



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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

GOVERNOR'S INSTRUMENTS

APPOINTMENTS, RESIGNATIONS AND GENERAL MATTERS

Department of the Premier and Cabinet
Adelaide, 20 June 2024

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the Teachers Registration Board of South Australia, pursuant to the provisions of the Teachers Registration and Standards Act 2004:

Member: from 1 July 2024 until 30 June 2027

Carolyn Edith Grantskalns
Susan Pamela Boucher
Nigel Stevenson
Peter Roy McKay
Britta Eve Jureckson
Anthony John Haskell
Tracey Lee Chapman
Claire Elizabeth Hughes
Benjamin James Sanderson
Natarsha Caitlin Ann Ikiua

Deputy Member: from 1 July 2024 until 30 June 2027

David Wayne Freeman (Deputy to Jureckson)
Marika Marlow (Deputy to Chapman)
Harrison James Modra (Deputy to Haskell)
Tristan James Kouwenhoven (Deputy to Sanderson)
Colleen Anne Maria Tomlian (Deputy to Ikiua)

Presiding Member: from 1 July 2024 until 30 June 2027

Carolyn Edith Grantskalns

Deputy Presiding Member: from 1 July 2024 until 30 June 2027

Susan Pamela Boucher

By command,

ZOE LEE BETTISON, MP
For Premier

ME24/081

Department of the Premier and Cabinet
Adelaide, 20 June 2024

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint Sally Elizabeth Gooch as a Magistrates Court Judicial Registrar on a part-time basis for a term of seven years commencing on 20 June 2024 until 19 June 2031 - pursuant to section 7AB of the Magistrates Court Act 1991.

By command,

ZOE LEE BETTISON, MP
For Premier

AGO0102-24CS

Department of the Premier and Cabinet
Adelaide, 20 June 2024

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint Naomi Mary Kereru as a coroner for a term commencing on 1 July 2024 and expiring on 30 September 2024 - pursuant to section 6(1) of the Coroners Act 2003.

By command,

ZOE LEE BETTISON, MP
For Premier

AGO0114-24CS

Department of the Premier and Cabinet
Adelaide, 20 June 2024

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint David Llewellyn Price as the Chief Executive Officer of the Compulsory Third Party Regulator on a full-time basis for a term of three years from 6 July 2024 until 5 July 2027 - pursuant to section 8(2) of the Compulsory Third Party Insurance Regulation Act 2016.

By command,

ZOE LEE BETTISON, MP
For Premier

T&F24/045CS

Department of the Premier and Cabinet
Adelaide, 20 June 2024

His Excellency the Governor's Deputy in Executive Council has revoked the appointment of the people listed as Clerks of Executive Council effective from 20 June 2024 - pursuant to the Letters Patent, section 41 of the Legislation Interpretation Act 2021 and section 68 of the Constitution Act 1934:

Nicole Louise Berry
Jonathan Gorvett
Robyn Sonya Green
Dylan Thomas Jones
Alison Ellen Lloyd-Wright
James Hanton March
Victoria Frances Podgorski
Louise Rose Russell

By command,

ZOE LEE BETTISON, MP
For Premier

DPC24-028CS

Department of the Premier and Cabinet
Adelaide, 20 June 2024

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint Patrick Danielle Pineda Imaysay and Marie Caltabiano as Clerks of Executive Council commencing on 20 June 2024 - pursuant to the Letters Patent and section 68 of the Constitution Act 1934.

By command,

ZOE LEE BETTISON, MP
For Premier

DPC24-028CS

Department of the Premier and Cabinet
Adelaide, 20 June 2024

His Excellency the Governor's Deputy in Executive Council has approved a lump sum payment to be paid to members of the Remuneration Tribunal for their work in determining remuneration for Local Government Chief Executive Officers in 2023 - pursuant to section 7 of the Remuneration Act 1990.

By command,

ZOE LEE BETTISON, MP
For Premier

DPC24/034CS

PROCLAMATIONS

South Australia

Fire and Emergency Services (Bushfire Management Areas) Amendment Proclamation 2024

under section 72(3) of the *Fire and Emergency Services Act 2005*

Part 1—Preliminary

1—Short title

This proclamation may be cited as the *Fire and Emergency Services (Bushfire Management Areas) Amendment Proclamation 2024*.

2—Commencement

This proclamation comes into operation on 1 July 2024.

Part 2—Amendment of *Fire and Emergency Services (Bushfire Management Areas) Proclamation 2012*

3—Amendment of clause 3—Division of State into Bushfire Management Areas

- (1) Clause 3(1)(c)—delete "Flinders"
- (2) Clause 3(1)(h)—before "Outback" insert:

Flinders and

4—Amendment of Schedule 1—Areas of bushfire management areas

- (1) Clause 3, heading—delete "Flinders"
- (2) Clause 3(e)—delete paragraph (e)
- (3) Clause 3(i)—delete paragraph (i)
- (4) Clause 3(k) to (m)—delete paragraphs (k) to (m) (inclusive)
- (5) Clause 8, heading—before "Outback" insert:

Flinders and

- (6) Clause 8(a)—after subparagraph (ii) insert:
 - (iii) The Flinders Ranges Council;
 - (iv) The District Council of Mount Remarkable;
 - (v) District Council of Orroroo/Carrieton;
 - (vi) District Council of Peterborough;
 - (vii) The Corporation of the City of Port Augusta; and

Made by the Governor's Deputy

on the recommendation of the State Bushfire Coordination Committee and with the advice and consent of the Executive Council
on 20 June 2024

REGULATIONS

South Australia

Education and Early Childhood Services (Registration and Standards) (Amendment of Education and Care Services National Law Text) Regulations 2024under the *Education and Early Childhood Services (Registration and Standards) Act 2011***Contents****Part 1—Preliminary**

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340	Transitional provision—approvals in principle—applications for service approval

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Education and Early Childhood Services (Registration and Standards) (Amendment of Education and Care Services National Law Text) Regulations 2024*.

2—Commencement

These regulations will be taken to have come into operation on the day on which Part 2 of the *Early Childhood Legislation Amendment (Premises Approval in Principle) Act 2023* of Victoria came into operation.

3—Interpretation

In these regulations—

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

4—Amendment of Education and Care Services National Law text

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

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

5—Amendment of section 5—Definitions

- (1) Section 5(1)—before the definition of *approved education and care service* insert:

approval in principle means an approval in principle granted under section 110 for a proposed education and care service premises;

approval in principle criteria means, of the national regulations that regulate the education and care service premises, those which are prescribed to be the approval in principle criteria;

approval in principle holder means—

- (a) a person granted an approval in principle under section 110; or
- (b) if the approval in principle is transferred to another person under section 118 or 119, that person;

- (2) Section 5(1)—after the definition of *infringement law* insert:

mandatory approval in principle jurisdiction means a Part 4 jurisdiction in which section 49A of this Law applies;

Note—

See section 49A.

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

Part 4 building means—

- (a) a building that has 3 or more storeys (including the ground level and each level of a split level); or
- (b) a building of a prescribed class;

Part 4 building law, in relation to a participating jurisdiction, means a law declared by or under a law of that jurisdiction to be a Part 4 building law;

Part 4 jurisdiction means a participating jurisdiction in which Part 4 of this Law applies;

Note—

See section 105.

Part 4 planning law, in relation to a participating jurisdiction, means a law declared by or under a law of that jurisdiction to be a Part 4 planning law;

6—Amendment of section 43—Application for service approval

Section 43—at the foot of its present contents insert:

Note—

Mandatory approval in principle jurisdictions require an approved provider to hold an approval in principle under Part 4 for the education and care service premises as a precondition of service approval. See section 49A.

