policies on offer by brokers each year. The professional indemnity insurance taken out by NSW barristers covers them for liability in all Australian States and Territories.

### Claims Monitoring

The Association will continue to request that the Attorney General's Order approving the policies for NSW barristers each year requires that the brokers/insurers provide the Association with claims data so that the Association can continue to monitor claims made against its members. The Association will continue to maintain its long-established relationship with the insurers. The Bar Association will continue to report annually to the Professional Standards Council on claims monitoring, tactics, performance measures and monitoring systems.

### Scheme Administration

Responsibility for administration of the scheme and ensuring that it complies with the requirements of the *Professional Standards Act 1994* (NSW) and of the Professional Standards Council rests with the Executive Director; who is assisted on a day to day basis by the Association's Senior Projects Lawyer.

### Duration

The scheme will remain in force for a period of 5 years from 1 July 2015 unless it is revoked, extended or ceases in accordance with section 32 of the Professional Standards Act.

THE NEW SOUTH WALES BAR ASSOCIATION PROFESSIONAL STANDARDS SCHEME  
*Professional Standards Act 1994* (NSW)

#### 1. Occupational Association

The New South Wales Bar Association (the Bar Association) is an occupational association whose business address is Selborne Chambers, 174 Phillip Street Sydney. The New South Wales Bar Association Scheme (the scheme) is a scheme under the Professional Standards Act 1994 (NSW) (the Act). The scheme applies in New South Wales, the Australian Capital Territory, the Northern Territory, Queensland, Victoria, Western Australia, South Australia and Tasmania.

#### 2. Persons to Whom the Scheme Applies (Participating Members & Other Persons)

- 2.1 The scheme applies to persons referred to in clause 2.2 and clause 2.3 of this scheme.
- 2.2 All members of the Bar Association who hold a NSW barrister's practising certificate issued by the Bar Association and who have professional indemnity insurance that is required under law to be held by New South Wales barristers in order to practise.
- 2.3 Persons to whom the scheme applies:
  - 2.3.1 In New South Wales by virtue of sections 18, 19, 20 and 20A of the Act; and
  - 2.3.2 In the Australian Capital Territory, the Northern Territory, Queensland, Victoria, Western Australia, South Australia and Tasmania by virtue of the comparable provisions to sections 18 and 19 of the Act in the corresponding legislation of those jurisdictions; and
  - 2.3.3 In the Australian Capital Territory, the Northern Territory, Victoria, Western Australia, South Australia and Tasmania by virtue of the comparable provision to section 20 of the Act in the corresponding legislation of those jurisdictions; and
  - 2.3.4 In Queensland by virtue of section 21A of the Professional Standards Act 2004 (Qld), and in Western Australia by virtue of section 34A of the Professional Standards Act 1997 (WA).

#### 3. Limitation of Liability

- 3.1 Subject to clause 3.3 below, a person to whom the scheme applies against whom a cause of action relating to occupational liability is brought, is not liable in damages in relation to that cause of action for anything done or omitted on or after the commencement of the scheme above a monetary ceiling (a maximum amount of liability) of \$1,500,000.
- 3.2 For the purposes of the operation of the scheme in NSW 'occupational liability' has the same meaning as it has in the Act and excludes any liability which may not from time to time be limited pursuant to the Act. Similarly, for the purposes of the operation of the scheme in other jurisdictions in which it applies i.e. ACT, Northern Territory, Queensland, Victoria, Western Australia, South Australia and Tasmania, 'occupational liability' has the same meaning as it has in the corresponding legislation of those jurisdictions and excludes any liability which may not from time to time be limited pursuant to that legislation.
- 3.5 The person to whom the scheme applies must be able to satisfy the court that they have the benefit of:
  - 3.5.1 an insurance policy insuring them against that occupational liability, and
  - 3.5.2 an insurance policy under which the amount payable in respect of the occupational liability relating to that cause of action is not less than the maximum amount of liability specified in the scheme in relation to the person to whom the scheme applies and the kind of work to which the cause of action relates at the time at which the act or omission giving rise to the cause of action occurred.
- 3.6 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 should be capped both by this scheme and also by any other scheme under Professional Standards Legislation (whether of this jurisdiction or under the 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.

#### 4. Commencement and Duration

- 4.1 The scheme commenced on 1 July 2015 in New South Wales, the Australian Capital Territory, Northern Territory, Queensland, Victoria, Western Australia and South Australia and is to remain in force in those jurisdictions until 30 June 2020 unless:
- 4.1.1 in the case of New South Wales, in accordance with section 32 of the Act it is earlier revoked or ceases to have effect or its period of operation is extended for a period of up to 12 months; or
- 4.1.2 in so far as the scheme operates in the Australian Capital Territory, the Northern Territory, Queensland, Victoria, Western Australia and South Australia, in accordance with the law of those jurisdictions its operation in those jurisdictions is earlier revoked or ceases to have effect or its period of operation is extended for a period of up to 12 months, or it ceases to have effect in New South Wales.
- 4.2 The scheme will commence in Tasmania 2 months after the date of its publication in the Gazette of Tasmania and is to remain in force until 30 June 2020, unless it is earlier revoked or ceases to have effect or its period of operation is extended for a period of up to 12 months, or it ceases to have effect in New South Wales

#### RETAIL AND COMMERCIAL LEASES ACT 1995

##### Exemption

PURSUANT to section 77(1)(a) of the *Retail and Commercial Leases Act 1995* (SA) I, Martin Hamilton-Smith, Minister for Small Business for the State of South Australia, EXEMPT the Management Agreement between the Clare and Gilbert Valleys Council and the Young Men's Christian Association commencing on 1 July 2017 from the provisions of the *Retail and Commercial Leases Act 1995* (SA).

Dated 12 November 2017.

MARTIN HAMILTON-SMITH, Minister for Small Business

#### ROADS (OPENING AND CLOSING) ACT 1991

##### SECTION 24

##### NOTICE OF CONFIRMATION OF ROAD PROCESS ORDER

##### *Road Closure – Scoular Road, Blakeview*

BY Road Process Order made on 15 September 2017, the City of Playford ordered that:

1. Portion of the Public Road (Scoular Road), situated adjoining Allotment 3100 in Deposited Plan 116764 and Allotment 2007 in Deposited Plan 91667, more particularly delineated and lettered 'A' and 'B' in Preliminary Plan 17/0002 be closed.
2. Transfer the whole of the land subject to closure lettered 'A' to Lendlease Communities (Blakeview) Pty Ltd in accordance with the Agreement for Transfer dated 11 September 2017 entered into between the City of Playford and Lendlease Communities (Blakeview) Pty Ltd.
3. Transfer the whole of the land subject to closure lettered 'B' to Urban Renewal Authority in accordance with the Agreement for Transfer dated 11 September 2017 entered into between the City of Playford and Urban Renewal Authority.

On 17 November 2017 that order was confirmed by the Minister for Transport and Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 117047 being the authority for the new boundaries.

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

Dated 21 November 2017.

M. P. BURDETT, Surveyor-General

#### SOUTH AUSTRALIAN HOUSING TRUST ACT 1995

##### *Transfer of Assets of the South Australian Housing Trust*

PURSUANT to the provisions of Section 23 of the South Australian Housing Trust Act 1995, Stephen Mullighan, Minister for Housing and Urban Development with the concurrence of Tom Koutsantonis, Treasurer, gives notice of the transfer of properties listed in Schedule 1 from the South Australian Housing Trust to the Urban Renewal Authority on 21 November 2017.

##### SCHEDULE 1

Address	Certificate of Title		Certificate of Title Description	
	Volume	Folio	Plan	Parcel
30 Henderson Avenue Woodville West	6021	140	50877	5

Dated 24 October 2017.

HON STEPHEN MULLIGHAN MP, Minister for Housing and Urban Development

Dated 10 November 2017.

HON TOM KOUTSANTONIS MP, Treasurer

#### SUMMARY OFFENCES ACT 1953

##### DECLARED PUBLIC PRECINCTS

##### *Notice of Ministerial Determination*

I, JOHN ROBERT RAU, Attorney-General in the State of South Australia, being the Minister responsible for the administration of Part 14B – Declared Public Precincts of the *Summary Offences Act 1953*, **DO HEREBY DETERMINE** pursuant to the provisions of section 66 of the said Act<sup>1</sup> that the area contained within the following boundaries:

- All public areas inside the area encompassing the following borders;
  - North Eastern boundary of Eyre Street
  - Eastern boundary of Flinders Parade, including the beachfront to the waterline.
  - Southern boundary of Esplanade, including Soldiers Memorial Gardens and the beachfront to the waterline

- Eastern boundary of the continuation of Franklin Parade including Kent Reserve beachfront to the waterline
- South Western boundary of Harbour View Terrace
- North Western side of Bay Road
- Northern side of Victoria Street
- Northern side of Albert Place
- Western side of Ocean Street
- North Western side of Torrens Street

described as above be determined as posing a risk to public order and safety and in need of a public precinct declaration for a period of nine (9) hours from 6:00pm Friday 24 November 2017 until Saturday 25 November 2017, nine (9) hours from 6:00pm Saturday 25 November 2017 until Sunday 26 November 2017 and nine (9) hours from 6:00pm Sunday 26 November 2017 until Monday 27 November 2017, local time<sup>2</sup>

Dated 20 November 2017.

JOHN ROBERT RAU, Attorney-General

<sup>1</sup> Section (66N)(1) of the *Summary Offences Act 1953* provides that the Attorney-General may, by notice in the Gazette, declare a defined area comprised of 1 or more public places to be a declared public precinct for a period, or periods, specified in the declaration.

<sup>2</sup> Section 66N(4) of the *Summary Offences Act 1953* provides that a determination under this section takes effect from the date/time specified in the instrument and continues until the expiry date/time specified in the instrument or the making of a further determination under this section that revokes or replaces the determination. A declared public precinct may only be authorised for 12 hours in any 24 hour period unless special circumstances exist in the particular case.



South Australia

## **Adoption (Review) Amendment Act (Commencement) Proclamation 2017**

### **1—Short title**

This proclamation may be cited as the *Adoption (Review) Amendment Act (Commencement) Proclamation 2017*.

### **2—Commencement of suspended provisions**

The following provisions of the *Adoption (Review) Amendment Act 2016* (No 64 of 2016) will come into operation on 18 December 2017:

- (a) section 4, other than the insertion of section 3(3) into the *Adoption Act 1988*;
- (b) section 5(6), other than the insertion of the definitions of *party to an adoption* and *Registrar* into the *Adoption Act 1988*;
- (c) section 5(7) and (10);
- (d) section 6;
- (e) section 9(1);
- (f) section 14(3);
- (g) section 15;
- (h) section 17;
- (i) sections 19 to 22 (inclusive);
- (j) section 23(1);
- (k) sections 24 to 29 (inclusive).

### **Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 21 November 2017

MECD17/041

South Australia

## **Intervention Orders (Prevention of Abuse) (Recognition of National Domestic Violence Orders) Amendment Act (Commencement) Proclamation 2017**

### **1—Short title**

This proclamation may be cited as the *Intervention Orders (Prevention of Abuse) (Recognition of National Domestic Violence Orders) Amendment Act (Commencement) Proclamation 2017*.

### **2—Commencement**

The *Intervention Orders (Prevention of Abuse) (Recognition of National Domestic Violence Orders) Amendment Act 2017* (No 8 of 2017) will come into operation on 25 November 2017.

### **Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 21 November 2017

AGO0065/16CS

South Australia

## **Highways (Control of Access—Port Wakefield Road, Waterloo Corner) Proclamation 2017**

under section 30A(1)(a) of the *Highways Act 1926*

### **1—Short title**

This proclamation may be cited as the *Highways (Control of Access—Port Wakefield Road, Waterloo Corner) Proclamation 2017*.

### **2—Commencement**

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

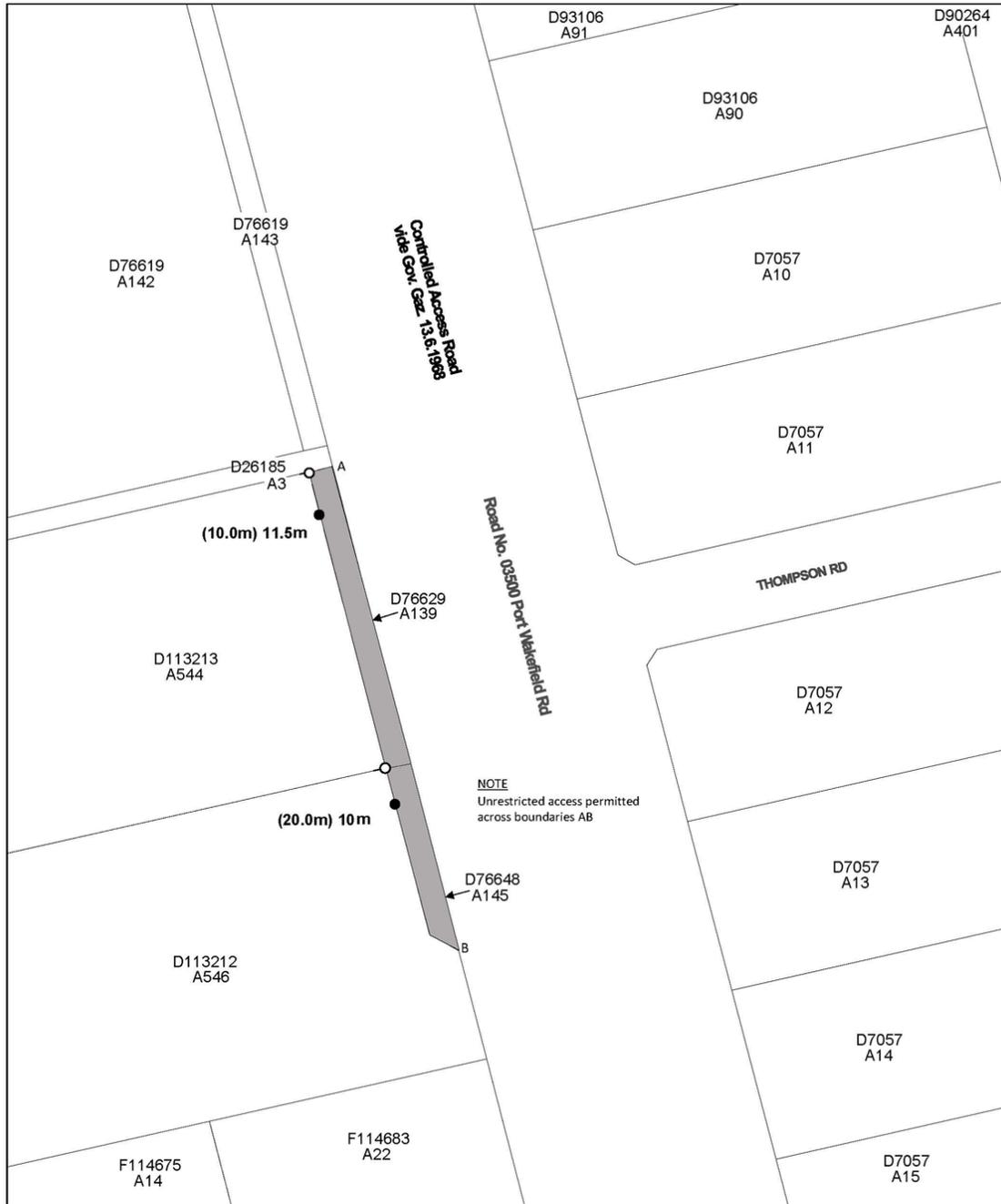
### **3—Declaration of controlled-access road**

The land shaded in grey on the plan in Schedule 1 is a controlled-access road.