7—Amendment of section 47—Determination of application

Section 47(1)—after paragraph (b) insert:

- (ba) any approval in principle held by the approved provider for the education and care service premises, and whether the premises were constructed, altered or repaired in accordance with the plans, drawings or specifications attached to, or described in, the approval in principle; and

Note—

The approval in principle process in Part 4 only applies to certain premises in certain participating jurisdictions. See section 105.

8—Amendment of section 49—Grounds for refusal

Section 49—after subsection (2) insert:

- (3) The Regulatory Authority must not refuse to grant a service approval on the ground that the education and care service premises do not meet the approval in principle criteria if—
 - (a) the approved provider is an approval in principle holder for the premises; and

- (b) the premises were constructed, altered or repaired in accordance with the plans, drawings or specifications attached to, or described in, the approval in principle.

Note—

The approval in principle process in Part 4 only applies to certain premises in certain participating jurisdictions. See section 105.

- (4) Subsection (3) does not prevent the Regulatory Authority from refusing to grant a service approval on any other ground, including a ground set out in subsection (1)(a) or section 47(1)(b).

9—Insertion of section 49A

After section 49 insert:

49A—Additional ground for refusal in certain participating jurisdictions—mandatory approval in principle

- (1) This section applies to, and in relation to, a Part 4 jurisdiction if a law of the Part 4 jurisdiction, or an instrument made under that law, specifically declares that section 49A of this Law applies.
- (2) Without limiting section 49(1), the Regulatory Authority must refuse to grant a service approval if—
 - (a) the education and care service premises for the service (other than a family day care service) are located in a Part 4 building; and
 - (b) under a Part 4 planning law or Part 4 building law (or both) of the Part 4 jurisdiction, a permit or approval is or was required for the construction, alteration or repair of the premises or the development of the land; and
 - (c) either—
 - (i) the approved provider is not the approval in principle holder for the premises; or
 - (ii) the premises are not constructed, altered or repaired in accordance with the plans, drawings or specifications attached to, or described in, the approval in principle.
- (3) Despite subsection (2), the Regulatory Authority may grant a service approval for an education and care service—
 - (a) if satisfied that—
 - (i) the service approval is required for the emergency relocation of an education and care service; and
 - (ii) the education and care service premises is the most suitable available premises for the education and care service; or
 - (b) in any other prescribed circumstances.
- (4) Subsection (2) does not apply if—
 - (a) a service approval was previously granted for an education and care service at the premises; and

- (b) since the cancellation or surrender of that service approval, there has been no further construction, alteration or repair of the premises requiring a permit or approval under a Part 4 planning law or Part 4 building law (or both) of the Part 4 jurisdiction.

10—Insertion of Part 4

After Part 3 insert:

Part 4—Approval in principle for education and care service premises located in certain types of buildings

Division 1—Application of this Part

105—Application of Part to certain participating jurisdictions only

This Part applies to, and in relation to, a participating jurisdiction if a law of the participating jurisdiction, or an instrument made under that law, specifically declares that Part 4 of this Law applies.

Division 2—Application for approval in principle

106—Application for approval in principle

- (1) A person may apply to the Regulatory Authority for the approval in principle of proposed education and care service premises.
- (2) An application may be made if—
 - (a) the premises are for an education and care service (other than a family day care service); and
 - (b) the premises are proposed to be located in a new or existing Part 4 building; and
 - (c) under a Part 4 planning law or Part 4 building law (or both) of the Part 4 jurisdiction, a permit or approval is required for the construction, alteration or repair of the proposed education and care service premises or the development of the land.

107—Form and timing of application

- (1) An application for an approval in principle must—
 - (a) be made to the Regulatory Authority of the Part 4 jurisdiction in which the building is to be located or is located; and
 - (b) be in writing; and
 - (c) include any plan, drawing or specification as to the construction, alteration or repair of the proposed premises and building in which the premises are or will be located; and
 - (d) include the prescribed information; and
 - (e) include payment of the prescribed fee.
- (2) An application for an approval in principle must be made to the Regulatory Authority within the period declared by or under a law of the Part 4 jurisdiction to be the application period.

108—Regulatory Authority may seek further information

- (1) The Regulatory Authority may ask an applicant for an approval in principle to provide any further information that is reasonably required for the purpose of assessing the application.
- (2) If the Regulatory Authority asks the applicant for further information under this section, the period from the making of the request until the provision of the further information is not included in the period referred to in section 110 for the Regulatory Authority to make a decision on the application.

109—Determination of application for an approval in principle

In determining an application for an approval in principle, the Regulatory Authority must have regard to—

- (a) the suitability of the proposed education and care service premises and the site and location of those premises for the operation of an education and care service; and
- (b) whether the proposed education and care service premises would meet the approval in principle criteria once constructed, altered or repaired; and
- (c) whether the proposed education and care service premises will have direct egress to an assembly area to allow the safe evacuation of all children; and
- (d) any other matter the Regulatory Authority considers relevant; and
- (e) any other prescribed matters.

110—Grant or refusal of approval in principle

- (1) On receiving an application under section 106, the Regulatory Authority may—
 - (a) subject to section 111, grant an approval in principle; or
 - (b) refuse to grant an approval in principle.
- (2) Subject to subsection (3), the Regulatory Authority must make a decision on the application within 60 days after the Regulatory Authority receives the application.

Note—

If further information is requested under section 108(1), the period between the making of the request and the provision of the information is not included in the 60 day period.

- (3) The period referred to in subsection (2) may be extended with the agreement of the applicant.
- (4) The Regulatory Authority is taken to have refused to grant an approval in principle if the Regulatory Authority has not made a decision under subsection (1)—
 - (a) within the relevant time required under subsection (2); or
 - (b) within the period extended under subsection (3)—as the case requires.

111—Regulatory Authority must refuse to grant approval in principle unless satisfied of certain matters

The Regulatory Authority must refuse to grant an approval in principle unless satisfied that—

- (a) the proposed education and care service premises (once constructed, altered or repaired) and the site and location of those premises—
 - (i) will be suitable for the operation of an education and care service; and
 - (ii) will meet the approval in principle criteria; and
- (b) the proposed education and care service premises will have direct egress to an assembly area to allow the safe evacuation of all children.

112—Notice of decision on application for approval in principle

The Regulatory Authority must give written notice to the applicant of a decision under section 110 and the reasons for the decision within 7 days after the decision is made.

113—Copy of approval in principle to be provided

- (1) If the Regulatory Authority grants an approval in principle, the Regulatory Authority must give a copy of the approval in principle to the applicant stating—
 - (a) the name of the approval in principle holder; and
 - (b) the site and location of the building or proposed building; and
 - (c) the location of the proposed education and care service premises within the building or proposed building; and
 - (d) the date on which the approval in principle was granted; and
 - (e) the date on which the approval in principle expires; and

Note—

An approval in principle expires 3 years from the day it is granted. See section 123.

- (f) any other prescribed matters.
- (2) The copy of the approval in principle must—
 - (a) attach a copy of any plan, drawing or specification that is the basis of the approval in principle of the premises; or
 - (b) sufficiently describe any such plan, drawing or specification.

Division 3—Duties of approval in principle holder

114—Duty to notify Regulatory Authority of any material change

The approval in principle holder must notify the Regulatory Authority of any material change to—

- (a) any plan, drawing or specification attached to, or described in, the approval in principle in accordance with section 113(2); or
- (b) the environment surrounding the proposed education and care service premises that may affect the suitability of the premises for the operation of an education and care service.

Example—

A neighbouring building is constructed which impacts adequate natural light in the indoor spaces of the proposed premises.