### **4—Routes and means of access**

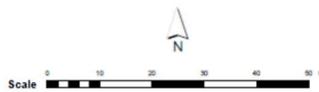
The routes and means of access by which persons and vehicles may enter or leave the controlled-access road declared in clause 3 are as shown on the plan referred to in that clause.

**Schedule 1—Plan**



**Legend**

- Reference Point
- Access Point (width) and distance to Reference Point
- Controlled Access Road



**Made by the Governor’s Deputy**

on the recommendation of the Commissioner of Highways with the advice and consent of the Executive Council  
on 21 November 2017

MTR/17/055

South Australia

## **South Australian Civil and Administrative Tribunal (Designation of Magistrate as Member of Tribunal) Proclamation 2017**

under section 18 of the *South Australian Civil and Administrative Tribunal Act 2013*

### **1—Short title**

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

### **2—Commencement**

This proclamation will come into operation on 22 November 2017.

### **3—Designation of magistrate as member of Tribunal**

The following magistrate holding office under the *Magistrates Act 1983* is designated as a member of the South Australian Civil and Administrative Tribunal:

Oliver Rudolf Gerhard Koehn

### **Made by the Governor's Deputy**

on the recommendation of the Attorney-General after consultation by the Attorney-General with the President of the South Australian Civil and Administrative Tribunal and the Chief Magistrate and with the advice and consent of the Executive Council  
on 21 November 2017

AGO0159/17CS

South Australia

## **Youth Court (Designation and Classification of Magistrate) Proclamation 2017**

under section 9 of the *Youth Court Act 1993*

### **1—Short title**

This proclamation may be cited as the *Youth Court (Designation and Classification of Magistrate) Proclamation 2017*.

### **2—Commencement**

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

### **3—Designation and classification of magistrate**

The Magistrate named in Schedule 1 is—

- (a) designated as a magistrate of the Youth Court of South Australia; and
- (b) classified as a member of the Court's principal judiciary; and
- (c) declared to be a member of the Court's principal judiciary for a term of 2 years.

## **Schedule 1—Magistrate of the Court**

Luke Anthony Davis

### **Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 21 November 2017

AGO0151/17CS

South Australia

## **Youth Court (Designation and Classification of Magistrate) Proclamation 2017**

under section 9 of the *Youth Court Act 1993*

### **1—Short title**

This proclamation may be cited as the *Youth Court (Designation and Classification of Magistrate) Proclamation 2017*.

### **2—Commencement**

This proclamation will come into operation on 22 November 2017.

### **3—Designation and classification of magistrate**

The magistrate named in Schedule 1 is—

- (a) designated as a magistrate of the Youth Court of South Australia; and
- (b) classified as a member of the Court's ancillary judiciary.

## **Schedule 1—Magistrate of the Court**

Oliver Rudolf Gerhard Koehn

### **Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 21 November 2017

AGO0159/17CS

South Australia

## **Heavy Vehicle National Law (South Australia) (Amendment of Law No 4) Regulations 2017**

under section 5 of the *Heavy Vehicle National Law (South Australia) Act 2013*

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- 97 Repeal of Chapter 10 Part 4 Divisions 1 and 2

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- 98 Substitution of heading to Chapter 10 Part 4 Division 3  
Division 3—Defences
- 99 Insertion of section 632A  
632A Using code of practice in proceeding
- 100 Amendment of section 634—Multiple offences
- 101 Amendment of section 636—Liability of executive officers of corporation
- 102 Amendment of section 637—Treatment of unincorporated partnerships
- 103 Amendment of section 638—Treatment of other unincorporated bodies
- 104 Amendment of section 701—False or misleading statements
- 105 Amendment of section 702—False or misleading documents
- 106 Substitution of section 707  
707 Proceeding for indictable offences  
707A Proceeding for other offences
- 107 Amendment of section 710—Averments
- 108 Insertion of section 726A  
726A Evidence of offence
- 109 Insertion of section 735A  
735A Legal professional privilege
- 110 Amendment of section 742—Contracting out prohibited
- 111 Substitution of Schedule 4  
Schedule 4—Liability provisions
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## Preamble

- 1 Section 5 of the *Heavy Vehicle National Law (South Australia) Act 2013* provides that if—
- the Parliament of Queensland enacts an amendment to the *Heavy Vehicle National Law* set out in the Schedule to the *Heavy Vehicle National Law Act 2012* of Queensland (the *Queensland Act*); and
  - the Governor is satisfied that an amendment that corresponds, or substantially corresponds, to the amendment made by the Parliament of Queensland should be made to the *Heavy Vehicle National Law (South Australia)*,
- the Governor may, by regulation, amend the South Australian Heavy Vehicle National Law text.
- 2 The Parliament of Queensland has enacted the *Heavy Vehicle National Law and Other Legislation Amendment Act 2016* to amend the Queensland Act and the Governor is satisfied that the amendments corresponding to the Queensland amendments set out in Part 2 of these regulations should be made to the South Australian Heavy Vehicle National Law text.
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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Heavy Vehicle National Law (South Australia) (Amendment of Law No 4) Regulations 2017*.

### 2—Commencement

These regulations will come into operation on the day on which section 10 of the *Heavy Vehicle National Law and Other Legislation Amendment Act 2016* of Queensland comes into operation.

### 3—Interpretation

In these regulations—

*Act* means the *Heavy Vehicle National Law (South Australia) Act 2013*.

### 4—Amendment provision

Pursuant to section 5 of the Act, the Heavy Vehicle National Law (South Australia) is amended as specified in Part 2 of these regulations.

## Part 2—Amendment of Heavy Vehicle National Law (South Australia)

### 5—Amendment of section 5—Definitions

- (1) Section 5—after the definition of *bus* insert:

*business practices*, of a person, means the person's practices in running a business associated with the use of a heavy vehicle on a road, including—

- (a) the operating policies and procedures of the business; and
- (b) the human resource and contract management arrangements of the business; and
- (c) the arrangements for preventing or minimising public risks associated with the person's practices;

- (2) Section 5, definition of *commercial consignor*—delete the definition

- (3) Section 5—after the definition of *compensation order* insert:

*complaint*, for an offence, includes an information, or a complaint, charge, notice or other process that starts a proceeding for the offence;

- (4) Section 5, definition of *consign* and *consignor*, (b)—delete paragraph (b) and substitute:

- (b) the person engages an operator of the vehicle, either directly or indirectly or through an agent or other intermediary, to transport the goods by road; or
- (ba) if paragraphs (a) and (b) do not apply—the person has possession of, or control over, the goods immediately before the goods are transported by road;

- (5) Section 5—after the definition of *container weight declaration* insert:

*contract* includes an agreement;

- (6) Section 5—after the definition of *employer* insert:

*encourage* includes give an incentive;

- (7) Section 5, definition of *entity*—after "person" insert:

, an unincorporated partnership

- (8) Section 5—after the definition of *extract* insert:

*false or misleading* means false or misleading in a material particular;

- (9) Section 5—after the definition of *indicated* insert:

*indictable offence* means an offence mentioned in section 26F;

*information* includes—

- (a) information in the form of a document; and
- (b) information stored electronically;

(10) Section 5, definition of *loading manager*—delete the definition and substitute:

*loading manager*, for goods in a heavy vehicle, means—

- (a) a person who manages, or is responsible for the operation of, regular loading or unloading premises for heavy vehicles where the goods are—
  - (i) loaded onto the heavy vehicle; or
  - (ii) unloaded from the heavy vehicle; or
- (b) a person who has been assigned by a person mentioned in paragraph (a) as responsible for supervising, managing or controlling, directly or indirectly, activities carried out by a loader or unloader of goods at regular loading or unloading premises for heavy vehicles;

(11) Section 5—after the definition of *malfunction* insert:

*management member*, of an unincorporated body, means—

- (a) if the body has a management committee—each member of the management committee; or
- (b) otherwise—each member who is concerned with, or takes part in, the body's management, whatever name is given to the member's position in the body;

(12) Section 5, definition of *mistake of fact defence*—delete the definition

(13) Section 5, definition of *party in the chain of responsibility*—delete the definition and substitute:

*party in the chain of responsibility*, for a heavy vehicle, means each of the following persons:

- (a) if the vehicle's driver is an employed driver—an employer of the driver;
- (b) if the vehicle's driver is a self-employed driver—a prime contractor for the driver;
- (c) an operator of the vehicle;
- (d) a scheduler for the vehicle;
- (e) a consignor of any goods in the vehicle;
- (f) a consignee of any goods in the vehicle;
- (g) a packer of any goods in the vehicle;
- (h) a loading manager for any goods in the vehicle;
- (i) a loader of any goods in the vehicle;
- (j) an unloader of any goods in the vehicle;

(14) Section 5—after the definition of *prohibition order* insert:

*promisee*—see section 590A;

- (15) Section 5—after the definition of *public place* insert:

*public risk* means—

- (a) a safety risk; or
- (b) a risk of damage to road infrastructure;

- (16) Section 5, definition of *reasonable steps defence*—delete the definition

- (17) Section 5—after the definition of *reasonably believes* insert:

*reasonably practicable*, in relation to a duty, means that which is, or was at a particular time, reasonably able to be done in relation to the duty, weighing up all relevant matters, including—

- (a) the likelihood of a safety risk, or damage to road infrastructure, happening; and
- (b) the harm that could result from the risk or damage; and
- (c) what the person knows, or ought reasonably to know, about the risk or damage; and
- (d) what the person knows, or ought reasonably to know, about the ways of—
  - (i) removing or minimising the risk; or
  - (ii) preventing or minimising the damage; and
- (e) the availability and suitability of those ways; and
- (f) the cost associated with the available ways, including whether the cost is grossly disproportionate to the likelihood of the risk or damage;

- (18) Section 5, definition of *record keeper*—delete ", for the purposes of Chapter 6,"

- (19) Section 5, definition of *regular loading or unloading premises*, paragraph 3, note—delete "(including sections 227, 238, 239 and 261)"

- (20) Section 5—after the definition of *trailer* insert:

*transport activities* means activities, including business practices and making decisions, associated with the use of a heavy vehicle on a road, including, for example—

- (a) contracting, directing or employing a person—
  - (i) to drive the vehicle; or
  - (ii) to carry out another activity associated with the use of the vehicle (such as maintaining or repairing the vehicle); or
- (b) consigning goods for transport using the vehicle; or
- (c) scheduling the transport of goods or passengers using the vehicle; or
- (d) packing goods for transport using the vehicle; or
- (e) managing the loading of goods onto or unloading of goods from the vehicle; or
- (f) loading goods onto or unloading goods from the vehicle; or
- (g) receiving goods unloaded from the vehicle;

- (21) Section 5—after the definition of *under* insert:

*unincorporated body* includes an unincorporated local government authority, but does not include an unincorporated partnership;

## **6—Repeal of section 14**

Section 14—delete the section

## **7—Amendment of section 18—Relationship with primary work health and safety laws**

- (1) Section 18(1)—delete subsection (1) and substitute:

- (1) If a provision of this Law and a provision of the primary WHS Law deal with the same thing, and it is possible to comply with both provisions, a person must comply with both provisions.
- (1a) However, to the extent it is not possible for the person to comply with both provisions, the person must comply with the provision of the primary WHS Law.

- (2) Section 18—after subsection (3) insert:

- (3a) If an act, omission or circumstances constitute an offence under this Law and the primary WHS Law, the offender is not liable to be punished twice for the act, omission or circumstances.

## **8—Insertion of Chapter 1A**

After Chapter 1 insert:

### **Chapter 1A—Safety duties**

#### **Part 1—Principles**

##### **26A—Principle of shared responsibility**

- (1) The safety of transport activities relating to a heavy vehicle is the shared responsibility of each party in the chain of responsibility for the vehicle.
- (2) The level and nature of a party's responsibility for a transport activity depends on—
  - (a) the functions the person performs or is required to perform, whether exclusively or occasionally, rather than—
    - (i) the person's job title; or
    - (ii) the person's functions described in a written contract; and
  - (b) the nature of the public risk created by the carrying out of the transport activity; and
  - (c) the party's capacity to control, eliminate or minimise the risk.

##### **26B—Principles applying to duties**

- (1) A person may have more than 1 duty because of the functions the person performs or is required to perform.

- (2) More than 1 person can concurrently have a duty under this Law and each duty holder must comply with that duty to the standard required by this Law even if another duty holder has the same duty.
- (3) If more than 1 person has a duty for the same matter, each person—
  - (a) retains responsibility for the person's duty in relation to the matter; and
  - (b) must discharge the person's duty to the extent to which the person—
    - (i) has the capacity to influence and control the matter; or
    - (ii) would have had that capacity but for an agreement or arrangement purporting to limit or remove that capacity.
- (4) A duty under this Law may not be transferred to another person.

## **Part 2—Nature of duty**

### **26C—Primary duty**

- (1) Each party in the chain of responsibility for a heavy vehicle must ensure, so far as is reasonably practicable, the safety of the party's transport activities relating to the vehicle.
- (2) Without limiting subsection (1), each party must, so far as is reasonably practicable—
  - (a) eliminate public risks and, to the extent it is not reasonably practicable to eliminate public risks, minimise the public risks; and
  - (b) ensure the party's conduct does not directly or indirectly cause or encourage—
    - (i) the driver of the heavy vehicle to contravene this Law; or
    - (ii) the driver of the heavy vehicle to exceed a speed limit applying to the driver; or
    - (iii) another person, including another party in the chain of responsibility, to contravene this Law.
- (3) For subsection (2)(b), the party's conduct includes, for example—
  - (a) the party asking, directing or requiring another person to do, or not do, something; and
  - (b) the party entering into a contract—
    - (i) with another person for the other person to do, or not do, something; or
    - (ii) that purports to annul, exclude, restrict or otherwise change the effect of this Law.

**26D—Duty of executive of legal entity**

- (1) If a legal entity has a duty under section 26C, an executive of the legal entity must exercise due diligence to ensure the legal entity complies with the duty.

Maximum penalty: The penalty for a contravention of the provision by an individual.

- (2) The executive may be convicted of an offence against subsection (1) even if the legal entity has not been proceeded against for, or convicted of, an offence relating to the duty.