Division 4—Amendment and transfer of approval in principle

115—Amendment of approval in principle on application

- (1) The approval in principle holder may apply to the Regulatory Authority for an amendment of an approval in principle.
- (2) The application must—
 - (a) be in writing; and
 - (b) include the prescribed information; and
 - (c) include payment of the prescribed fee.
- (3) The Regulatory Authority may ask the applicant to provide further information that is reasonably required for the purpose of assessing the application.
- (4) If the Regulatory Authority asks the applicant for further information under this section, the period from the making of the request until the provision of the further information is not included in the period referred to in subsection (5).
- (5) The Regulatory Authority must make a decision on the application within 60 days after the Regulatory Authority receives the application.
- (6) The Regulatory Authority must decide the application by—
 - (a) amending the approval in principle in the way applied for; or
 - (b) with the applicant's written agreement, amending the approval in principle in another way; or
 - (c) refusing to amend the approval in principle.
- (7) An amendment cannot change the location of the proposed education and care service premises.
- (8) The Regulatory Authority must give written notice of its decision to the approval in principle holder within 7 days after the decision is made.

116—Amendment of approval in principle by Regulatory Authority

- (1) The Regulatory Authority may amend an approval in principle at any time without an application.
- (2) The Regulatory Authority must give written notice of the amendment to the approval in principle holder and the reasons for the decision within 7 days after the decision is made.
- (3) An amendment under this section has effect—
 - (a) 14 days after the Regulatory Authority gives notice of the amendment under subsection (2); or
 - (b) if another period is specified by the Regulatory Authority, at the end of that period.

117—Copy of amended approval in principle to be provided

If the Regulatory Authority amends an approval in principle under section 115 or 116, the Regulatory Authority must give an amended copy of the approval in principle to the approval in principle holder.

118—Transfer of approval in principle

- (1) The approval in principle holder (*transferring approval in principle holder*) may transfer the approval in principle to another person (*receiving approval in principle holder*).
- (2) A transfer takes effect on the day the Regulatory Authority receives a notice of transfer in accordance with subsection (3).
- (3) A notice of transfer must—
 - (a) be in writing; and
 - (b) be signed by both the transferring approval in principle holder and the receiving approval in principle holder; and
 - (c) include the prescribed information; and
 - (d) include payment of the prescribed fee.
- (4) As soon as practicable after receiving a notice of transfer, the Regulatory Authority must—
 - (a) amend the approval in principle to specify the name of the receiving approval in principle holder; and
 - (b) provide an amended copy of the approval in principle to the receiving approval in principle holder.

119—Transfer of approval in principle by Regulatory Authority

- (1) The Regulatory Authority may transfer an approval in principle to another person if the Regulatory Authority becomes aware that the approval in principle holder has died or does not exist.
- (2) On transferring an approval in principle, the Regulatory Authority must—
 - (a) amend the approval in principle to specify the name of the receiving approval in principle holder; and

- (b) provide an amended copy of the approval in principle to the receiving approval in principle holder.

Division 5—Cancellation of approval in principle

120—Regulatory Authority may cancel approval in principle

The Regulatory Authority may cancel an approval in principle if the Regulatory Authority is satisfied—

- (a) that the proposed education and care service premises to which the approval relates, or the site or location of those premises, is no longer suitable for the operation of an education and care service; or
- (b) the proposed education and care service premises will not be constructed, altered or repaired in accordance with the plans, drawings or specifications attached to, or described in, the approval in principle.

121—Show cause notice before cancellation

If the Regulatory Authority is considering the cancellation of an approval in principle under section 120, the Regulatory Authority must first give the approval in principle holder a show cause notice stating—

- (a) that the Regulatory Authority intends to cancel the approval in principle; and
- (b) the reasons for the proposed cancellation; and
- (c) that within 30 days after the notice is given, the holder may give the Regulatory Authority a written response to the proposed cancellation.

122—Decision in relation to cancellation

- (1) After considering any written response from the approval in principle holder received within the time allowed by section 121(c), the Regulatory Authority must—
 - (a) cancel the approval in principle; or
 - (b) decide not to cancel the approval in principle.
- (2) The Regulatory Authority must give the approval in principle holder written notice of the decision and the reasons for the decision within 7 days after the decision is made.
- (3) The decision to cancel the approval in principle takes effect—
 - (a) 14 days after the Regulatory Authority gives notice of the decision; or
 - (b) if another period is specified by the Regulatory Authority, at the end of that period.
- (4) The notice of a decision to cancel must set out the date on which the cancellation takes effect.

Division 6—Expiry of approval in principle

123—Expiry of approval in principle

- (1) An approval in principle expires—
 - (a) on the third anniversary of the day on which the approval in principle was granted; or
 - (b) if the approval in principle is extended under section 124, on the day determined by the Regulatory Authority in accordance with that section.
- (2) Despite subsection (1), if an application for extension is made under section 124 before the expiry of the approval in principle, the approval in principle does not expire before the application for extension is determined by the Regulatory Authority.
- (3) Despite subsection (1), if an application for service approval is made before the expiry of the approval in principle, the approval in principle does not expire before the application for service approval is determined by the Regulatory Authority.

124—Approval in principle may be extended

- (1) Any time before an approval in principle expires, the Regulatory Authority may extend an approval in principle—
 - (a) on the application of the approval in principle holder; or
 - (b) without an application.
- (2) The Regulatory Authority may extend an approval in principle for a period no longer than 3 years after the date on which the approval in principle would otherwise expire under section 123(1)(a).
- (3) An application for extension must—
 - (a) be in writing; and
 - (b) include the prescribed information; and
 - (c) include payment of the prescribed fee.
- (4) The Regulatory Authority may ask the applicant to provide further information that is reasonably required for the purpose of assessing the application.
- (5) In determining an application for extension, the Regulatory Authority—
 - (a) must consider whether, before the proposed new expiry date—
 - (i) the construction, alteration or repair of the proposed education and care service premises is likely to be completed; and
 - (ii) an application for a service approval is likely to be made; and

- (b) may consider whether—
 - (i) the proposed education and care service premises is, or is being, constructed, altered or repaired in accordance with the approval in principle; and
 - (ii) the approval in principle has previously been extended; and
 - (iii) the approval in principle has previously been reinstated.
- (6) After considering an application for extension, the Regulatory Authority must—
 - (a) decide to extend the approval in principle; or
 - (b) refuse to extend the approval in principle.
- (7) If the Regulatory Authority decides to extend an approval in principle, the Regulatory Authority must—
 - (a) amend the approval in principle to specify the new date on which the approval in principle expires; and
 - (b) provide an amended copy of the approval in principle to the approval in principle holder.
- (8) If the Regulatory Authority decides not to extend an approval in principle, the Regulatory Authority must give the approval in principle holder written notice of its decision and the reasons for the decision within 7 days after the decision is made.

125—Expired approval in principle may be reinstated

- (1) If an approval in principle expires, the former approval in principle holder may apply to the Regulatory Authority for reinstatement of the approval in principle.
- (2) An application for reinstatement must—
 - (a) be in writing; and
 - (b) include the prescribed information; and
 - (c) include payment of the prescribed fee.
- (3) The application for reinstatement must be made no later than 6 months after the date on which the approval in principle expired.
- (4) The Regulatory Authority may ask the applicant to provide further information that is reasonably required for the purpose of assessing the application.
- (5) In determining whether to reinstate an approval in principle, the Regulatory Authority—

- (a) must consider whether, within the period that the approval in principle is to be reinstated—
 - (i) the construction, alteration or repair of the proposed education and care service premises is likely to be completed; and
 - (ii) an application for a service approval is likely to be made; and
- (b) may consider whether—
 - (i) the proposed education and care service premises is, or is being, constructed, altered or repaired in accordance with the approval in principle; and
 - (ii) the approval in principle has previously been extended; and
 - (iii) the approval in principle has previously expired and been reinstated.
- (6) The Regulatory Authority must—
 - (a) reinstate an approval in principle; or
 - (b) refuse to reinstate an approval in principle.
- (7) A reinstated approval in principle expires 12 months after the day on which the decision to reinstate the approval in principle is made.
- (8) If the Regulatory Authority reinstates an approval in principle, the Regulatory Authority must give the approval in principle holder a copy of the reinstated approval in principle which specifies the date on which the reinstated approval in principle expires.
- (9) If the Regulatory Authority refuses to reinstate an approval in principle, the Regulatory Authority must give the applicant written notice of its decision and the reasons for the decision within 7 days after the decision is made