- (3) In this section—

*due diligence* includes taking reasonable steps—

- (a) to acquire, and keep up to date, knowledge about the safe conduct of transport activities; and
- (b) to gain an understanding of—
  - (i) the nature of the legal entity's transport activities; and
  - (ii) the hazards and risks, including the public risk, associated with those activities; and
- (c) to ensure the legal entity has, and uses, appropriate resources to eliminate or minimise those hazards and risks; and
- (d) to ensure the legal entity has, and implements, processes—
  - (i) to eliminate or minimise those hazards and risks; and
  - (ii) for receiving, considering, and responding in a timely way to, information about those hazards and risks and any incidents; and
  - (iii) for complying with the legal entity's duty under section 26C; and
- (e) to verify the resources and processes mentioned in paragraphs (c) and (d) are being provided, used and implemented;

*executive*, of a legal entity, means—

- (a) for a corporation—an executive officer of the corporation; or
- (b) for an unincorporated partnership—a partner in the partnership; or
- (c) for an unincorporated body—a management member of the body;

*legal entity* means—

- (a) a corporation; or
- (b) an unincorporated partnership; or
- (c) an unincorporated body.

**26E—Prohibited requests and contracts**

- (1) A person must not ask, direct or require (directly or indirectly) the driver of a heavy vehicle or a party in the chain of responsibility to do or not do something the person knows, or ought reasonably to know, would have the effect of causing the driver—
  - (a) to exceed a speed limit applying to the driver; or
  - (b) to drive a fatigue-regulated heavy vehicle while impaired by fatigue; or
  - (c) to drive a fatigue-regulated heavy vehicle while in breach of the driver's work and rest hours option; or
  - (d) to drive a fatigue-regulated heavy vehicle in breach of another law in order to avoid driving while impaired by fatigue or while in breach of the driver's work and rest hours option.

Maximum penalty: \$10 000.

- (2) A person must not enter into a contract with the driver of a heavy vehicle or a party in the chain of responsibility that the person knows, or ought reasonably to know, would have the effect of causing the driver, or would encourage the driver, or would encourage a party in the chain of responsibility to cause the driver—
  - (a) to exceed a speed limit applying to the driver; or
  - (b) to drive a fatigue-regulated heavy vehicle while impaired by fatigue; or
  - (c) to drive a fatigue-regulated heavy vehicle while in breach of the driver's work and rest hours option; or
  - (d) to drive a fatigue-regulated heavy vehicle in breach of another law in order to avoid driving while impaired by fatigue or while in breach of the driver's work and rest hours option.

Maximum penalty: \$10 000.

**Note—**

See section 632 for the matters a court may consider when deciding whether a person ought reasonably to have known something.

**Part 3—Failing to comply with duty****26F—Category 1 offence**

- (1) A person commits an offence if—
  - (a) the person has a duty under section 26C; and
  - (b) the person, without a reasonable excuse, engages in conduct related to the duty that exposes an individual to a risk of death or serious injury or illness; and
  - (c) the person is reckless as to the risk.

Maximum penalty:

- (a) if an individual commits the offence—\$300 000 or 5 years imprisonment or both; or
  - (b) if a corporation commits the offence—\$3 000 000.
- (2) The prosecution bears the burden of proving that the conduct was engaged in without reasonable excuse.

### **26G—Category 2 offence**

A person commits an offence if—

- (a) the person has a duty under section 26C; and
- (b) the person contravenes the duty; and
- (c) the person's contravention exposes an individual, or class of individuals, to a risk of death or serious injury or illness.

Maximum penalty:

- (a) if an individual commits the offence—\$150 000; or
- (b) if a corporation commits the offence—\$1 500 000.

### **26H—Category 3 offence**

A person commits an offence if—

- (a) the person has a duty under section 26C; and
- (b) the person contravenes the duty.

Maximum penalty:

- (a) if an individual commits the offence—\$50 000; or
- (b) if a corporation commits the offence—\$500 000.

## **9—Amendment of section 33—Unregistered heavy vehicle temporarily in Australia**

Section 33(1)(c)—delete paragraph (c) and substitute:

- (c) the vehicle is used, to the fullest extent possible, in accordance with any conditions of the registration in the foreign country; and

## **10—Amendment of section 50—Obtaining registration or registration items by false statements etc**

- (1) Section 50(1)(a)—delete "in a material particular"
- (2) Section 50(2)(a)—delete "in a material particular"

## **11—Amendment of section 82—Keeping relevant document while driving under vehicle standards exemption (notice)**

Section 82(3) to (6)—delete subsections (3) to (6) (inclusive) and substitute:

- (3) Each relevant party for a driver mentioned in subsection (2) must ensure the driver complies with subsection (2), unless the relevant party has a reasonable excuse.

Maximum penalty: \$3 000.

**12—Amendment of section 83—Keeping copy of permit while driving under vehicle standards exemption (permit)**

Section 83(3) to (6)—delete subsections (3) to (6) (inclusive) and substitute:

- (3) Each relevant party for a driver mentioned in subsection (2) must ensure the driver complies with subsection (2), unless the relevant party has a reasonable excuse.

Maximum penalty: \$3 000.

**13—Amendment of section 91—Person must not tamper with emission control system fitted to heavy vehicle**

Section 91(5) and (6)—delete subsections (5) and (6)

**14—Amendment of section 93—Person must not tamper with speed limiter fitted to heavy vehicle**

Section 93(7) and (8)—delete subsections (7) and (8)

**15—Amendment of section 96—Compliance with mass requirements**

- (1) Section 96(1)—delete "A person must not drive on a road a heavy vehicle that (together with its load) does not, or whose components do not, comply with the mass requirements applying to the vehicle." and substitute:

A person who drives, or permits another person to drive, a heavy vehicle on a road must ensure the vehicle, and the vehicle's components and load, comply with the mass requirements applying to the vehicle, unless the person has a reasonable excuse.

- (2) Section 96(2) and (3)—delete subsections (2) and (3)

**16—Amendment of section 102—Compliance with dimension requirements**

- (1) Section 102(1)—delete "A person must not drive on a road a heavy vehicle that (together with its load) does not, or whose components do not or whose load does not, comply with the dimension requirements applying to the vehicle." and substitute:

A person who drives, or permits another person to drive, a heavy vehicle on a road must ensure the vehicle, and the vehicle's components and load, comply with the dimension requirements applying to the vehicle, unless the person has a reasonable excuse.

- (2) Section 102(2) and (3)—delete subsections (2) and (3)

**17—Amendment of section 111—Compliance with loading requirements**

- (1) Section 111(1)—delete "A person must not drive on a road a heavy vehicle that does not, or whose load does not, comply with the loading requirements applying to the vehicle." and substitute:

A person who drives, or permits another person to drive, a heavy vehicle on a road must ensure the vehicle, and the vehicle's components and load, comply with the loading requirements applying to the vehicle, unless the person has a reasonable excuse.

- (2) Section 111(2) and (3) and note—delete subsections (2) and (3) and the note

**18—Amendment of section 130—Contravening condition of mass or dimension exemption relating to pilot or escort vehicle**

Section 130(3) and (4)—delete subsections (3) and (4) and substitute:

- (3) The operator of the heavy vehicle must ensure, so far as is reasonably practicable, the driver of the pilot vehicle or escort vehicle complies with subsection (2).

Maximum penalty: \$6 000.

**19—Amendment of section 132—Keeping relevant document while driving under mass or dimension exemption (notice)**

Section 132(3) to (6)—delete subsections (3) to (6) (inclusive) and substitute:

- (3) Each relevant party for a driver mentioned in subsection (2) must ensure the driver complies with subsection (2), unless the relevant party has a reasonable excuse.

Maximum penalty: \$3 000.

**20—Amendment of section 133—Keeping copy of permit while driving under mass or dimension exemption (permit)**

Section 133(3) to (6)—delete subsections (3) to (6) (inclusive) and substitute:

- (3) Each relevant party for a driver mentioned in subsection (1) must ensure the driver complies with subsection (1), unless the relevant party has a reasonable excuse.

Maximum penalty: \$3 000.

**21—Amendment of section 151—Keeping relevant document while driving under class 2 heavy vehicle authorisation (notice)**

Section 151(3) to (6)—delete subsections (3) to (6) (inclusive) and substitute:

- (3) Each relevant party for a driver mentioned in subsection (2) must ensure the driver complies with subsection (2), unless the relevant party has a reasonable excuse.

Maximum penalty: \$3 000.

**22—Amendment of section 152—Keeping copy of permit while driving under class 2 heavy vehicle authorisation (permit)**

Section 152(3) to (6)—delete subsections (3) to (6) (inclusive) and substitute:

- (3) Each relevant party for a driver mentioned in subsection (1) must ensure the driver complies with subsection (1), unless the relevant party has a reasonable excuse.

Maximum penalty: \$3 000.

### **23—Amendment of section 153—Keeping copy of PBS vehicle approval while driving under class 2 heavy vehicle authorisation**

Section 153(2) to (5)—delete subsections (2) to (5) (inclusive) and substitute:

- (2) Each relevant party for a driver mentioned in subsection (1) must ensure the driver complies with subsection (1), unless the relevant party has a reasonable excuse.

Maximum penalty: \$3 000.

### **24—Repeal of Chapter 4 Part 8**

Chapter 4 Part 8—delete Part 8

### **25—Amendment of section 186—False or misleading transport documentation for goods**

- (1) Section 186(2) to (7)—delete subsections (2) to (7) (inclusive) and substitute:

- (2) The consignor of the goods must ensure, so far as is reasonably practicable, the consignment documentation is not false or misleading.

Maximum penalty: \$10 000.

- (3) If the goods are Australian-packed goods, the packer of the goods must ensure, so far as is reasonably practicable, the consignment documentation is not false or misleading.

Maximum penalty: \$10 000.

- (4) If the goods are overseas-packed goods, the receiver of the goods must ensure, so far as is reasonably practicable, the consignment documentation is not false or misleading.

Maximum penalty: \$10 000.

- (5) If the goods are loaded on the heavy vehicle, the loading manager for, or loader of, the goods must ensure, so far as is reasonably practicable, the consignment documentation is not false or misleading.

Maximum penalty: \$10 000.

- (2) Section 186(9)—before the definition of *receiver* insert:

*Australian-packed goods* means goods packed—

- (a) in Australia; and
- (b) on a pallet or in a package, freight container or other container;

*consignment documentation*, for goods, means the transport documentation for the consignment of the goods, in so far as the documentation relates to the mass, dimension or loading of any or all of the goods;

*overseas-packed goods* means goods packed—

- (a) outside Australia; and
- (b) on a pallet or in a package, freight container or other container;

**26—Amendment of section 187—False or misleading information in container weight declaration**

- (1) Section 187(2) and (3)—delete subsections (2) and (3) and substitute:
  - (2) The responsible entity for the freight container must ensure, so far as is reasonably practicable, the container weight declaration for the container that is given to an operator of the heavy vehicle is not false or misleading.  
Maximum penalty: \$10 000.
  - (3) An operator of the heavy vehicle must ensure, so far as is reasonably practicable, the container weight declaration for the container that is given to the vehicle's driver is not false or misleading.  
Maximum penalty: \$10 000.
- (2) Section 187(5) and (6)—delete subsections (5) and (6)

**27—Amendment of section 190—Duty of responsible entity**

- (1) Section 190(1)—delete subsection (1) and substitute:
  - (1) The responsible entity for the freight container must ensure an operator or driver of a heavy vehicle does not transport the freight container by road using the vehicle without a complying container weight declaration for the freight container containing information in the form required under section 192A, unless the responsible entity has a reasonable excuse.  
Maximum penalty: \$6 000.
- (2) Section 190(2) and (3) and note—delete subsections (2) and (3) and the note

**28—Amendment of section 191—Duty of operator**

- (1) Section 191(1)—delete subsection (1) and substitute:
  - (1) An operator of a heavy vehicle must ensure the vehicle's driver does not transport the freight container by road using the vehicle without a complying container weight declaration for the freight container containing information in the form required under section 192A.  
Maximum penalty: \$6 000.
- (2) Section 191(2)—delete "unless the operator proves that the driver was provided with the declaration before the driver started transporting the freight container." and substitute:

unless the operator—

  - (a) proves that the driver was provided with the declaration before the driver started transporting the freight container; or
  - (b) has a reasonable excuse.
- (3) Section 191(3)—delete "must not give the freight container to the carrier unless" and substitute:

must, unless the operator has a reasonable excuse, ensure the freight container is not given to the carrier unless
- (4) Section 191(4) and (5)—delete subsections (4) and (5)

**29—Amendment of section 192—Duty of driver**

(1) Section 192(1)—delete subsection (1) and substitute:

- (1) A person must not drive a heavy vehicle loaded with the freight container on a road without a complying weight declaration for the container, unless the person has a reasonable excuse.

Maximum penalty: \$6 000.

(2) Section 192(2)—after "must" insert:

, unless the driver has a reasonable excuse

(3) Section 192(3) and (4) and note—delete subsections (3) and (4) and the note

**30—Amendment of section 193—Weight of freight container exceeding weight stated on container or safety approval plate**

Section 193(2) to (4)—delete subsections (2) to (4) (inclusive) and substitute:

- (2) Each consignor or packer of the goods must ensure, so far as is reasonably practicable, the weight of the container does not exceed the maximum gross weight marked on—

- (a) the container; or  
(b) the container's safety approval plate.

Maximum penalty: \$10 000.

**31—Repeal of section 194**

Section 194—delete the section

**32—Amendment of section 199—Recovery of losses for provision of inaccurate container weight declaration**

Section 199(1)(b)—delete "in a material particular"

**33—Repeal of Chapter 5**

Chapter 5—delete the Chapter

**34—Amendment of section 221—Definitions for Chapter 6**

- (1) Section 221, definition of *loading manager*, note—delete "(including sections 227, 238, 239 and 261)"
- (2) Section 221, definition of *party in the chain of responsibility*—delete the definition

**35—Repeal of section 227**

Section 227—delete the section

**36—Amendment of heading to Chapter 6 Part 2 Division 2**

Heading to Chapter 6 Part 2 Division 2—delete "and prevent"

**37—Repeal of section 229**

Section 229—delete the section

**38—Repeal of Chapter 6 Part 2 Divisions 3 to 8**

Chapter 6 Part 2 Divisions 3 to 8—delete Divisions 3 to 8 (inclusive)

**39—Amendment of section 250—Operating under standard hours—solo drivers**

Section 250(2) and (3) and note—delete subsections (2) and (3) and the note

**40—Amendment of section 251—Operating under standard hours—two-up drivers**

Section 251(2) and (3) and note—delete subsections (2) and (3) and the note

**41—Amendment of section 254—Operating under BFM hours—solo drivers**

Section 254(2) and (3) and note—delete subsections (2) and (3) and the note

**42—Amendment of section 256—Operating under BFM hours—two-up drivers**

Section 256(2) and (3) and note—delete subsections (2) and (3) and the note

**43—Amendment of section 258—Operating under AFM hours**

Section 258(2) and (3) and note—delete subsections (2) and (3) and the note

**44—Amendment of section 260—Operating under exemption hours**

Section 260(2) and (3) and note—delete subsections (2) and (3) and the note

**45—Repeal of Chapter 6 Part 3 Division 6**

Chapter 6 Part 3 Division 6—delete Division 6

**46—Amendment of section 263—Operating under new work and rest hours option after change**

Section 263(3) and (4) and note—delete subsections (3) and (4) and the note

**47—Amendment of section 264—Duty of employer, prime contractor, operator and scheduler to ensure driver compliance**

Section 264(2) to (4)—delete subsections (2) to (4) (inclusive) and substitute:

- (2) A relevant party for the driver must ensure, so far as is reasonably practicable, the driver—
  - (a) does not drive a fatigue-regulated heavy vehicle after making the change unless the driver has complied with section 263; and
  - (b) can comply with his or her obligations in relation to the change.

Maximum penalty: \$6 000.

**48—Amendment of section 287—Keeping relevant document while operating under work and rest hours exemption (notice)**

Section 287(3) to (6)—delete subsections (3) to (6) (inclusive) and substitute:

- (3) Each relevant party for a driver mentioned in subsection (2) must ensure the driver complies with subsection (2), unless the relevant party has a reasonable excuse.

Maximum penalty: \$3 000.

**49—Amendment of section 288—Keeping copy of permit while driving under work and rest hours exemption (permit)**

Section 288(3) to (6)—delete subsections (3) to (6) (inclusive) and substitute:

- (3) Each relevant party for a driver mentioned in subsection (1) must ensure the driver complies with subsection (1), unless the relevant party has a reasonable excuse.

Maximum penalty: \$3 000.

**50—Amendment of section 311—What record keeper must do if electronic work diary filled up**

Section 311(4) and (5) and note—delete subsections (4) and (5) and the note

**51—Amendment of section 312—What record keeper must do if electronic work diary destroyed, lost or stolen**

- (1) Section 312(3)—after "stolen" insert:

, unless the record keeper has a reasonable excuse

- (2) Section 312(5) and (6) and note—delete subsections (5) and (6) and the note

**52—Amendment of section 313—What record keeper must do if electronic work diary not in working order or malfunctioning**

- (1) Section 313(3)(c)—after "has malfunctioned" insert

, unless the record keeper has a reasonable excuse

- (2) Section 313(8) and (9) and note—delete subsections (8) and (9) and the note

**53—Substitution of section 315**

Section 315—delete the section and substitute:

**315—Ensuring driver complies with Subdivisions 1 to 4**

- (1) Each responsible party for the driver of a fatigue-related heavy vehicle must ensure, so far as is reasonably practicable, the driver complies with each of Subdivisions 1, 2, 3 and 4 so far as they are applicable.

Maximum penalty: \$6 000.

- (2) In this section—

*responsible party*, for the driver of a fatigue-related heavy vehicle, means—

- (a) if the driver is an employed driver—an employer of the driver; or
- (b) if the driver is a self-employed driver—a prime contractor of the driver; or
- (c) an operator of the vehicle; or
- (d) a scheduler for the vehicle.

**54—Amendment of section 319—Records record keeper must have**

- (1) Section 319(1)—after "must" insert:

, unless the record keeper has a reasonable excuse

- (2) Section 319(4) and (5) and note—delete subsections (4) and (5) and the note

**55—Amendment of section 321—Records record keeper must have**

- (1) Section 321(1)—after "must" insert:

, unless the record keeper has a reasonable excuse

- (2) Section 321(3)—after "must" insert:

, unless the record keeper has a reasonable excuse,

- (3) Section 321(5) and (6) and note—delete subsections (5) and (6) and the note

**56—Amendment of section 322—General requirements about driver giving information to record keeper**

- (1) Section 322(2)—after "on that day" insert:

, unless the driver has a reasonable excuse

- (2) Section 322(4)—after "ensure" insert:

, so far as is reasonably practicable,

- (3) Section 322(6) and (7) and note—delete subsections (6) and (7) and the note

**57—Amendment of section 323—Requirements about driver giving information to record keeper if driver changes record keeper**

- (1) Section 323(2)—after "period" insert:

, unless the driver has a reasonable excuse

- (2) Section 323(3)—after "ensure" insert:

, so far as is reasonably practicable,

- (3) Section 323(6) and (7) and note—delete subsections (6) and (7) and the note

**58—Amendment of section 324—Record keeper must give information from electronic work diary**

- (1) Section 324(2)—after "diary" last occurring insert:

, unless the record keeper has a reasonable excuse

- (2) Section 324(4) and (5) and note—delete subsections (4) and (5) and the note

**59—Amendment of section 325—False or misleading entries**

Section 325(1)—delete "in a material particular"

**60—Amendment of section 335—Person must not tamper with approved electronic recording system**

- (1) Section 335(3) and (4) and note—delete subsections (3) and (4) and the note

- (2) Section 335(5)—delete "Also, in" and substitute:

In

**61—Amendment of section 336—Person using approved electronic recording system must not permit tampering with it**

Section 336(2) and (3) and note—delete subsections (2) and (3) and the note

**62—Amendment of section 336A—Reporting tampering or suspected tampering with electronic work diary**

Section 336A(3) and (4) and note—delete subsections (3) and (4) and the note

**63—Amendment of section 337—Intelligent access reporting entity must not permit tampering with approved electronic recording system**

Section 337(3) and (4) and note—delete subsections (3) and (4) and the note

**64—Amendment of section 341—Period for which, and way in which, records must be kept**

(1) Section 341(1)—after "must" insert:

, unless the record keeper has a reasonable excuse,

(2) Section 341(2)—after "must" first occurring insert:

, unless the record keeper has a reasonable excuse,

(3) Section 341(3)—after "must" insert:

, unless the record keeper has a reasonable excuse,

(4) Section 341(4)—after "must" insert:

, unless the driver as record keeper has a reasonable excuse,

(5) Section 341(5)—after "must" insert:

, unless the record keeper has a reasonable excuse,

(6) Section 341(7)—after "must" first occurring insert:

, unless the record keeper has a reasonable excuse,

(7) Section 341(9) and (10) and note—delete subsections (9) and (10) and the note

**65—Amendment of section 376—Keeping relevant document while operating under work diary exemption (notice)**

Section 376(3) to (6)—delete subsections (3) to (6) (inclusive) and substitute:

(3) Each relevant party for a driver mentioned in subsection (2) must ensure the driver complies with subsection (2), unless the relevant party has a reasonable excuse.

Maximum penalty: \$3 000.

**66—Amendment of section 396—Owner must maintain odometer**

(1) Section 396(2)—after "national regulations" second occurring insert:

, unless the owner has a reasonable excuse

(2) Section 396(3) and (4) and note—delete subsections (3) and (4) and the note

**67—Amendment of section 398—What owner must do if odometer malfunctioning**

Section 398(3) and (4) and note—delete subsections (3) and (4) and the note

**68—Amendment of section 399—What employer or operator must do if odometer malfunctioning**

- (1) Section 399(2)—after "must not" insert:  
    , without a reasonable excuse,
- (2) Section 399(3) and (4) and note—delete subsections (3) and (4) and the note

**69—Amendment of section 404—Offence to give false or misleading information to intelligent access service provider**

- (1) Section 404(1)(c)—delete "in a material particular"
- (2) Section 404(4)(c)—delete "in a material particular"

**70—Amendment of section 405—Advising vehicle driver of collection of information by intelligent access service provider**

Section 405(1)—delete "take all reasonable steps to give the vehicle's driver the following information," and substitute:

    , unless the operator has a reasonable excuse, ensure the vehicle's driver is given the following information

**71—Amendment of section 407—Advising driver of driver's obligations about reporting system malfunctions**

Section 407(1)—delete "must take all reasonable steps to tell the vehicle's driver before the vehicle begins a journey" and substitute:

    , before the vehicle begins a journey, must, unless the operator has a reasonable excuse, ensure the vehicle's driver is told

**72—Amendment of section 410—Collecting intelligent access information**

- (1) Section 410(1)—delete "take all reasonable steps to ensure" and substitute:  
    ensure, so far as is reasonably practicable,
- (2) Section 410(2)—delete "take all reasonable steps to ensure" and substitute:  
    ensure, so far as is reasonably practicable,

**73—Amendment of section 412—Protecting intelligent access information**

Section 412—delete "take all reasonable steps to protect intelligent access information collected by the service provider" and substitute:

    ensure, so far as is reasonably practicable, intelligent access information collected by the service provider is protected

**74—Amendment of section 421—Destroying intelligent access information etc**

Section 421(1)—delete subsection (1) and substitute:

- (1) An intelligent access service provider must ensure, so far as is reasonably practicable—
  - (a) intelligent access information collected by the service provider is destroyed 1 year after the information is collected; and

- (b) a record that the service provider is required to keep under section 419 is destroyed within 1 year after the service provider is no longer required to keep the record under that section.

Maximum penalty: \$6 000.

**75—Amendment of section 427—Collecting intelligent access information**

Section 427—delete "take all reasonable steps to ensure" and substitute:

ensure, so far as is reasonably practicable,

**76—Amendment of section 428—Protecting intelligent access information collected**

Section 428—delete "take all reasonable steps to protect intelligent access information collected by it" and substitute:

ensure, so far as is reasonably practicable, intelligent access information collected by TCA is protected

**77—Amendment of section 437—Destroying intelligent access information or removing personal information from it**

Section 437(1)—delete subsection (1) and substitute:

- (1) TCA must ensure, so far as is reasonably practicable, intelligent access information collected by TCA is destroyed—
- (a) generally—1 year after the information is collected; or
- (b) if, at the end of that 1 year, the information is required for law enforcement purposes—as soon as practicable after the information is no longer required for law enforcement purposes.

Maximum penalty: \$6 000.

**78—Amendment of section 441—Collecting intelligent access information**

Section 441—delete "take all reasonable steps to ensure" and substitute:

ensure, so far as is reasonably practicable,

**79—Amendment of section 442—Protecting intelligent access information collected**

Section 442—delete "take all reasonable steps to protect intelligent access information collected by the auditor" and substitute:

ensure, so far as is reasonably practicable, intelligent access information collected by the auditor is protected

**80—Amendment of section 450—Destroying intelligent access information or removing personal information from it**

Section 450(1)—delete "take all reasonable steps to destroy intelligent access information held by the auditor that" and substitute:

ensure, so far as is reasonably practicable, intelligent access information held by the auditor is destroyed as soon as practicable after the information

**81—Amendment of section 459—Application for heavy vehicle accreditation**

Section 459(3)—delete "taken all reasonable steps" and substitute:

exercised reasonable diligence

**82—Amendment of section 468—Driver operating under BFM accreditation or AFM accreditation must carry accreditation details**

Section 468(3) to (6)—delete subsections (3) to (6) (inclusive) and substitute:

- (3) The operator of the vehicle must ensure the driver complies with subsection (1), unless the operator has a reasonable excuse.

Maximum penalty: \$3 000.

**83—Amendment of section 518—Moving unattended heavy vehicle on road to exercise another power**

Section 518(7)—delete "ensure that, so far as is reasonably practicable," and substitute:

exercise reasonable diligence to ensure

**84—Amendment of section 556—Return of seized things or samples**

Section 556(2)—delete "take reasonable steps" and substitute:

exercise reasonable diligence

**85—Amendment of section 557—Power to issue embargo notice**

Section 557(4)(b)—delete "all reasonable steps have been taken" and substitute:

the authorised officer exercises reasonable diligence

**86—Amendment of section 558—Noncompliance with embargo notice**

Section 558(3)—delete "take all reasonable steps to stop any other person from doing" and substitute:

ensure, so far as is reasonably practicable, another person does not do

**87—Amendment of section 569—Power to require production of documents etc generally**

Section 569(10)—delete subsection (10)

**88—Amendment of section 570—Power to require information about heavy vehicles**

Section 570(6), definition of *information*—delete the definition

**89—Insertion of section 570A**

After section 570 insert:

**570A—Requiring information**

- (1) This section applies if an authorised officer reasonably believes a person is capable of giving written or oral information—
  - (a) in relation to a possible contravention of a duty under section 26C; or
  - (b) that will assist the authorised officer to monitor or enforce compliance with the duty under section 26C.
- (2) The authorised officer may, by notice, require the person to give the information to the authorised officer.

- (3) If the authorised officer, despite reasonable diligence, has not been able to obtain the information under subsection (2), the authorised officer may, by notice given to the person, require the person to give the information to a person appointed by the authorised officer.
- (4) The notice must state—
  - (a) that—
    - (i) the requirement is made under this section; and
    - (ii) failing to comply with the requirement is an offence; and
  - (b) if the notice requires the person to give written information—the time and way, that is reasonable in the circumstances, in which the person must give the information; and
  - (c) if the notice requires the person to give oral information—
    - (i) the day, time and place, that is reasonable in the circumstances, for the person to appear before the person appointed by the authorised officer; and
    - (ii) that the person may appear with an Australian legal practitioner; and
  - (d) the effect of—
    - (i) subsections (7) and (8); and
    - (ii) section 735A.
- (5) The person must comply with a requirement under this section, unless the person has a reasonable excuse.  
Maximum penalty: \$10 000.
- (6) It is not a reasonable excuse for the person to fail to comply with a requirement made under this section on the ground that complying with the requirement might tend to incriminate the person or make the person liable to a penalty.
- (7) However, the following information is not admissible as evidence against an individual in a civil or criminal proceeding, other than a proceeding for false or misleading information:
  - (a) information that the individual gives in complying with a requirement under this section;
  - (b) information that is directly or indirectly derived from information mentioned in paragraph (a).
- (8) An authorised officer may act under this section only if—
  - (a) for an authorised officer who is a police officer—the officer has the relevant police commissioner’s written authority to act under this section; or
  - (b) for an authorised officer who is not a police officer—the officer’s instrument of appointment provides that the authorised officer may act under this section.

**90—Amendment of section 578—Duty to minimise inconvenience or damage**

Section 578(1)—delete "take all reasonable steps" and substitute:  
exercise reasonable diligence

**91—Amendment of section 579—Restoring damaged thing**

Section 579(2)—delete "take all reasonable steps" and substitute:  
exercise reasonable diligence

**92—Amendment of section 588—Evidential immunity for individuals complying with particular requirements**

Section 588(2)(a) and (b)—delete paragraphs (a) and (b) and substitute:

- (a) information, other than information in the form of a document, that the individual gives in complying with the requirement;
- (b) information that is directly or indirectly derived from information to which paragraph (a) applies.

**93—Amendment of section 590—Formal warning**

Section 590(1)(b)—delete "taken reasonable steps" and substitute:  
exercised reasonable diligence

**94—Insertion of Chapter 10 Part 1A**

After section 590 insert:

**Part 1A—Enforceable undertakings****590A—Accepting undertaking**

- (1) This section applies if a person contravenes or is alleged to have contravened this Law, other than section 26F.
- (2) The Regulator or an authorised officer (the *promisee*) may accept an undertaking made by the person in relation to the contravention or alleged contravention.
- (3) The undertaking must be in the approved form.
- (4) The promisee may accept the undertaking only if the promisee reasonably believes the undertaking will ensure the person complies with this Law.
- (5) The promisee may accept the undertaking at any time before the proceeding for the contravention, or alleged contravention, ends.
- (6) If the promisee accepts an undertaking before the proceeding ends, the promisee must use reasonable diligence to have the proceeding discontinued as soon as possible.
- (7) The promisee must give the person written notice of—
  - (a) the promisee's decision to accept or reject the undertaking; and
  - (b) the reasons for the decision.