11—Amendment of section 190—Reviewable decision—internal review

Section 190—after paragraph (f) insert:

- (fa) to refuse to grant an approval in principle; or
- (fb) to amend or refuse to amend an approval in principle; or
- (fc) to transfer an approval in principle under section 119; or
- (fd) to cancel an approval in principle; or
- (fe) to refuse to extend an approval in principle; or
- (ff) to refuse to reinstate an approval in principle; or

12—Insertion of Part 15 Division 8

Part 15—after Division 7 insert:

**Division 8—Transitional provisions—*Early Childhood
Legislation Amendment (Premises Approval in Principle) Act
2023***

**340—Transitional provision—approvals in principle—applications
for service approval**

- (1) This section applies if—
 - (a) a participating jurisdiction declares that section 49A applies to, and in relation to, that jurisdiction; and
 - (b) before, on or after the commencement day, a person makes an application for a service approval in respect of education and care service premises located in a Part 4 building; and
 - (c) before the commencement day, a permit or approval under a Part 4 planning law or Part 4 building law was issued for the premises.
- (2) Despite section 49A(2)—
 - (a) the applicant for the service approval is not required to be an approval in principle holder for the premises; and
 - (b) the Regulatory Authority must not refuse to grant a service approval on the ground that the applicant is not an approval in principle holder for the premises.
- (3) In this Division—

commencement day, in relation to a mandatory approval in principle jurisdiction, means the day on which section 49A is declared to come into operation in that jurisdiction.

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments 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

being satisfied that the amendments made by these regulations correspond, or substantially correspond, to amendments made by the Parliament of Victoria to the *Education and Care Services National Law* set out in the Schedule to the *Education and Care Services National Law Act 2010* of Victoria and that such amendments should be made to the *Education and Care Services National Law (South Australia)* and with the advice and consent of the Executive Council
on 20 June 2024

No 53 of 2024

South Australia

Administration and Probate Regulations 2024

under the *Administration and Probate Act 1919*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Fee for examination of statement and account (section 56)
- 5 Interest on pecuniary legacies (section 120A)

Schedule 1—Repeal of *Administration and Probate Regulations 2009*

1—Short title

These regulations may be cited as the *Administration and Probate Regulations 2024*.

2—Commencement

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

3—Interpretation

In these regulations—

Act means the *Administration and Probate Act 1919*.

4—Fee for examination of statement and account (section 56)

A fee prescribed for the purposes of section 56 of the Act in relation to an application by an administrator to the Public Trustee for examination of a statement and account may be paid by the administrator from the estate in relation to which the statement and account have been prepared.

5—Interest on pecuniary legacies (section 120A)

- (1) For the purposes of section 120A(1) of the Act, the rate of interest per annum fixed in any financial year is—
 - (a) for the 6 month period commencing on 1 July—the average mid 180 day bank bill swap reference rate published by AFMA as at the first business day of the period; and
 - (b) for the 6 month period commencing on 1 January—the average mid 180 day bank bill swap reference rate published by AFMA as at the first business day of the period.
- (2) In this regulation—

AFMA means the Australian Financial Markets Association Limited.

Schedule 1—Repeal of *Administration and Probate Regulations 2009*

The *Administration and Probate Regulations 2009* are repealed.

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments 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 20 June 2024

No 54 of 2024

STATE GOVERNMENT INSTRUMENTS

ADMINISTRATIVE ARRANGEMENTS ACT 1994

SECTION 9

Delegation

I, Christopher James Picton, Minister for Health and Wellbeing, and the Minister to whom the *Tobacco and E-Cigarette Products Act 1997* is committed, pursuant to Section 9 of the *Administrative Arrangements Act 1994*, hereby delegate all my powers and functions under Part 1, Part 2, Part 3, Part 5, and Part 7 of the *Tobacco and E-Cigarette Products Act 1997* to:

- Minister for Consumer and Business Affairs.

This instrument of delegation has effect from the day on which it is published in the Government Gazette.

Dated: 14 June 2024

CHRISTOPHER JAMES PICTON
Minister for Health and Wellbeing

AQUACULTURE ACT 2001

South Australia

Aquaculture (Fees) Notice 2024

under the *Aquaculture Act 2001*

1—Short title

This notice may be cited as the *Aquaculture (Fees) Notice 2024*.

Note—

This is a fee notice made in accordance with the *Legislation (Fees) Act 2019* and revokes the *Aquaculture (Fees) Notice 2023* published in the South Australian Government Gazette on 8 June 2023 p 1448.

2—Commencement

This notice has effect on 1 July 2024

3—Interpretation

In this notice, unless the contrary intention appears—

abalone means abalone (*Haliotis* spp.) of all species;

Act means the *Aquaculture Act 2001*;

finfish means all members of the classes *Actinopterygii*, *Elasmobranchii* and *Myxini*;

lease area means the area of a lease described on the public register under Section 80 of the Act;

licence area means the area of a licence described on the public register under Section 80 of the Act;

prescribed wild caught tuna means members of the genera *Allothunnus*, *Auxis*, *Euthunnus*, *Katsuwonus*, and *Thunnus* that have been taken from the wild;

sea cage means a floating farming structure used for aquaculture comprised of or incorporating a net.

4—Fees

The fees set out in Schedule 1 are prescribed for the purposes of the Act.

Schedule 1—Fees

Fees relating to aquaculture leases

1	Application fee for variation of an aquaculture lease or its conditions (Section 25A(5) of Act)—	
	(a) for a variation consisting of or involving—	
	(i) the substitution of the lease area (within or outside of an aquaculture zone) where at least 80% of the lease area will remain the same—	
	(A) if the corresponding licence relating to the lease authorises the farming of prescribed wild caught tuna	\$2,885
	(B) in any other case	\$3,840
	(ii) the substitution of the lease area within an aquaculture zone (other than a variation of a kind referred to in subparagraph (i))—	
	(A) if the farming of prescribed wild caught tuna is a permitted class of aquaculture in the zone	\$3,341
	(B) in any other case	\$4,766
	(iii) the substitution of the lease area outside of an aquaculture zone (other than a variation of a kind referred to in subparagraph (i))	\$5,715
	(b) for a variation of any other kind	\$1,009
2	Application fee for consent to transfer a production lease (Section 39(2) of Act)—	
	(a) for the transfer of 1 lease	\$881
	(b) for the transfer of each additional lease if the parties involved in the transfer are the same as for the first transfer	\$748
3	Application fee for division of a production lease area into separate lease areas (Regulation 32)	\$1,234
4	Application fee for amalgamation of 2 or more production lease areas into a single lease area (Regulation 33)	\$1,514

Fees relating to aquaculture licences

5	Application fee for a corresponding licence (Section 22(2d) of Act)—	
	(a) in the case of a corresponding licence authorising activities other than research within an aquaculture zone—	
	(i) administrative component	\$2,906
	(ii) advertising component	\$1,820
	(b) in the case of a corresponding licence authorising research within an aquaculture zone—	
	(i) administrative component	\$4,472
	(ii) advertising component	\$1,820
	(c) in the case of any corresponding licence outside of an aquaculture zone—	
	(i) administrative component	\$4,472
	(ii) advertising component	\$1,820
6	Application fee for a licence other than a corresponding licence (Section 49 of Act)—	
	(a) for a category A licence—	
	(i) administrative component	\$3,242
	(ii) advertising component	\$1,820