- (8) If the promisee decides to accept the undertaking and the promisee is not the Regulator, the promisee must give the following documents to the Regulator within 28 days after accepting the undertaking:
  - (a) a copy of the undertaking;
  - (b) a statement of the reasons for the promisee's decision to accept the undertaking.
- (9) The Regulator must publish the following information on the Regulator's website:
  - (a) a promisee's decision to accept an undertaking under this section;
  - (b) the reasons for the decision.
- (10) An authorised officer may act under this section only if—
  - (a) for an authorised officer who is a police officer—the officer has the relevant police commissioner's written authority to act under this section; or
  - (b) for an authorised officer who is not a police officer—the officer's instrument of appointment provides that the authorised officer may act under this section.

#### **590B—Effect of undertaking**

- (1) An undertaking takes effect—
  - (a) when the promisee gives notice of the decision to accept the undertaking to the person who made the undertaking; or
  - (b) at a later time stated in the notice.
- (2) While the undertaking is in effect, the person must comply with the undertaking.  
Maximum penalty: \$10 000.
- (3) If the person complies with the undertaking, no proceeding for the contravention or alleged contravention may be taken against the person.
- (4) The offer to make, or the making of, an undertaking is not an admission of guilt by the person offering to make, or making, the undertaking.

#### **590C—Withdrawing or changing undertaking**

- (1) The person who made an undertaking may, at any time, with the written agreement of the promisee—
  - (a) withdraw the undertaking; or
  - (b) change the undertaking.
- (2) However, the provisions of the undertaking may not be changed to provide for a different contravention or alleged contravention of this Law.
- (3) If the promisee is not the Regulator, the promisee must give notice of the withdrawal or change of the undertaking to the Regulator.
- (4) The Regulator must publish notice of the withdrawal or change on the Regulator's website.

**590D—Contravening undertaking**

- (1) The promisee may apply to a relevant tribunal or court for an order if the person who made an undertaking fails to comply with the undertaking.
- (2) If the relevant tribunal or court is satisfied the person has failed to comply with the undertaking, the relevant tribunal or court, as well as imposing any penalty, may make—
  - (a) an order directing the person to comply with the undertaking; or
  - (b) an order discharging the undertaking.
- (3) Also, the relevant tribunal or court may make any other order that the tribunal or court considers appropriate in the circumstances, including an order directing the person to pay to the State—
  - (a) the costs of the proceeding; and
  - (b) the reasonable costs of the promisee in monitoring whether the person complies with the undertaking in the future.
- (4) Nothing in this section prevents a proceeding being taken for the contravention or alleged contravention to which the undertaking relates.

**95—Amendment of section 592—Recording information about infringement penalties**

Section 592(2)(c)—delete paragraph (c)

**96—Amendment of section 611—Court may make compensation order**

Section 611(4)(b), note—delete the note and substitute:

**Note—**

See section 707A for the period within which a proceeding for an offence against this Law, other than an indictable offence, must start.

**97—Repeal of Chapter 10 Part 4 Divisions 1 and 2**

Chapter 10 Part 4 Divisions 1 and 2—delete Divisions 1 and 2

**98—Substitution of heading to Chapter 10 Part 4 Division 3**

Heading to Chapter 10 Part 4 Division 3—delete the heading and substitute:

**Division 3—Defences****99—Insertion of section 632A**

After section 632 insert:

**632A—Using code of practice in proceeding**

- (1) This section applies in a proceeding for an offence against this Law.
- (2) A registered industry code of practice is admissible as evidence of whether or not a duty or obligation under this Law has been complied with.

- (3) The court may—
  - (a) have regard to the code as evidence of what is known about a hazard or risk, risk assessment, or risk control, to which the code relates; and
  - (b) rely on the code in determining what is reasonably practicable in the circumstances to which the code relates.
- (4) Nothing in this section prevents a person from introducing evidence of complying with this Law in a way that differs from the code but that provides a standard of safety or protection equivalent to or higher than the standard required in the code.
- (5) However, the person may introduce the evidence mentioned in subsection (4) only if the person has given written notice of the person's intention to do so to the complainant at least 28 days before the day fixed for the hearing of the offence.

### **100—Amendment of section 634—Multiple offences**

- (1) Section 634(3)—after paragraph (b) insert:

and

  - (c) 2 or more contraventions of a provision by a person that arise from the same factual circumstances may be charged as—
    - (i) a single offence; or
    - (ii) separate offences.
- (2) Section 634—after subsection (3) insert:
  - (4) Subsection (3)(c) does not authorise contraventions of 2 or more provisions to be charged as a single offence.
  - (5) A single penalty only may be imposed in relation to 2 or more contraventions of a provision that are charged as a single offence.

### **101—Amendment of section 636—Liability of executive officers of corporation**

Section 636(2) and (3)—delete subsections (2) and (3) and substitute:

- (2) An executive officer of a corporation commits an offence if—
  - (a) the corporation commits an offence against a provision of this Law specified in column 3 of Schedule 4; and
  - (b) the officer did not exercise reasonable diligence to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty: The penalty for a contravention of the provision by an individual.
- (3) In deciding whether the executive officer exercised reasonable diligence for subsection (2)(b), a court must have regard to—
  - (a) whether the officer was in a position to influence the corporation's conduct in relation to the offence; and
  - (b) the action the officer took, or could reasonably have taken, to prevent the corporation's conduct constituting the offence; and
  - (c) any other relevant matter.

**102—Amendment of section 637—Treatment of unincorporated partnerships**

- (1) Section 637(4)—delete "this Law (other than an offence referred to in subsection (5))" and substitute:

a provision of this Law specified in column 2 of Schedule 4

- (2) Section 637(5) and (6)—delete subsections (5) and (6) and substitute:

- (5) An offence against a provision of this Law specified in column 3 of Schedule 4 that would otherwise be committed by the partnership is taken to have been committed by each partner who did not exercise reasonable diligence to ensure the partnership did not engage in the conduct constituting the offence.

Maximum penalty: The penalty for a contravention of the provision by an individual.

- (6) In deciding whether the partner exercised reasonable diligence for subsection (5), a court must have regard to—
- (a) whether the partner was in a position to influence the partnership's conduct constituting the offence; and
  - (b) the action the partner took, or could reasonably have taken, to prevent the partnership's conduct constituting the offence; and
  - (c) any other relevant matter.

**103—Amendment of section 638—Treatment of other unincorporated bodies**

- (1) Section 638(4)—delete "this Law (other than an offence referred to in subsection (5))" and substitute:

a provision of this Law specified in column 2 of Schedule 4

- (2) Section 638(5) and (6)—delete subsections (5) and (6) and substitute:

- (5) An offence against a provision of this Law specified in column 3 of Schedule 4 that would otherwise be committed by the unincorporated body is taken to have been committed by each management member who did not exercise reasonable diligence to ensure the body did not engage in the conduct constituting the offence.

Maximum penalty: The penalty for a contravention of the provision by an individual.

- (6) In deciding whether the management member exercised reasonable diligence for subsection (5), a court must have regard to—
- (a) whether the management member was in a position to influence the unincorporated body's conduct constituting the offence; and
  - (b) the action the management member took, or could reasonably have taken, to prevent the unincorporated body's conduct constituting the offence; and
  - (c) any other relevant matter.

- (3) Section 638(10)—delete subsection (10)

**104—Amendment of section 701—False or misleading statements**

- (1) Section 701(1)—delete "in a material particular"
- (2) Section 701(2)—delete "in a material particular" wherever occurring

**105—Amendment of section 702—False or misleading documents**

- (1) Section 702(1)—delete "in a material particular"
- (2) Section 702(3)(a)—delete "in a material particular"
- (3) Section 702(3)(b)—delete "in a material particular"

**106—Substitution of section 707**

Section 707—delete the section and substitute:

**707—Proceeding for indictable offences**

- (1) The prosecution may bring a proceeding for an indictable offence—
  - (a) on indictment; or
  - (b) in a summary way.
- (2) However, a court of summary jurisdiction must not hear and decide an indictable offence in a summary way if—
  - (a) at the start of the hearing, the defendant asks for the charge to be prosecuted on indictment; or
  - (b) the court is satisfied—
    - (i) after hearing submissions from the prosecution and defence at any stage of the hearing, that the defendant, if convicted, may not be adequately punished for the particular offence on a summary conviction; or
    - (ii) on an application made by the defence, that the charge should not be heard and decided in a summary way because of exceptional circumstances.
- (3) If the court decides that the offence be prosecuted on indictment—
  - (a) the court must conduct the proceeding as a committal proceeding; and
  - (b) any evidence given in the proceeding, before the court decided that the offence be prosecuted on indictment, is taken to be evidence in the committal proceeding; and
  - (c) the court must disregard any plea that the defendant made at the start of the proceeding.

**707A—Proceeding for other offences**

- (1) The prosecution must bring a proceeding for an offence against this Law, other than an indictable offence, in a summary way.
- (2) The proceeding must start—
  - (a) within 2 years after the offence is committed; or

- (b) within 1 year after the commission of the offence comes to the complainant's knowledge, but within 3 years after the offence is committed.
- (3) A statement in a complaint for an offence against this Law that the matter of the complaint came to the complainant's knowledge on a stated day is evidence of when the matter came to the complainant's knowledge.

### **107—Amendment of section 710—Averments**

Section 710(3)—delete subsection (3)

### **108—Insertion of section 726A**

After section 726 insert:

#### **726A—Evidence of offence**

- (1) In a proceeding for an offence against this Law—
  - (a) evidence of a court convicting a person of a heavy vehicle offence is evidence that the heavy vehicle offence happened at the time and place, and in the circumstances, stated in the complaint for the heavy vehicle offence; and
  - (b) evidence of details stated in an infringement notice issued for a heavy vehicle offence is evidence that the heavy vehicle offence happened at the time and place, and in the circumstances, stated in the infringement notice.
- (2) In this section—

*heavy vehicle offence* means—

  - (a) an offence against this Law; or
  - (b) an offence by the driver of a heavy vehicle of exceeding a speed limit applying to the driver.

### **109—Insertion of section 735A**

After section 735 insert:

#### **735A—Legal professional privilege**

Nothing in this Law compels a person to give information that is the subject of legal professional privilege to another person.

### **110—Amendment of section 742—Contracting out prohibited**

Section 742(4)—delete subsection (4)

### **111—Substitution of Schedule 4**

Schedule 4—delete the Schedule and substitute:

#### **Schedule 4—Liability provisions**

sections 636, 637 and 638

The provisions specified in column 2 of the following table are specified for the purposes of sections 636(1), 637(4) and 638(4). The provisions specified in column 3 of the table are specified for the purposes of sections 636(2), 637(5) and 638(5).

<b>Section of this Law</b>	<b>Provision specified for sections 636(1), 637(4) and 638(4)</b>	<b>Provision specified for sections 636(2), 637(5) and 638(5)</b>
26E	26E(1), 26E(2)	26E(1), 26E(2)
30	30(1)	30(1)
50	50(1), 50(2)	—
60	60(1)	—
79	79(2)	—
81	81(1), 81(2), 81(3)	—
85	85(1), 85(2)	—
87A	87A(1)	—
89	89(1)	89(1)
93	93(1), 93(2), 93(3)	93(1), 93(2), 93(3)
129	129(1), 129(2), 129(3)	129(1), 129(2), 129(3)
130	130(3)	—
137	137	137
150	150(1)	150(1)
153A	153A(1)	153A(1)
181	181(3)	—
185	185(1), 185(2)	—
186	186(2), 186(3), 186(4), 186(5)	186(2), 186(3), 186(4), 186(5)
187	187(2), 187(3)	187(2), 187(3)
190	190(1)	—
191	191(1), 191(3)	—
193	193(2)	—
264	264(2)	—
284	284(2)	—
286	286(1)	—
310	310(2)	—
311	311(2)	—
312	312(2)	—
313	313(2), 313(3)	—
314	314(3)	—
315	315(1)	—
319	319(1)	—
321	321(1), 321(3)	—
322	322(4)	—
323	323(3)	—
324	324(2)	—
324A	324A(2)	—

<b>Section of this Law</b>	<b>Provision specified for sections 636(1), 637(4) and 638(4)</b>	<b>Provision specified for sections 636(2), 637(5) and 638(5)</b>
327	327	—
328	328	—
329	329	—
330	330(1)	—
331	331	—
332	332	—
335	335(1)	335(1)
336	336(1)	336(1)
336A	336A(1)	—
337	337(2)	337(2)
341	341(1), 341(2), 341(3), 341(5)	—
347	347	—
354	354(3), 354(5)	—
355	355(2), 355(4), 355(6)	—
373	373(2)	—
375	375	—
396	396(2)	—
398	398(2)	—
399	399(2)	—
404	404(1), 404(4)	—
405	405(1)	—
406	406(1), 406(2)	—
417	417	—
422	422(2)	—
423	423(1)	—
424	424(1), 424(3)	—
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452	452	—
453	453(1), 453(2)	—
454	454(1), 454(2)	454(1), 454(2)
467	467	467
470	470(2), 470(3), 470(4), 470(5), 470(6)	470(2), 470(3), 470(4)
471	471(2)	—
476	476(2)	—
478	478(1), 478(2), 478(3), 478(4)	—

<b>Section of this Law</b>	<b>Provision specified for sections 636(1), 637(4) and 638(4)</b>	<b>Provision specified for sections 636(2), 637(5) and 638(5)</b>
514	514(3)	—
516	516(3)	—
517	517(4)	—
528	528(3)	—
529	529	—
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535	535(5)	—
553	553(3)	—
558	558(1), 558(3)	—
559	559(3), 559(4), 559(5)	—
567	567(4)	—
568	568(7)	—
569	569(2), 569(7)	—
570	570(3)	—
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573	573(1)	—
577	577(4)	—
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610	610	610
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700	700(4)	—
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703	703(1), 703(2)	—
704	704(1), 704(2), 704(3)	—
728	728(1)	—
728A	728A(1)	—
729	729(1), 729(3)	—
729A	729A(1), 729A(2)	—

### **Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 21 November 2017

No 308 of 2017

MTR/17/053

South Australia

# Harbors and Navigation (Lifejackets) Variation Regulations 2017

under the *Harbors and Navigation Act 1993*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Harbors and Navigation (Lifejackets) Variation Regulations 2017*.

### 2—Commencement

These regulations will come into operation on 1 December 2017.