(b)	for a category B licence—	
(i)	administrative component	\$3,242
(ii)	advertising component	\$1,820
(c)	for a category C licence—	
(i)	administrative component	\$5,110
(ii)	advertising component	\$1,820
(d)	for a category D licence—	
(i)	administrative component	\$5,110
(ii)	advertising component	\$1,820
7	Application fee for renewal of an aquaculture licence other than a corresponding licence (Section 50A of Act)—	
(a)	for the renewal of 1 licence	\$881
(b)	for the renewal of each additional licence if the parties to the licence are the same as for the first renewal	\$801
	Note—	
	A corresponding licence is, under Section 22(2b) of the Act, renewed on the renewal of the relevant lease without the requirement for an application.	
8	Application fee for variation of conditions of an aquaculture licence (Section 52(6) of Act)—	
(a)	in the case of a corresponding licence—	
(i)	for a simple variation	\$1,785
(ii)	for a standard variation	\$2,361
(iii)	for a complex variation	\$4,472
(b)	in the case of a licence other than a corresponding licence—	
(i)	for a simple variation	\$782
(ii)	for a standard variation	\$918
(iii)	for a complex variation	\$2,348
9	Application fee for consent to transfer an aquaculture licence (Section 55(4) of Act)—	
(a)	in the case of a corresponding licence—	
(i)	for the transfer of 1 licence	\$881
(ii)	for the transfer of each additional licence if the parties involved in the transfer are the same as for the first transfer	\$748
(b)	in the case of a licence other than a corresponding licence—	
(i)	for the transfer of 1 licence	\$881
(ii)	for the transfer of each additional licence if the parties involved in the transfer are the same as for the first transfer	\$748
10	Application fee for consent to surrender an aquaculture licence other than a corresponding licence (Section 56(3)(c) of Act)	\$690
11	Application fee for exemption from environmental reporting requirements (Regulation 31)	\$175
12	Application fee for division of a licence area into separate licence areas (Regulation 34)	\$1,186
13	Application fee for amalgamation of 2 or more licence areas into a single licence area (Regulation 35)	\$1,514

14	Annual fee for a corresponding licence (Section 53(1) of Act) for the financial year commencing on 1 July 2024 and for each subsequent financial year—	
	(a) for an aquaculture licence to farm prescribed wild caught tuna	\$45,971
	(b) for an aquaculture licence to farm finfish other than prescribed wild caught tuna	\$11,516
	(c) for an aquaculture licence to farm abalone in a subtidal area	\$14,197
	(d) for an aquaculture licence to farm mussels in a subtidal area	\$1,513
	(e) for an aquaculture licence to farm molluscs (other than abalone and mussels) in a subtidal area	\$2,597
	(f) for an aquaculture licence to farm molluscs (including abalone, but not including oysters) in an intertidal area	\$2,552
	(g) for an aquaculture licence to farm oysters in an intertidal area where the holder of the licence is not a school registered under Part 5 Division 2 of the <i>Education and Early Childhood services (Registration and Standards) Act 2011</i> (SA)	\$601 plus \$327 for each hectare (rounded to 2 decimal places) in the licence area
	(h) For an aquaculture licence to farm oysters in an intertidal area where the holder of the licence is a school registered under Part 5 of the <i>Education and Early Childhood services (Registration and Standards) Act 2011</i> (SA)	No fee
	(i) for an aquaculture licence to farm algae	\$9,012
	(j) for an aquaculture licence to farm algae per hectare	\$1,084
	(k) for an aquaculture licence authorising the storage of sea cages	\$2,368
	(l) for an aquaculture licence for tourism purposes	\$2,368
15	Annual fee for a licence other than a corresponding licence (Section 53(1) of Act) where the holder of the licence is not a school registered under Part 5 of the <i>Education and Early Childhood services (Registration and Standards) Act 2011</i> (SA) for the financial year commencing on 1 July 2023 and for each subsequent financial year—	
	(a) for a category A licence	\$1,209
	(b) for a category B licence	\$2,607
	(c) for a category C licence	\$4,741
	(d) for a category D licence	\$7,485
16	Annual fee for a licence other than a corresponding licence (Section 53(1) of Act) where the holder of the licence is a school registered under Part 5 of the <i>Education and Early Childhood services (Registration and Standards) Act 2011</i> (SA) for the financial year commencing on 1 July 2023 and for each subsequent financial year—	No fee
Miscellaneous fees		
17	Application fee for a notation on the register that a specified person has an interest in a lease or licence (Section 80(2a) of Act)	\$226

Made by the Minister for Primary Industries and Regional Development

On 17 June 2024

BUILDING WORK CONTRACTORS ACT 1995

Exemption

Take notice that, pursuant to Section 45 of the *Building Work Contractors Act 1995*, I, Rita McPhail as a delegate for the Minister for Consumer and Business Affairs, do hereby exempt the licensee named in Schedule 1 from the application of Division 3 of Part 5 of the above Act in relation to domestic building work described in Schedule 2 and subject to the conditions specified in Schedule 3.

SCHEDULE 1

ELIAS CONSTANTINE LAMBETIS (BLD 225710)

SCHEDULE 2

Construction of single storey detached residential dwelling at Allotment 40 Deposited Plan 2242 being a portion of the land described in Certificate of Title Volume 5522 Folio 218, more commonly known as 17 Derwent Avenue, Magill SA 5072.

SCHEDULE 3

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

Dated: 17 June 2024

RITA MCPHAIL
Director, Customer and Transformation
Delegate for the Minister for Consumer and Business Affairs

BUILDING WORK CONTRACTORS ACT 1995

Exemption

Take notice that, pursuant to Section 45 of the *Building Work Contractors Act 1995*, I, Rita McPhail as a delegate for the Minister for Consumer and Business Affairs, do hereby exempt the licensee named in Schedule 1 from the application of Division 3 of Part 5 of the above Act in relation to domestic building work described in Schedule 2 and subject to the conditions specified in Schedule 3.

SCHEDULE 1

DANNY MCMILLAN (BLD 284448)

SCHEDULE 2

Construction of a single storey addition to an existing residential dwelling at Lot 42 Primary Community Plan 12954 being a portion of the land described in Certificate of Title Volume 5948 Folio 231, more commonly known as 17 Kauri Parade, Seacliff SA 5049.

SCHEDULE 3

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

Dated: 17 June 2024

RITA MCPHAIL
Director Customer and Transformation
Delegate for the Minister for Consumer and Business Affairs

BUILDING WORK CONTRACTORS ACT 1995

Exemption

Take notice that, pursuant to Section 45 of the *Building Work Contractors Act 1995*, I, Rita McPhail as a delegate for the Minister for Consumer and Business Affairs, do hereby exempt the licensee named in Schedule 1 from the application of Division 3 of Part 5 of the above Act in relation to domestic building work described in Schedule 2 and subject to the conditions specified in Schedule 3.

SCHEDULE 1

MARTIN RICHARD ROBINSON (BLD 224623)

SCHEDULE 2

Construction of a single storey detached residential dwelling with a double carport at Allotment 30 Deposited Plan 6648 being a portion of the land described in Certificate of Title Volume 5603 Folio 982, more commonly known as 80 Investigator Avenue, Kingscote SA 5223.

SCHEDULE 3

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

Dated: 14 June 2024

RITA MCPHAIL
Director Customer Service and Transformation
Delegate for the Minister for Consumer and Business Affairs

EDUCATION AND CHILDREN'S SERVICES ACT 2019

South Australia

Education and Children's Services (Fees) Notice 2024under the *Education and Children's Services Act 2019***1—Short title**

This notice may be cited as the *Education and Children's Services (Fees) Notice 2024*.

Note—

This is a fee notice made in accordance with the *Legislation (Fees) Act 2019*.

2—Commencement

This notice has effect on 22 July 2024.

3—Interpretation

In this notice, unless the contrary intention appears—

Act means the *Education and Children's Services Act 2019*;

Non-school aged child means a child who is not yet a school aged child;

School aged child means a child who has commenced primary school, or will be commencing primary school later in the same year, or a child who is of or above 6 years of age;

Rural care program means a centre-based childcare service which operates within a government preschool facility and is provided in a rural community by the Department for Education under the Act.

4—Fees

For the purposes of the Act, the fees set out in Schedule 1 are prescribed for rural care programs.

In the case of a non-school age child:

Full day session (8.00am–6.00pm)	\$95.00
Morning session (8.00am–1.00pm)	\$47.50
Afternoon session (1.00pm–6.00pm)	\$47.50
Before preschool session (8:00am–9:00am)	\$9.50
After preschool session (3.00pm–6.00pm)	\$28.50
Casual care	\$9.50 per hour
Late collection fee	\$10.00 per 10 minutes or part thereof

In the case of a school aged child:

Before school care (8.00am–9.00am)	\$7.50
After school care (3.00pm–6.00pm)	\$22.50
Vacation care morning (8.00am–1.00pm)	\$37.50
Vacation care afternoon (1.00pm–6.00pm)	\$37.50
Vacation care full day (8.00am–6.00pm)	\$75.00
Late collection fee	\$10.00 per 10 minutes or part thereof

Made by the Minister for Education, Training and Skills

On 23 May 2024

FISHERIES MANAGEMENT ACT 2007

South Australia

Fisheries Management (Fishery Licence and Boat and Device Registration Application and Annual Fees) Notice 2024

under the *Fisheries Management Act 2007*

1—Short title

This notice may be cited as the *Fisheries Management (Fishery Licence and Boat and Device Registration Application and Annual Fees) Notice 2024*.

Note—

This is a fee notice made in accordance with the *Legislation (Fees) Act 2019* and revokes the *Fisheries Management (Fishery Licence and Boat and Device Registration Application and Annual Fees) Notice 2023* published in the South Australian Government Gazette on 20 June 2023 p. 1800.

2—Commencement

This notice has effect from the day on which it is published in the Gazette.

3—Interpretation

In this notice, unless the contrary intention appears—

Act means the *Fisheries Management Act 2007*.

4—Fees

The Fees set out in Schedule 1 are prescribed for the purposes of the Act, as set out in the Schedule.

Schedule 1—Fees**Part 1—Commercial fishing—fishery licence application and annual fees****Application or annual fees payable for a fishery licence (Section 54(1)(c) and 56(5)(a) of Act)**

1	For a licence in respect of the Central Zone Abalone Fishery—	
	(a) base fee	\$10,260
	(b) additional fee for each abalone quota unit under the licence	\$410
2	For a licence in respect of the Southern Zone Abalone Fishery—	
	(a) base fee	\$11,155
	(b) additional fee for each abalone quota unit under the licence	\$194
3	For a licence in respect of the Western Zone Abalone Fishery—	
	(a) base fee	\$11,908
	(b) additional fee for each abalone quota unit under the licence	\$453
4	For a licence in respect of the Blue Crab Fishery—	
	(a) base fee	\$5,529
	(b) additional fee for each blue crab quota unit under the licence	\$27.75
5	For a licence in respect of the Charter Boat Fishery—	
	(a) base fee where the licence has a boat registered	\$2,070
	(b) base fee where the licence has no boat registered as of 3 June 2024	no fee
6	For a licence in respect of the Lakes and Coorong Fishery—	
	(a) base fee	\$3,560
	(b) additional fee—	
	(i) for a gill net entitlement under the licence	\$2,282

	(ii) for each gill net to be registered for use under the licence	\$215
	(iii) for a pipi quota entitlement under the licence	\$8,145
	(iv) for each pipi quota unit under the licence	\$307
	(v) for access to the aquatic resources of the Marine Scalefish Fishery	\$1,786
7	For a licence in respect of the Marine Scalefish Fishery—	
	(a) base fee	\$2,536
	(b) additional fee for each blue crab quota unit under the licence	\$32.50
	(c) additional fee for each pipi quota unit under the licence	\$307
	(d) additional fee—	
	(i) for each garfish quota unit within the Spencer Gulf and/or Gulf St Vincent Fishing Zones of the Marine Scalefish Fishery under the licence	\$69
	(ii) for each southern calamari quota unit within the Spencer Gulf and/or Gulf St Vincent Fishing Zones of the Marine Scalefish Fishery under the licence	\$35.50
	(iii) for each King George whiting quota unit within the Spencer Gulf and/or Gulf St Vincent Fishing Zones of the Marine Scalefish Fishery under the licence	\$70.50
	(iv) for each snapper quota unit within the South East Fishing Zone of the Marine Scalefish Fishery under the licence	\$25
	(v) for each snapper quota unit within the Spencer Gulf, Gulf St Vincent and/or West Coast Fishing Zones of the Marine Scalefish Fishery under the licence	no fee
8	For a licence in respect of the Miscellaneous Fishery with a giant crab quota entitlement—	
	(a) base fee	\$7,199
	(b) additional fee for each giant crab quota unit under the licence	\$26.25
9	For a licence in respect of the Miscellaneous Fishery without a giant crab quota entitlement—	
	(a) base fee—	
	(i) if the licence authorises the taking of aquatic resources in the Lake Eyre Basin	no fee
	(ii) in any other case	\$7,199
	(b) additional fee if the licence authorises the taking of aquatic resources in the Lake Eyre Basin	no fee
	(c) additional fee if a prescribed fishing activity (as defined in the <i>Fisheries Management (Vessel Monitoring Scheme) Regulations 2017</i>) is to be engaged in under the licence	\$991
10	For a licence in respect of the Gulf St. Vincent Prawn Fishery	\$48,490
11	For a licence in respect of the Spencer Gulf Prawn Fishery	\$29,689
12	For a licence in respect of the West Coast Prawn Fishery	\$26,389
13	For a licence in respect of the River Fishery	\$200
14	For a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition limiting the holder of the licence to the taking of southern rock lobster, octopus and giant crab and a condition authorising the holder to take, for the purpose of bait only, any aquatic resources of a class (other than octopus or giant crab) prescribed by Schedule 1 of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2017</i> that are incidentally caught in rock lobster pots—	
	(a) base fee	\$4,133

(b)	additional fee for each rock lobster quota unit under the licence	
(i)	for an inner region quota unit	\$19.80
(ii)	for an outer region quota unit	\$1.95
(c)	additional fee for each giant crab quota unit under the licence	\$26.25
(d)	additional fee if the licence is subject to a condition limiting the number of giant crab that may be taken on each boat trip	\$10.80
15	For a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition limiting the holder to the taking of southern rock lobster, octopus and giant crab and limiting the holder to the taking of aquatic resources of a class (other than octopus or giant crab) prescribed by Schedule 1 of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2017</i> for the purpose of bait only—	
(a)	base fee	\$4,633
(b)	additional fee for each rock lobster quota unit under the licence	
(i)	for an inner region quota unit	\$19.80
(ii)	for an outer region quota unit	\$1.95
(c)	additional fee for each giant crab quota unit under the licence	\$26.25
(d)	additional fee if the licence is subject to a condition limiting the number of giant crab that may be taken on each boat trip	\$10.80
16	For a licence in respect of the Northern Zone Rock Lobster Fishery not subject to a condition limiting the classes of aquatic resources that may be taken or the purpose for which aquatic resources may be taken—	
(a)	base fee	\$5,920
(b)	additional fee for each rock lobster quota unit under the licence	
(i)	for an inner region quota unit	\$19.80
(ii)	for an outer region quota unit	\$1.95
(c)	additional fee for each giant crab quota unit under the licence	\$26.25
(d)	additional fee if the licence is subject to a condition limiting the number of giant crab that may be taken on each boat trip	\$10.80
(e)	additional fee for access to Marine Scalefish Fishery—	
(i)	for each garfish quota unit within the Spencer Gulf and/or Gulf St Vincent Fishing Zones of the Marine Scalefish Fishery under the licence	\$69
(ii)	for each southern calamari quota unit within the Spencer Gulf and/or Gulf St Vincent Fishing Zones of the Marine Scalefish Fishery under the licence	\$35.50
(iii)	for a King George whiting quota unit within the Spencer Gulf and/or Gulf St Vincent Fishing Zones of the Marine Scalefish Fishery under the licence	\$70.50
(iv)	for a snapper quota unit within the South East Fishing Zone of the Marine Scalefish Fishery under the licence	\$25
(v)	for a snapper quota unit within the Spencer Gulf, Gulf St Vincent and/or West Coast Fishing Zones of the Marine Scalefish Fishery under the licence	no fee