### 3—Variation provisions

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

## Part 2—Variation of *Harbors and Navigation Regulations 2009*

### 4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1)—after the definition of *kiteboard* insert:

*lifejacket level 50* means a lifejacket that complies with any of the following requirements:

- (a) AS 4758.1:2015: *Lifejackets—General requirements*, as that standard relates to a lifejacket classified as providing level 50 buoyancy;
- (b) *Lifejacket Type—2* AS1499—1996, as in force on 1 January 2008;

- (c) European Standard EN393-1993 *Lifejackets-50N*, as in force from time to time;
- (d) ISO 12402-5, as in force from time to time;
- (e) any other standard or specification approved by the CE by notice in the Gazette for the purposes of this paragraph;

***lifejacket level 50S*** means a lifejacket that complies with any of the following requirements:

- (a) AS 4758.1:2015: *Lifejackets—General requirements* in relation to a lifejacket classified as providing level 50 special purpose (50S) buoyancy;
- (b) *Lifejacket Type—3* AS2260—1996, as in force on 1 January 2008;
- (c) any other standard or specification approved by the CE by notice in the Gazette for the purposes of this paragraph;

***lifejacket level 100 or above*** means—

- (a) a lifejacket that complies with any of the following requirements:
  - (i) AS 4758.1:2015 *Lifejackets—General requirements* in relation to a lifejacket classified as providing level 100 or level 150 buoyancy (or more);
  - (ii) *Lifejackets—Type 1* AS 1512—1996, as in force on 1 January 2008;
  - (iii) appendix R of section 10 of the Code;
  - (iv) European Standard EN399-1993 *Lifejackets-275N*, as in force from time to time;
  - (v) European Standard EN396-1993 *Lifejackets-150N*, as in force from time to time;
  - (vi) European Standard EN395-1993 *Lifejackets-100N*, as in force from time to time;
  - (vii) ISO 12402-2, as in force from time to time;
  - (viii) ISO 12402-3, as in force from time to time;
  - (ix) ISO 12402-4, as in force from time to time;
  - (x) in the case of a lifejacket intended for use—
    - (A) by adults—Canadian General Standards Board CAN/CGSB-65.11-M88, as in force from time to time;
    - (B) by children—Canadian General Standards Board CAN/CGSB-65.15-M88, as in force from time to time;
  - (xi) Underwriters Laboratories Standards UL1180 *Fully inflatable lifejackets*, as in force from time to time;
  - (xii) New Zealand Standard NZ5823:2001 Type 401, as in force from time to time;
  - (xiii) any other standard or specification approved by the CE by notice in the Gazette for the purposes of this paragraph; or

- (b) a lifejacket that complies with the requirements of *Australian Maritime Safety Authority Marine Orders Part 25* related to the type of lifejackets required to be carried on Australian registered ships;
- (2) Regulation 3(1)—after the definition of *moor* insert:
- motorised canoe or kayak* means a canoe or kayak fitted with an electric motor—
- (i) manufactured with a capacity of no more than 150 newtons; and
  - (ii) fitted and maintained to the manufacturer's specifications; and
  - (iii) containing a power source with a marine grade closed cell 12 volt battery;
- (3) Regulation 3(1)—after the definition of *owner* insert:
- paddle board* includes a stand up paddle board;
- (4) Regulation 3(1), definitions of *PFD Type 1*, *PFD Type 2* and *PFD Type 3*—delete the definitions
- (5) Regulation 3(9)—delete subregulation (9) and substitute:
- (9) For the purposes of these regulations, a requirement to wear a lifejacket will be taken to include a requirement that the device be of an appropriate size and properly adjusted for the person who is wearing, or will be wearing the lifejacket.
- (6) Regulation 3(10)—delete "PFD Type 1, PFD Type 2 or PFD Type 3" first and second occurring and substitute:
- lifejacket
- (7) Regulation 3(10)—delete "personal flotation device" and substitute:
- lifejacket
- (8) Regulation 3(10)—delete "automatically on immersion"
- (9) Regulation 3(11)—delete "PFD Type 1, PFD Type 2 or PFD Type 3 or any other life-jacket or personal flotation device will, in the case of a device that is designed to inflate automatically on immersion, or to be inflated by the use of a gas cylinder that forms part of the device" and substitute:
- lifejacket will, in the case of a lifejacket that is designed to inflate automatically on immersion, or to be inflated by the use of a gas cylinder that forms part of the lifejacket
- (10) Regulation 3(11)(a)—delete "device has been recharged" and substitute:
- lifejacket has been serviced
- (11) Regulation 3(11)(b)—delete "recharged" and substitute:
- serviced
- (12) Regulation 3—after subregulation (11) insert:
- (11a) For the purposes of these regulations, a requirement that a vessel be equipped, for each person on the vessel, with a lifejacket will be taken to include a requirement that the device be of an appropriate size for the wearer and properly adjusted.

**5—Variation of regulation 80—Exemptions from section 47 of Act**

Regulation 80—after paragraph (c) insert:

- (d) a person who is of or above 16 years of age and who is operating a motorised canoe or kayak in protected or semi-protected waters.

**6—Variation of regulation 113—Use of hire and drive vessels**

Regulation 113(1)(f)(i)—delete "PFD Type 2 or PFD Type 3" and substitute:

lifejacket level 50 or lifejacket level 50S

**7—Variation of regulation 128—Exemptions from requirement to be registered and marked**

Regulation 128(1)—after paragraph (b) insert:

or

- (c) the vessel is a motorised canoe or kayak being operated in protected or semi-protected waters.

**8—Variation of heading to Part 12 Division 4**

Heading to Part 12 Division 4—delete "Personal flotation devices" and substitute:

Lifejackets

**9—Substitution of regulation 169**

Regulation 169—delete the regulation and substitute:

**169—Lifejackets to be worn on certain recreational vessels**

- (1) Each occupant of—
  - (a) a vessel (other than a vessel with an engine, a surfboard, surf ski or rowing shell) that can only carry the operator and no other person; or
  - (b) a vessel that is not more than 4.8 m in length fitted with an engine; or
  - (c) a paddle board or surf ski that is being operated 400 m or more from the shore; or
  - (d) a surfboard, surf ski or similar vessel that is being operated in inland waters; or
  - (e) a sailboard or kiteboard; or
  - (f) a canoe or kayak (including a motorised canoe or kayak), rowboat or other similar small human-powered vessel; or
  - (g) a mono-hulled sailing dinghy or a similar small multi-hulled sailing vessel (being a dinghy or vessel that is not more than 6 m in length); or
  - (h) a personal watercraft; or
  - (i) a dragon boat,

must, at all times while the vessel is underway or at anchor, wear—

- (j) in the case of a vessel being operated in unprotected waters—

- (i) if the vessel is a canoe or kayak (including a motorised canoe or kayak), rowboat or other similar small human-powered vessel—a lifejacket level 100 or above or lifejacket level 50; or
- (ii) in any other case—a lifejacket level 100 or above; or
- (k) in the case of a vessel (other than a personal watercraft or rowboat) that is being operated in semi-protected waters—a lifejacket level 100 or above, lifejacket level 50 or lifejacket level 50S; or
- (l) in the case of a sailboard or kiteboard—
  - (i) being operated more than 400 m from the shore—a lifejacket level 100 or above; or
  - (ii) being operated not more than 400 m from the shore—a lifejacket level 100 or above, lifejacket level 50 or lifejacket level 50S; or
- (m) in the case of a personal watercraft—a lifejacket level 50 or lifejacket level 50S; or
- (n) in the case of a paddle board or surf ski being operated more than 400 m from the shore—a lifejacket level 100 or above, lifejacket level 50 or lifejacket level 50S; or
- (o) in the case of a dragon boat—
  - (i) that is being operated in unprotected waters—a lifejacket level 100 or above or lifejacket level 50; or
  - (ii) in any other case—a lifejacket level 50 or lifejacket level 50S; or
- (p) in any other case (other than a rowboat)—a lifejacket level 100 or above, lifejacket level 50 or lifejacket level 50S.

Maximum penalty: \$1 250.

Expiation fee: \$160.

**Note—**

A lifejacket must be of an appropriate size and properly adjusted for the person who is wearing or will be wearing the jacket—see regulation 3(9) and (10).

A lifejacket that is designed to inflate and that has been so inflated must be serviced in accordance with the manufacturer's instructions before being used again—see regulation 3(11).

- (2) In circumstances of heightened risk, each occupant in the open area of a vessel of not less than 4.8 m but not more than 12 m in length must, at all times while the vessel is underway or at anchor, wear—
  - (a) in the case of a vessel that is being operated in unprotected waters—a lifejacket level 100 or above; or
  - (b) in any other case—a lifejacket level 50 or lifejacket level 50S.

Maximum penalty: \$1 250.

Expiation fee: \$160.

- (3) If subregulation (1) or (2) is contravened by an occupant of a vessel other than the operator, the operator of the vessel is guilty of an offence.  
Maximum penalty: \$1 250.  
Expiation fee: \$160.
- (4) If each occupant of or under the age of 12 years—
- (a) of a vessel that is not more than 4.8 m in length fitted with an engine; or
  - (b) in the open area of a vessel of not less than 4.8 m but not more than 12 m in length,
- is not, at all times while the vessel is underway or at anchor, wearing—
- (c) in the case of a vessel that is being operated in protected waters—a lifejacket level 50; or
  - (d) in any other case—a lifejacket level 100 or above,
- the operator of the vessel is guilty of an offence.  
Maximum penalty: \$1 250.  
Expiation fee: \$160.
- (5) Subregulations (1) and (4) do not apply if the occupant of the vessel is being towed (in which case the requirements under regulation 177 apply).
- (6) The operator of a vessel of not less than 4.8 m but not more than 12 m in length, may, if it is reasonable to do so in the circumstances, direct an occupant who is in an open area of a vessel while the vessel is underway or at anchor to wear a lifejacket level 100 or above, lifejacket level 50 or lifejacket level 50S, and if an occupant fails to comply with the direction, the occupant is guilty of an offence.  
Maximum penalty: \$1 250.  
Expiation fee: \$160.
- (7) For the purposes of subregulation (2), a vessel will be taken to be in circumstances of heightened risk if—
- (a) the vessel carries the operator and no other person; or
  - (b) the vessel is being operated between the hours of sunset and sunrise; or
  - (c) the vessel is crossing a bar; or
  - (d) the vessel is disabled so as to be incapable of making its way through water; or
  - (e) the vessel is operating in conditions of restricted visibility; or
  - (f) the vessel is operating in an area in relation to which a weather warning of any of the following kinds has been issued by the Bureau of Meteorology:
    - (i) gale warning;
    - (ii) storm force warning;

- (iii) hurricane force wind warning;
- (iv) severe thunderstorm warning;
- (v) severe weather warning.

### **10—Variation of regulation 177—Obligations of person towed by vessel**

Regulation 177(3)—delete "PFD Type 2 or PFD Type 3" and substitute:

lifejacket level 50 or lifejacket level 50S

### **11—Variation of Schedule 9—Structural equipment and marking requirements for vessels**

- (1) Schedule 9, clause 6(1)—delete "PFD Type 1" wherever occurring and substitute in each case:  
lifejacket level 100 or above
- (2) Schedule 9, clause 6(1)(a)(i)—delete "PFD Type 2 or PFD Type 3" and substitute:  
lifejacket level 50 or lifejacket level 50S
- (3) Schedule 9, clause 6(3)—delete "PFD Type 1" wherever occurring and substitute in each case:  
lifejacket level 100 or above
- (4) Schedule 9, clause 6(3)(a)(i)—delete "PFD Type 2 or PFD Type 3" and substitute:  
lifejacket level 50 or lifejacket level 50S
- (5) Schedule 9, clause 7(1)—delete "racing" and substitute:  
rowing
- (6) Schedule 9, clause 7(2)—delete "canoe, kayak" and substitute:  
canoe or kayak (including a motorised canoe or kayak)
- (7) Schedule 9, clause 7(2)(a)(i)—delete "PFD Type 1, PFD Type 2 or PFD Type 3" and substitute:  
lifejacket level 100 or above, lifejacket level 50 or lifejacket level 50S
- (8) Schedule 9, clause 7(2)(b)(i)—delete "PFD Type 1 or PFD Type 2" and substitute:  
lifejacket level 100 or above or lifejacket level 50
- (9) Schedule 9, clause 7(2a)—delete "canoe, kayak" and substitute:  
canoe or kayak (including a motorised canoe or kayak)
- (10) Schedule 9, clause 7(3)(a)—delete "PFD Type 1, PFD Type 2 or PFD Type 3" and substitute:  
lifejacket level 100 or above, lifejacket level 50 or lifejacket level 50S
- (11) Schedule 9, clause 7(4)—delete "PFD Type 2 or PFD Type 3" and substitute:  
lifejacket level 50 or lifejacket level 50S
- (12) Schedule 9, clause 7(5)(c)—delete "PFD Type 1" and substitute:  
lifejacket level 100 or above

- (13) Schedule 9, clause 7(8)—after "subregulation" insert:  
or a vessel fitted with an engine
- (14) Schedule 9, clause 7(8)—delete "PFD Type 1, PFD Type 2 or PFD Type 3" and substitute:  
lifejacket level 100 or above, lifejacket level 50 or lifejacket level 50S

**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's Deputy**

with the advice and consent of the Executive Council  
on 21 November 2017

No 309 of 2017

MTR/17/059

South Australia

## **Intervention Orders (Prevention of Abuse) (National Domestic Violence Orders) Variation Regulations 2017**

under the *Intervention Orders (Prevention of Abuse) Act 2009*

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  - 5 Variation of regulation 4B—Prescribed details
  - 6 Insertion of regulations 4C to 4G
    - 4C Corresponding laws (section 29A of Act)
    - 4D Foreign intervention order (section 29A of Act)
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    - 4F Interstate DVOs (section 29A of Act)
    - 4G Registered foreign orders (section 29B of Act)
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Intervention Orders (Prevention of Abuse) (National Domestic Violence Orders) Variation Regulations 2017*.

#### **2—Commencement**

These regulations will come into operation on the day on which section 10 of the *Intervention Orders (Prevention of Abuse) (Recognition of National Domestic Violence Orders) 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 *Intervention Orders (Prevention of Abuse) Regulations 2011***

#### **4—Variation of regulation 4—Foreign intervention order**

- (1) Regulation 4(1)(a)—delete "*Domestic Violence and Protection Orders Act 2008*" and substitute:

*Personal Violence Act 2016*

- (2) Regulation 4(1)(b)—after "apprehended" insert:  
personal
- (3) Regulation 4(1)(c)—delete "*Children, Young Persons, and Their Families Act 1989*" and substitute:  
*Children's and Young People's Well-being Act 1989*
- (4) Regulation 4(1)(f)—delete paragraph (f)
- (5) Regulation 4(1)(g)—delete "Part IVA of the *Justices Act*" and substitute:  
the *Personal Violence Restraining Orders Act*
- (6) Regulation 4(1)(i) and (j)—delete paragraphs (i) and (j)
- (7) Regulation 4(1)(l)—delete paragraph (l)
- (8) Regulation 4(1)(n)—delete "restraining order or police order" and substitute:  
violence restraining order

### **5—Variation of regulation 4B—Prescribed details**

Regulation 4B(1)—after paragraph (h) insert:

- (ha) if the order addresses a domestic violence concern—that fact;

### **6—Insertion of regulations 4C to 4G**

After regulation 4B insert:

#### **4C—Corresponding laws (section 29A of Act)**

Pursuant to the definition of *corresponding law* in section 29A of the Act, the following are declared to be corresponding laws for the purposes of Part 3A of the Act:

- (a) *Family Violence Act 2016* of the Australian Capital Territory;
- (b) *Crimes (Domestic and Personal Violence) Act 2007* of New South Wales;
- (c) *Domestic and Family Violence Act* of the Northern Territory;
- (d) *Domestic and Family Violence Protection Act 2012* of Queensland;
- (e) *Family Violence Act 2004* of Tasmania;
- (f) *Family Violence Protection Act 2008* of Victoria;
- (g) *Restraining Orders Act 1997* of Western Australia.