- 17 For a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition limiting the holder of the licence to the taking of southern rock lobster, octopus and giant crab and a condition authorising the holder to take, for the purpose of bait only, any aquatic resources of a class (other than octopus or giant crab) prescribed by Schedule 1 of the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017* that are incidentally caught in rock lobster pots—
- | | | |
|-----|---|---------|
| (a) | base fee | \$8,071 |
| (b) | additional fee for each rock lobster pot entitlement under the licence | \$187 |
| (c) | additional fee for each giant crab quota unit under the licence | \$26.25 |
| (d) | additional fee if the licence is subject to a condition limiting the number of giant crab that may be taken on each boat trip | \$10.80 |
- 18 For a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition limiting the holder to the taking of southern rock lobster, octopus and giant crab and limiting the holder to the taking of aquatic resources of a class (other than octopus or giant crab) prescribed by Schedule 1 of the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017* for the purpose of bait only—
- | | | |
|-----|---|---------|
| (a) | base fee | \$8,571 |
| (b) | additional fee for each rock lobster pot entitlement under the licence | \$187 |
| (c) | additional fee for each giant crab quota unit under the licence | \$26.25 |
| (d) | additional fee if the licence is subject to a condition limiting the number of giant crab that may be taken on each boat trip | \$10.80 |
- 19 For a licence in respect of the Southern Zone Rock Lobster Fishery not subject to a condition limiting the classes of aquatic resources that may be taken or the purpose for which aquatic resources may be taken—
- | | | |
|-------|--|---------|
| (a) | base fee | \$9,858 |
| (b) | additional fee for each rock lobster pot entitlement under the licence | \$187 |
| (c) | additional fee for each giant crab quota unit under the licence | \$26.25 |
| (d) | additional fee if the licence is subject to a condition limiting the number of giant crab that may be taken on each boat trip | \$10.80 |
| (e) | additional fee for access to Marine Scalefish Fishery— | |
| (i) | for each garfish quota unit within the Spencer Gulf and/or Gulf St Vincent Fishing Zones of the Marine Scalefish Fishery under the licence | \$69 |
| (ii) | for each southern calamari quota unit within the Spencer Gulf and/or Gulf St Vincent Fishing Zones of the Marine Scalefish Fishery under the licence | \$35.50 |
| (iii) | for each King George whiting quota unit within the Spencer Gulf and/or Gulf St Vincent Fishing Zones of the Marine Scalefish Fishery under the licence | \$70.50 |
| (iv) | for each snapper quota unit within the South East Fishing Zone of the Marine Scalefish Fishery under the licence | \$25 |
| (v) | for each snapper quota unit within the Spencer Gulf, Gulf St Vincent and/or West Coast Fishing Zones of the Marine Scalefish Fishery under the licence | no fee |
- 20 For a licence authorising the take of Vongole—
- | | | |
|-----|---|---------|
| (a) | base fee | \$3,397 |
| (b) | additional fee for each vongole quota unit under the licence— | |
| (i) | for each vongole quota unit for the Coffin Bay vongole fishing zone | \$60 |

	(ii) for each vongole quota unit for the Port River vongole fishing zone	no fee
	(iii) for each vongole quota unit for the West Coast vongole fishing zone	\$47.75
21	For a licence authorising the take of Sardine—	
	(a) base fee	\$8,715
	(b) addition fee for each sardine quota unit under the licence—	\$56

Part 2—Commercial fishing—boat and device registration fees

Application or annual fees for the registration of a device under a fishery licence (Section 54(1)(c) and 56(5)(a) of Act)

1	For registration of 1 or more swinger nets to be used under a licence in respect of the Lakes and Coorong Fishery	no fee
2	For registration of 1 or more sand crab pots under a licence in respect of the Marine Scalefish Fishery	no fee
3	For registration of a fish net used solely to take fish for bait provided that the bait is not for sale	no fee

Application or annual fees payable for the registration of a boat under a fishery licence (Section 54(1)(c) and 56(5)(a) of Act)

4	For registration of a boat under a licence in respect of the Charter Boat Fishery—	
	(a) if the certificate of survey in force in respect of the boat specifies that the boat may carry up to unberthed 6 passengers	\$518
	(b) if the certificate of survey in force in respect of the boat specifies that the boat may carry up to unberthed 12 passengers	\$1,035
	(c) if the certificate of survey in force in respect of the boat specifies that the boat may carry more than unberthed 12 passengers	\$2,070

Schedule 2—Transitional and saving provisions

1—Transitional and saving provisions

- (1) The licence and registration application fees prescribed by Schedule 1 of this notice apply where a licence or registration is to take effect on or after 1 July 2024.
- (2) The licence and registration annual fees prescribed by Schedule 1 of this notice, apply in respect of the period of 12 months commencing on 1 July 2024.
- (3) Despite the fees prescribed by Schedule 1 of this notice—
 - (a) the licence and registration application fees prescribed by Schedule 1 Part 1 and 2 of the *Fisheries Management (Fishery Licence and Boat and Device Registration Application and Annual Fees) Notice 2023*, as in force immediately before this notice has effect, continue to apply where a licence or registration is to take effect before 1 July 2024.
 - (b) the licence and registration annual fees prescribed by Schedule 1 Part 1 and 2 of the *Fisheries Management (Fishery Licence and Boat and Device Registration Application and Annual Fees) Notice 2023*, as in force immediately before this notice has effect, continue to apply in respect of the period of 12 months that commenced on 1 July 2023.

Made by the Minister for Primary Industries and Regional Development

On 17 June 2024

HARBORS AND NAVIGATION REGULATIONS 2023

SCHEDULE 3—DEFINITION OF HARBOR BOUNDARIES: PORT ADELAIDE
SCHEDULE 4—PORTS: PORT ADELAIDE*Notice of “designated day”*

I, Tom Koutsantonis, Minister for Infrastructure and Transport:

- (a) specify 21 June 2024 as the *designated day* for the purposes of the item relating to Port Adelaide in Schedule 3 of the *Harbors and Navigation Regulations 2023*; and
- (b) specify 21 June 2024 as the *designated day* for the purposes of the item relating to Port Adelaide in Schedule 4 of the *Harbors and Navigation Regulations 2023*.

Dated: 14 June 2024

TOM KOUTSANTONIS
Minister for Infrastructure and Transport

HIGHWAYS ACT 1926

SECTION 26(3)

Notice by the Delegate of the Commissioner of Highways

I, Wayne Buckerfield, delegate of the Commissioner of Highways, with the approval of the Minister for Transport and pursuant to my delegated powers under Section 12A of the *Highways Act 1926*, do hereby give notice that I will undertake the care, control and management of Garland Street, Glandore, contained within the boundaries of the City of Marion until further notice.

Dated: 13 June 2024

WAYNE BUCKERFIELD
Delegate of the Commissioner of Highways

HOUSING IMPROVEMENT ACT 2016

Rent Control

In the exercise of the powers conferred by the *Housing Improvement Act 2016*, the Delegate of the Minister for Housing and Urban Development hereby fixes the maximum rental amount per week that shall be payable subject to Section 55 of the *Residential Tenancies Act 1995*, in respect of each premises described in the following table. The amount shown in the said table shall come into force on the date of this publication in the Gazette.