#### **4D—Foreign intervention order (section 29A of Act)**

Pursuant to the definition of *foreign intervention order* in section 29A of the Act, the following are declared not to be foreign intervention orders for the purposes of Part 3A of the Act:

- (a) a protection order under the *Personal Violence Act 2016* of the Australian Capital Territory;
- (b) an apprehended personal violence order under the *Crimes (Domestic and Personal Violence) Act 2007* of New South Wales;

- (c) an order under section 87 of the *Children's and Young People's Well-being Act 1989* of New Zealand;
- (d) a restraining order under the *Harassment Act 1997* of New Zealand;
- (e) a personal violence restraining order under the *Personal Violence Restraining Orders Act* of the Northern Territory;
- (f) a restraining order under section 359F of the *Criminal Code* of Queensland;
- (g) a restraint order, interim restraint order or telephone interim restraint order under Part XA of the *Justices Act 1959* of Tasmania;
- (h) a personal safety intervention order under the *Personal Safety Intervention Orders Act 2010* of Victoria;
- (i) a violence restraining order under the *Restraining Orders Act 1997* of Western Australia.

#### **4E—General violence orders (section 29A of Act)**

For the purposes of paragraph (b) of the definition of *general violence order* in section 29A of the Act, a violence restraining order made under the *Restraining Orders Act 1997* of Western Australia after 1 July 2017 is declared not to be general violence order.

#### **4F—Interstate DVOs (section 29A of Act)**

Pursuant to the definition of *interstate DVO* in section 29A of the Act, the following are declared to be interstate DVOs for the purposes of Part 3A of the Act:

- (a) a domestic violence order under the *Domestic Violence and Protection Orders Act 2008* of the Australian Capital Territory (repealed);
- (b) a protection order and an after-hours order under the *Family Violence Act 2016* of the Australian Capital Territory;
- (c) an apprehended domestic violence order and an interim apprehended domestic violence order under the *Crimes (Domestic and Personal Violence) Act 2007* of New South Wales;
- (d) a domestic violence order under the *Domestic and Family Violence Act* of the Northern Territory;
- (e) a domestic violence order, a police protection notice or release conditions under the *Domestic and Family Violence Protection Act 2012* of Queensland;
- (f) an FVO (a family violence order), an interim FVO and a PVFO (a police family violence order) under the *Family Violence Act 2004* of Tasmania;
- (g) the following orders under the *Restraining Orders Act 1997* of Western Australia:
  - (i) a family violence restraining order;

- (ii) a violence restraining order that addresses a domestic violence concern made before 1 July 2017;
- (iii) a police order;
- (h) a family violence intervention order or a family violence safety notice under the *Family Violence Protection Act 2008* of Victoria.

#### **4G—Registered foreign orders (section 29B of Act)**

Pursuant to section 29B(1)(b) of the Act, the following are declared to be registered foreign orders for the purposes of Part 3A of the Act:

- (a) a New Zealand FVO that is a foreign order registered under Part 9 of the *Family Violence Act 2016* of the Australian Capital Territory;
- (b) an external protection order made by a court of New Zealand and registered under Part 13 of the *Crimes (Domestic and Personal Violence) Act 2007* of New South Wales;
- (c) an external order made under a law of New Zealand and registered under the *Domestic and Family Violence Act* of the Northern Territory;
- (d) a registered New Zealand order under Part 6 of the *Domestic and Family Violence Protection Act 2012* of Queensland;
- (e) an external family violence order made by a court of New Zealand and registered under section 27 of the *Family Violence Act 2004* of Tasmania;
- (f) a foreign restraining order made by a court of New Zealand and registered under Part 7A of the *Restraining Orders Act 1997* of Western Australia;
- (g) a corresponding New Zealand order registered under Part 10 of the *Family Violence Protection Act 2008* of Victoria.

#### **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's Deputy**

with the advice and consent of the Executive Council  
on 21 November 2017

No 310 of 2017

AGO0065/16CS

South Australia

# **Public Corporations (Supported Community Accommodation Services) Regulations 2017**

under the *Public Corporations Act 1993*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Public Corporations (Supported Community Accommodation Services) Regulations 2017*.

### 2—Commencement

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

### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Public Corporations Act 1993*;

*board* means the board of directors established as the governing body of the subsidiary under regulation 6;

*director* means a person appointed or holding office as a member of the board under Part 3;

*Minister* means the Minister for Disabilities;

*subsidiary* means *Supported Community Accommodation Services* established under regulation 5.

## Part 2—Application of Act to Minister

### 4—Application of Act to Minister

The following provisions of the Act apply to the Minister:

- (a) Part 1 (Preliminary);
- (b) section 24 (Formation of subsidiary by regulation);
- (c) section 25 (Dissolution of subsidiary established by regulation);
- (d) Schedule (Provisions applicable to subsidiaries).

## Part 3—Supported Community Accommodation Services

### Division 1—Supported Community Accommodation Services established as subsidiary of Minister

#### 5—Establishment of subsidiary (section 24 of Act)

- (1) *Supported Community Accommodation Services* is established as a subsidiary of the Minister.
- (2) The subsidiary—
  - (a) is a body corporate; and
  - (b) has perpetual succession and a common seal; and
  - (c) is capable of suing and being sued in its corporate name.

## **6—Establishment of board**

- (1) A board of directors is established as the governing body of the subsidiary.
- (2) Anything done by the board in the administration of the subsidiary's affairs is binding on the subsidiary.

## **7—Composition of board**

- (1) The board consists of not less than 5 members appointed by the Minister.
- (2) 1 director will be appointed by the Minister to chair meetings of the board.
- (3) The Minister may appoint a director to be the deputy of the director appointed to chair the board and the deputy may perform or exercise the functions and powers of that director in the director's absence.
- (4) On the office of a director becoming vacant, a person may be appointed in accordance with this regulation to the vacant office.
- (5) The Minister may appoint a suitable person to be deputy of a member of the board during any period of absence of the member (and any reference to a director in these regulations will be taken to include, unless the contrary intention appears, a reference to a deputy while acting as a member of the board).

## **8—Conditions of membership**

- (1) A director will be appointed for a term, not exceeding 3 years, specified in the instrument of appointment and, at the expiration of a term of appointment, will be eligible for reappointment.
- (2) The office of a director becomes vacant if the director—
  - (a) dies; or
  - (b) completes a term of office and is not reappointed; or
  - (c) resigns by written notice to the Minister; or
  - (d) becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
  - (e) is convicted of an indictable offence; or
  - (f) is removed from office by the Minister by written notice.

## **9—Vacancies or defects in appointment of directors**

An act of the board is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a director.

## **10—Remuneration**

A director is entitled to be paid from the funds of the subsidiary such remuneration, allowances and expenses as may be determined by the Minister.

## **11—Proceedings**

- (1) A quorum of the board consists of one half the total number of its members (ignoring any fraction resulting from the division) plus 1.
- (2) The director appointed to chair the board will preside at meetings of the board at which the director is present.

- (3) If the director appointed to chair the board is absent from a meeting of the board, the following person will preside at the meeting:
  - (a) if another director has been appointed as that director's deputy and is present at the meeting—the deputy; or
  - (b) in any other case—a director chosen by the directors present at the meeting.
- (4) A decision carried by a majority of the votes cast by directors at a meeting is a decision of the board.
- (5) Each director present at a meeting of the board has 1 vote on a question arising for decision and, if the votes are equal, the director presiding at the meeting may exercise a casting vote.
- (6) A telephone or video conference between directors will, for the purposes of this regulation, be taken to be a meeting of the board at which the participating directors are present if—
  - (a) notice of the conference is given to all directors in the manner determined by the board for that purpose; and
  - (b) each participating director is capable of communicating with every other participating director during the conference.
- (7) A proposed resolution of the board becomes a valid decision of the board despite the fact that it is not voted on at a meeting of the board if—
  - (a) notice of the proposed resolution is given to all directors in accordance with procedures determined by the board; and
  - (b) a majority of the directors express their concurrence in the proposed resolution by letter, fax, email or other written communication setting out the terms of the resolution.
- (8) The board must cause accurate minutes to be kept of its proceedings.
- (9) The director presiding at a meeting of the board may allow other persons to attend (but not participate in) all or part of a meeting of the board.
- (10) A person authorised in writing by the Treasurer may attend (but not participate in) a meeting of the board and may have access to papers provided to directors for the purpose of the meeting.
- (11) If the board considers that a matter dealt with at a meeting attended by a representative of the Treasurer should be treated as confidential, the board may advise the Treasurer of that opinion giving the reason for the opinion and the Treasurer may, subject to subregulation (12), act on that advice as the Treasurer thinks fit.
- (12) If the Treasurer is satisfied on the basis of the board's advice under subregulation (11) that the subsidiary owes a duty of confidence in respect of a matter, the Treasurer must ensure the observance of that duty in respect of the matter, but this subregulation does not prevent a disclosure as required in the proper performance of ministerial functions or duties.
- (13) Subject to these regulations, the board may determine its own procedures.

## **12—Staff of subsidiary**

- (1) The subsidiary may, with the Minister's approval, appoint staff to assist it in carrying out its responsibilities.

- (2) The subsidiary may—
  - (a) by arrangement with the appropriate authority, make use of the services, facilities or staff of a government department, agency or instrumentality; or
  - (b) with the approval of the Minister, make use of the services, facilities or staff of any other entity.

### **13—Disclosure**

- (1) If the subsidiary discloses to the Minister or the Treasurer in pursuance of the Act or these regulations a matter in respect of which the subsidiary owes a duty of confidence, the subsidiary must give notice in writing of the disclosure to the person to whom the duty is owed.
- (2) A director of the subsidiary does not commit a breach of duty by reporting a matter relating to the affairs of the subsidiary to the Minister or the Treasurer.

## **Division 2—Functions and performance**

### **14—Functions of subsidiary**

- (1) The subsidiary's functions are limited to the following:
  - (a) providing supported independent living supports and other classes of supports (within the meaning of section 70 of the *National Disability Insurance Scheme Act 2013* of the Commonwealth) as a registered provider of supports (within the meaning of that provision);
  - (b) providing specialist disability services in conjunction with the Commonwealth Continuity of Support Programme;
  - (c) carrying out any other function conferred on the subsidiary by the Minister;
  - (d) doing anything necessary or expedient to be done for the purposes of a function referred to in a preceding paragraph.
- (2) The subsidiary must obtain the approval of the Minister before it makes a material change to its policy direction or budget.

### **15—Charter**

- (1) The Minister and the Treasurer must prepare a charter for the subsidiary.
- (2) The charter must address—
  - (a) the nature and scope of the subsidiary's operations; and
  - (b) the subsidiary's obligations to report on its operations; and
  - (c) the form and contents of the subsidiary's accounts and financial statements; and
  - (d) any accounting, internal auditing or financial systems or practices to be established or observed by the subsidiary; and
  - (e) the acquisition or disposal of capital or assets; and
  - (f) the manner by which the operations of the subsidiary are intended to transition to a cost-recovery basis during and following the implementation of the National Disability Insurance Scheme in this State; and

- (g) the extent to which the principles of competitive neutrality<sup>1</sup> are to be applied to the significant business activities of the subsidiary and, to the extent relevant, the reasons for any non-application of those principles.

**Note—**

1 See Part 4 of the *Government Business Enterprises (Competition) Act 1996*.

- (3) The charter may deal with any other matter not specifically referred to in subregulation (2).
- (4) The charter must be reviewed by the Minister at the end of each financial year.
- (5) The Minister and the Treasurer may amend the charter at any time.
- (6) An amendment to the charter comes into force and is binding on the subsidiary on a day specified in the amendment (but without affecting any contractual obligations previously incurred by the subsidiary).
- (7) On an amendment to the charter coming into force, the Minister must, within 12 sitting days, have copies of the charter in its amended form laid before both Houses of Parliament.

## **16—Performance statement**

- (1) The subsidiary will be subject to a performance statement prepared by the Minister that sets the various performance targets the subsidiary is to pursue in the coming financial year (or other period specified in the statement) and deals with such other matters as the Minister considers appropriate.
- (2) The Minister must, after consultation with the subsidiary and the Treasurer, review the performance statement when reviewing the subsidiary's charter.
- (3) The Minister may, after consultation with the subsidiary and the Treasurer, amend the performance statement at any time.

## **17—Subsidiary companies**

- (1) The subsidiary must not, without the approval of the Treasurer—
- (a) form a subsidiary company; or
  - (b) acquire, or enter into any arrangement under which it will at a future time or would on the happening of some contingency hold, relevant interests in shares in a company such that the company becomes a subsidiary of the subsidiary.
- (2) The Treasurer may, as a condition of approval under this regulation, or by direction, require the subsidiary to take steps to include in a subsidiary company's constitution such provisions as the Treasurer considers appropriate—
- (a) imposing limitations on the nature or scope of the company's operations; or
  - (b) imposing other controls or practices,
- consistent with those applicable to the subsidiary.

## **18—Indirect or joint operations by subsidiary**

The subsidiary must not, without the approval of the Treasurer, establish a trust scheme or a partnership or other scheme or arrangement for sharing of profits or joint venture with another person or undertake any operations or transactions pursuant to such a scheme or arrangement.

## **19—Advisory and other committees**

The subsidiary may establish committees to advise or assist it in the performance of any of its functions.

## **Division 3—Financial and related matters**

### **20—Internal audit**

- (1) The subsidiary must establish and maintain effective internal auditing of its operations.
- (2) The subsidiary must, unless exempted by the Treasurer, establish an audit committee.
- (3) The audit committee must comprise—
  - (a) a member of the board of the subsidiary, or such members of the board as the board may from time to time determine; and
  - (b) such other person or persons as the board may from time to time appoint, but may not include the chief executive (if any) of the subsidiary.
- (4) The functions of the audit committee include—
  - (a) reviewing annual financial statements to ensure that they provide a true and fair view of the state of affairs of the subsidiary; and
  - (b) liaising with external auditors; and
  - (c) reviewing the adequacy of the accounting, internal auditing, reporting and other financial management systems and practices of the subsidiary on a regular basis.

### **21—Quarterly reports**

The subsidiary must report to the Minister on the subsidiary's financial position on a quarterly basis.

### **22—Loans etc require approval**

- (1) The subsidiary must not lend or advance to any person any money, securities or property without the prior written approval of the Treasurer.
- (2) The subsidiary must not undertake commercial borrowings without the prior written approval of the Treasurer.

### **23—Provision of information**

- (1) The subsidiary must, at the request in writing of the Treasurer, furnish the Treasurer with such information or records in the possession or control of the subsidiary as the Treasurer may require in such manner and form as the Treasurer may require.
- (2) If a record in the possession or control of the subsidiary is furnished to the Treasurer under this regulation, the Treasurer may make, retain and deal with copies of the record as the Treasurer thinks fit.
- (3) If the board considers that information or a record furnished under this regulation contains matters that should be treated as confidential, the board may advise the Treasurer of that opinion giving the reason for the opinion and the Treasurer may, subject to subregulation (4), act on that advice as the Treasurer thinks fit.

- (4) If the Treasurer is satisfied on the basis of the board's advice under subregulation (3) that the subsidiary owes a duty of confidence in respect of a matter, the Treasurer must ensure the observance of that duty in respect of the matter, but this subregulation does not prevent a disclosure as required in the proper performance of ministerial functions or duties.
- (5) The subsidiary must notify the Minister if a request is made under this regulation.

## **24—Dividends**

- (1) The subsidiary must, before the end of each financial year, after consultation with the Minister, recommend by writing to the Treasurer that the subsidiary pay a specified dividend, or not pay any dividend, for that financial year, as the subsidiary considers appropriate.
- (2) The Treasurer may, after consultation with the Minister, by notice in writing to the subsidiary—
  - (a) approve a recommendation of the subsidiary under subregulation (1); or
  - (b) determine that a dividend specified by the Treasurer be paid, or that no dividend be paid,as the Treasurer considers appropriate.
- (3) The subsidiary must, if so required by the Treasurer by notice in writing to the subsidiary at any time during a financial year, after consultation with the Minister, recommend by writing to the Treasurer that a specified interim dividend or specified interim dividends be paid by the subsidiary for that financial year, or that no such dividend or dividends be paid by the subsidiary as the subsidiary considers appropriate.
- (4) The Treasurer may, after consultation with the Minister, by notice in writing to the subsidiary—
  - (a) approve a recommendation of the subsidiary under subregulation (3); or
  - (b) determine that an interim dividend or interim dividends specified by the Treasurer be paid, or that no interim dividend be paid,as the Treasurer considers appropriate.
- (5) If the Treasurer approves a recommendation or determines under this regulation that a dividend or interim dividend or dividends be paid by the subsidiary, the dividend or interim dividend or dividends must be paid at the direction of the Treasurer, in the manner and at the time or times determined by the Treasurer, after consultation with the subsidiary and the Minister.
- (6) A recommendation under this regulation must be made by the board and may not be made by any person or committee pursuant to a delegation.

## **25—Common seal and execution of documents**

- (1) The common seal of the subsidiary must not be affixed to a document except in pursuance of a decision of the board, and the affixing of the seal must be attested by the signatures of 2 directors.
- (2) The board may, by instrument under the common seal of the subsidiary, authorise a director, an employee of the subsidiary (whether nominated by name or by office or title) or any other person to execute documents on behalf of the subsidiary subject to limitations (if any) specified in the instrument of authority.
- (3) Without limiting subregulation (2), an authority may be given so as to authorise 2 or more persons to execute documents jointly on behalf of the subsidiary.

- (4) A document is duly executed by the subsidiary if—
- (a) the common seal of the subsidiary is affixed to the document in accordance with this regulation; or
  - (b) the document is signed on behalf of the subsidiary by a person or persons in accordance with authority conferred under this regulation.

## **26—Annual report**

- (1) The subsidiary must, within 3 months after the end of each financial year, deliver to the Minister a report on the operations of the subsidiary during that financial year.
- (2) The Minister must cause a copy of the report to be laid before both Houses of Parliament within 12 sitting days after receipt of the report.

### **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's Deputy**

with the advice and consent of the Executive Council  
on 21 November 2017

No 311 of 2017

17MDIS-0568

## CITY OF MITCHAM

## ELECTION RESULTS

*Supplementary Election of Councillor for Gault Ward*

CONDUCTED on Monday 13 November 2017.

Formal Ballot Papers – 1761      Informal Ballot Papers – 1      Quota – 881

Candidates	First Preference Votes	Elected / Excluded	Votes at Election/ Exclusion	Count
Budge, Ian	220	Excluded	281	14
Saies, Michael William	192	Excluded	230	9
Wilson, John	553	Elected	788	22
Economos, Christine	149	Excluded	149	2
Berry, Jasmine	329		582	
Westbrook, Ashley	157	Excluded	205	5
Neill, Alex	161	Excluded	162	3

MICK SHERRY, Returning Officer

## CITY OF MITCHAM

*Naming of Council Reserve*

NOTICE is hereby given pursuant to Section 219(4) of the *Local Government Act 1999*, that the City of Mitcham has resolved at the meeting of Full Council held on 23 February 2016 to formally name the Council reserve located on Glenwood Drive, Bellevue Heights (being Allotment 422 in Deposited Plan 4598 and comprised in Certificate of Title Volume 5180 Folio 469) as Glenwood Reserve.

M PEARS, Chief Executive Officer

## CITY OF SALISBURY

*Declaration of Public Road*

NOTICE is hereby given pursuant to section 210 of the *Local Government Act 1999*, that the City of Salisbury resolved at the meeting held on 26 June 2017 that the road delineated as Allotments 10, 11 and 12 on F253139 and known as Ann Street, Salisbury running in a generally north to south direction from Park Terrace, Salisbury to John Street, Salisbury, is hereby declared to be a Public Road.

JOHN HARRY, Chief Executive Officer

## CITY OF TEA TREE GULLY

*Close of Roll for Supplementary Election*

DUE to the passing of a member of the Council, a supplementary election will be necessary to fill the vacancy of Councillor for Steventon Ward.

The voters roll for this supplementary election will close at 5.00pm on Thursday 30 November 2017.

You are entitled to vote in the election if you are on the State electoral roll. If you have recently turned 18 or changed your residential or postal address you must complete an electoral enrolment form, available from post offices or online at [www.ecsa.sa.gov.au](http://www.ecsa.sa.gov.au)

If you are not eligible to enrol on the State electoral roll you may still be entitled to enrol to vote if you own or occupy a property. Contact the Council to find out how.

Nominations to fill the vacancy will open on Thursday 11 January 2018 and will be received until 12 noon on Thursday 25 January 2018.

The election will be conducted entirely by post with the return of ballot material to reach the Returning Officer no later than 12 noon on Monday 26 February 2018.

MICK SHERRY, Returning Officer

## CITY OF TEA TREE GULLY

*Passing of Councillor*

NOTICE is given in accordance with section 54(6) of the *Local Government Act 1999* that a vacancy has occurred in the office of Steventon Ward Councillor, due to the passing of Councillor Jim McLafferty effective from 9 November 2017.

J MOYLE, Chief Executive Officer

## ALEXANDRINA COUNCIL

## DEVELOPMENT ACT 1993

*Strathalbyn Township & Environs Development Plan Amendment Public Consultation*

NOTICE is hereby given that the Alexandrina Council, pursuant to sections 24 and 25 of the *Development Act 1993*, has prepared a Development Plan Amendment Report (DPA) to amend its Development Plan.

The Amendment will change the Development Plan by proposing to:

- Create a new objective and desired character statement and provisions to discourage small allotments within the Industry Zone, and more specifically on the Milnes Road land.
- Rezone the Langhorne Creek Road land to Open Space and the insertion of a new policy, which will provide for uses such as recreation facilities, sports grounds, community centre, camping area, etc.

- Amend the desired character statement, policies and provisions within the Strathalbyn Centre Policy Area 4 of the District Centre Zone to encourage housing for older persons, encourage preferred land uses and relocation of non-preferred land uses, extend the zone boundary and reflect the recommended change to the off-street parking requirements.
- Rezone the Adelaide Road land to Residential and amend the policy within the Strathalbyn North Policy Area 26 to reflect the desired balance of residential development, open space and appropriate small-scale non-residential uses.

The DPA will be available for public consultation from Thursday 16 November 2017 until Friday 19 January 2018.

Copies of the DPA are available for inspection during normal office hours at the Strathalbyn Library and Community Centre, 1 Colman Terrace, Strathalbyn, the Goolwa Library, 11 Cadell Street, Goolwa or on the Alexandrina Council Website at [www.alexandrina.sa.gov.au/strathdpa](http://www.alexandrina.sa.gov.au/strathdpa) or [www.mysay.alexandrina.sa.gov.au/strathdpa](http://www.mysay.alexandrina.sa.gov.au/strathdpa).

Written submissions regarding the DPA should be received no later than **midnight Friday 19 January 2018**. Submission forms can be accessed via [www.alexandrina.sa.gov.au/strathdpa](http://www.alexandrina.sa.gov.au/strathdpa) or [www.mysay.alexandrina.sa.gov.au/strathdpa](http://www.mysay.alexandrina.sa.gov.au/strathdpa) or from the Council offices. The submission should clearly indicate whether you wish to be heard in support of your submission at the public hearing. All submissions should be addressed to the Chief Executive Officer, Alexandrina Council, PO Box 21, Goolwa SA, 5214 or emailed to [alex@alexandrina.sa.gov.au](mailto:alex@alexandrina.sa.gov.au).

Copies of all submissions will be made available for inspection at the Strathalbyn Library and Community Centre and the Alexandrina Council Office, Goolwa.

A public hearing will be held on Tuesday 23 January 2018 at the Strathalbyn Football Clubrooms, Coronation Road, Strathalbyn at 6:00pm at which time interested persons may be heard in relation to their submission. The public hearing will not be held if no submissions are received, or if no submission makes a request to be heard.

Should you require any clarification or further information please contact Sally Roberts, Manager Planning and Development on 8555 7000.

GLENN RAPPENBERG, Chief Executive Officer

#### ALEXANDRINA COUNCIL

##### ELECTION RESULTS

##### *Supplementary Election of Councillor for Angas Bremer Ward*

CONDUCTED on Monday 13 November 2017.

Formal Ballot Papers – 915      Informal Ballot Papers – 3      Quota – 458

Candidates	First Preference Votes	Elected / Excluded	Votes at Election/ Exclusion	Count
Farrier, Michael	411	Elected	Quota	2
Aquilina, Jude	323		359	
Shilling, Matthew	181	Excluded	181	2

MICK SHERRY, Returning Officer

#### DISTRICT COUNCIL OF COOBER PEDY

##### *Elector Representation Review*

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

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

The revised representation arrangements are as follows:

The representation arrangement will be retained as the present composition and structure of a Mayor and eight Councillors who represent the area.

FIONA HOGAN, Chief Executive Officer

#### MID MURRAY COUNCIL

##### DEVELOPMENT ACT 1993

##### *Walker Avenue, Mannum Development Plan Amendment—Public Consultation*

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

The Amendment relates primarily to the existing industrial zoned land and surrounding public purpose and residential zoned land, located in a central part of the Mannum township near the town centre, the land has historically been used for manufacturing purposes by the longstanding South Australian company Horwood Bagshaw. The Amendment proposes to change the Development Plan by rezoning surplus industrial land and the public purpose land to allow for its future residential development. The area affected includes all of the land bounded by Walker Avenue, Adelaide Road, David Street and Diercks Road, which is currently located in the Industry, Public Purposes, Residential and Residential Character Zones.

The DPA report will be on public consultation from Tuesday 21 November 2017 until Tuesday 30 January 2018 and available for view on the internet at [www.mid-murray.sa.gov.au](http://www.mid-murray.sa.gov.au).

A copy of the DPA report is available for inspection during normal Council office hours Monday-Friday at the Mannum, Cambrai and Morgan Council Offices.

Written submissions regarding the DPA should be submitted no later than 5pm on Tuesday 30 January 2018. All submissions should be addressed to Joel Taggart, Acting Director - Development & Environmental Services, PO Box 28 Mannum SA 5238 and should clearly indicate whether you wish to be heard in support of your submission at the public hearing. If you lodge your submission electronically, please email it to [postbox@mid-murray.sa.gov.au](mailto:postbox@mid-murray.sa.gov.au). All submissions should be clearly marked **Walker Avenue, Mannum DPA**.

Copies of all submissions will be available for inspection at the Mannum, Cambrai and Morgan Council Offices from Wednesday 31 January 2018 until the conclusion of the public hearing.

A public hearing will be held on Thursday 8 February 2018 at 7pm in the Meeting Room of the Council Offices, 49 Adelaide Road, Mannum at which time interested persons may be heard in relation to the DPA and the submissions. The public hearing will not be held if no submissions are received or if no submission makes a request to be heard.

If you would like further information about the DPA, contact Jake McVicar at the Cambrai Office on 8564 6020.

Dated 21 November 2017.

RUSSELL PEATE, Chief Executive Officer

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#### MOUNT BARKER DISTRICT COUNCIL

##### *Declaration of Additional Wastewater Commitment Separate Rates*

NOTICE is hereby given that at its meeting held on 6 November 2017, the Council declared the following additional Wastewater Commitment Separate Rates of fixed amounts the purpose of which is as a replacement mechanism for the existing Wastewater (Sewer) Infrastructure MDPA Mount Barker Area Separate Rate where the developer has executed a Wastewater Commitment Deed with Council and requested the use of this mechanism to provide security commensurate with the amount specified in their Wastewater Commitment Deed for the year ending 30 June 2018:

CT6165/943 52 Beneva Road, Mount Barker LOT 6 DP 49619 \$863,100

CT6172/78 209 Wellington Road, Mount Barker LOT 3 DP 83903 \$343,500

CT6191/746 Sims Road, Mount Barker LOT 500 DP 115905 \$1,099,200

These separate rates are subject to the Council Infrastructure Contributions—Separate Rate Relief Policy.

ANDREW STUART, Chief Executive Officer

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#### DISTRICT COUNCIL OF TUMBY BAY

##### *Review of Elector Representation*

NOTICE is hereby given that the District Council of Tumby Bay has completed a review of its elector representation arrangements, including all aspects of the composition of the Council and the issue of the division or potential division, of the area of the council into wards, in accordance with the requirements of Section 12 (4) of the Local Government Act 1999 (the Act).

Pursuant to Section 12 (13)(a) of the Act, the Electoral Commissioner has certified that the review undertaken by Council satisfies the requirements of Section 12 of the Act. As such, the following structure will take effect as from polling day of the periodic Local Government election to be held November 2018.

- The elected Council will comprise six area councillors.

T.J. SMITH, Chief Executive Officer

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

BARBARY John Martin late of 18 Cudmore Terrace Marleston Retired Dental Technician who died 9 June 2017

BECHER Nancy Joy late of 1 Steel Street Campbelltown of no occupation who died 17 October 2016

DUBNER Jean Morva late of 13 York Avenue Clovelly Park Retired Nurse who died 6 September 2017

O'CONNELL Jean Olive late of 6 Booth Avenue Linden Park Retired Secretary who died 11 May 2017

THOMAS Sylvia Ellen late of 10 Morton Road Christie Downs of no occupation who died 19 July 2017

WASHINGTON-LIKAVEC Gloria Kathleen late of 502 Magill Road Magill of no occupation who died 5 September 2017

Notice is hereby given pursuant to the Trustee Act 1936, the Inheritance (Family Provision) Act 1972 and the Family Relationships Act 1975 that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the office of Public Trustee at GPO Box 1338, Adelaide, 5001, full particulars and proof of such claims, on or before the 22 December 2017 otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver same to the Public Trustee.

Dated 21 November 2017.

D A CONTALA, Public Trustee

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# NOTICE SUBMISSION

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

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

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

EMAIL [governmentgazettesa@sa.gov.au](mailto:governmentgazettesa@sa.gov.au)  
PHONE (08) 8207 1025

## Gazette notices should be emailed in the following formats:

- Notices as individual Word files
- Maps, images, and diagrams as single, complete objects within Word files
- Content containing official signatures for authorisation—notices as Word files and the signed documentation as PDF files

## Please provide the following information in your email:

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

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

Proofs of formatted content are supplied for all notices, with necessary alterations to be returned before 4 p.m. on the day preceding publication.

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