Address of Premises	Allotment Section	Certificate of Title Volume/Folio	Maximum Rental per week payable
54 Bruce Street, Eudunda, SA 5374	Allotment 160, Deposited Plan 624, Hundred of Neales	CT 5737/840	\$200.00

Dated: 20 June 2024

CRAIG THOMPSON
Housing Regulator and Registrar
Housing Safety Authority
Delegate of the Minister for Housing and Urban Development

HOUSING IMPROVEMENT ACT 2016

Rent Control Revocations

In the exercise of the powers conferred by the *Housing Improvement Act 2016*, the Delegate of the Minister for Housing and Urban Development hereby revokes the maximum rental amount per week that shall be payable subject to Section 55 of the *Residential Tenancies Act 1995*, in respect of each premises described in the following table.

Address of Premises	Allotment Section	Certificate of Title Volume/Folio
23 Addison Road, Pennington SA 5013	Allotment 11, Deposited Plan 3021, Hundred of Yatala	CT 5916/410
3 Jordan Street, Ridgheaven SA 5097	Allotment 17, Deposited Plan 6693, Hundred of Yatala	CT 5098/566
19 Fifth Street, Wingfield SA 5013	Allotment 236, Plan 774, Hundred of Port Adelaide	CT 6096/375

Dated: 20 June 2024

CRAIG THOMPSON
Housing Regulator and Registrar
Housing Safety Authority
Delegate of the Minister for Housing and Urban Development

JUSTICES OF THE PEACE ACT 2005

SECTION 4

*Notice of Appointment of Justices of the Peace for South Australia
by the Acting Commissioner for Consumer Affairs*

I, Fraser W. Stroud, Commissioner for Consumer Affairs, delegate of the Attorney-General, pursuant to Section 4 of the *Justices of the Peace Act 2005*, do hereby appoint the people listed as Justices of the Peace for South Australia as set out 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 of office form to Justice of the Peace Services within three months after the date of appointment:

For a period of ten years for a term commencing on 25 June 2024 and expiring on 24 June 2034:

Kylie Catherine TANSELL
Joshua Robert SMART
Vishalkumar Chandrakant PATEL
Rachel Dawn PARRIS
Chloe Marie NORTHCOTT
Jeff Tito MOYSE
Sandy LUONG
Rebecca Anne FIELD
Katie Marie CENTANNI
James Barry CARTER
Samantha Jane BUNYAN
Raj ARORA

Dated: 17 June 2024

FRASER W. STROUD
Commissioner for Consumer Affairs
Delegate of the Attorney-General

LAND ACQUISITION ACT 1969

SECTION 16

Form 5—Notice of Acquisition

1. Notice of acquisition

The Commissioner of Highways (the Authority), of 83 Pirie Street, Adelaide SA 5000, acquires the following interests in the following land:

Comprising an estate in fee simple in that piece of land being portion of Allotment 53 in Deposited Plan 41576 comprised in Certificate of Title Volume 5256 Folio 473 and being the whole of the land identified as Allotment 11 in D 134208 lodged in the Lands Titles Office subject only to Encumbrance 12410260.

This notice is given under Section 16 of the *Land Acquisition Act 1969*.

2. Compensation

A person who has or had an interest consisting of native title or an alienable interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

2A. Payment of professional costs relating to acquisition (Section 26B)

If you are the owner in fee simple of the land to which this notice relates, you may be entitled to a payment of up to \$10,000 from the Authority for use towards the payment of professional costs in relation to the acquisition of the land.

Professional costs include legal costs, valuation costs and any other costs prescribed by the *Land Acquisition Regulations 2019*.

3. Inquiries

Inquiries should be directed to: Daniel Tuk
GPO Box 1533
Adelaide SA 5001
Telephone: (08) 7133 2479

Dated: 17 June 2024

The Common Seal of the COMMISSIONER OF HIGHWAYS was hereto affixed by authority of the Commissioner in the presence of:

ROCCO CARUSO
Director, Property Acquisition
(Authorised Officer)
Department for Infrastructure and Transport

File Reference: 2023/08082/01

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levies for the McLaren Vale Prescribed Wells Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following levies, payable by persons authorised by a water licence, to take or hold water from the prescribed wells within the McLaren Vale Prescribed Wells Area:

(1) A levy of 0.747 cents per kilolitre of water allocated as endorsed on the water licence.

The levy does not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming.

This notice has effect in relation to the financial year commencing on 1 July 2024.

Dated: 11 June 2024

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levies for the Northern Adelaide Plains Prescribed Wells Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following levies, payable by persons authorised by a water licence to take water from prescribed wells within the Northern Adelaide Plains Prescribed Wells Area:

- (1) A levy of 0.747 cents per kilolitre of water allocated as endorsed on the water licence.

The levy does not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming.

This notice has effect in relation to the financial year commencing on 1 July 2024.

Dated: 11 June 2024

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levy for the Western Mount Lofty Ranges Prescribed Water Resources Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare a levy payable by persons authorised by an authorisation issued under Section 105 of the *Landscape South Australia Act 2019* from the prescribed water resources of the Western Mount Lofty Ranges Prescribed Water Resources Area or to take or hold surface water in the Western Mount Lofty Ranges Prescribed Water Resources Area:

- (1) A levy of 0.747 cents per kilolitre of water allocated as endorsed on the water licence.

The levy does not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming or by SA Water Corporation for the purpose of providing a public water supply.

This notice has effect in relation to the financial year commencing on 1 July 2024.

Dated: 11 June 2024

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levy for Water Authorised Pursuant to Section 105 of the Landscape South Australia Act 2019

Pursuant to Section 76 of the *Landscape South Australia Act 2019* I, Susan Close, Minister for Climate, Environment and Water, hereby declare a levy payable by persons authorised by an authorisation issued under Section 105 of the *Landscape South Australia Act 2019* from the prescribed water resources of the Western Mount Lofty Ranges Prescribed Water Resources Area, the Barossa Prescribed Water Resources Area, the McLaren Vale Prescribed Wells Area and the Northern Adelaide Plains Prescribed Wells Area:

- (1) A levy of 0.747 cents per kilolitre of water authorised or allocated.

The levy does not apply where the water is taken:

- (i) for domestic purposes; or
- (ii) for the watering of stock that are not subject to intensive farming; or
- (iii) in conjunction with a released 'dilution flow' for environmental/water quality purposes (as specified in the conditions of the authorisation); or
- (iv) for a purpose that is authorised across an entire prescribed water resource or water resource(s).

Note: in relation to (iv) above, this includes where a particular purpose is authorised under Section 105 of the *Landscape South Australia Act 2019* generally either across all prescribed water resources of the state (state-wide authorisations) or across a particular water resource of the state. Such authorisations are not limited to taking water from a specified water source(s) or site(s) that is tied to a specified location(s). An example of a state-wide authorised purpose is road-making.

This notice has effect in relation to the financial year commencing on 1 July 2024.

Dated: 11 June 2024

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levy for the Angas Bremer Prescribed Wells Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following levy payable by persons authorised by a water licence to take water from prescribed wells within the Angas Bremer Prescribed Wells Area:

- (1) A levy of 0.803 cents per kilolitre of water allocated as endorsed on the water licence; or
- (2) A levy of \$200,

whichever is the greater.

The levy does not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming.

This notice has effect in relation to the financial year commencing on 1 July 2024.

Dated: 11 June 2024

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levy for the Eastern Mount Lofty Ranges Prescribed Water Resources Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare a levy payable by persons authorised by a water licence to take water from the Eastern Mount Lofty Ranges Prescribed Water Resources Area:

- (1) Subject to paragraphs (2) and (3), a levy per kilolitre of water of:
 - (i) 0.803 cents per kilolitre where the water allocation endorsed on the licence is specified as an annual volume in kilolitres; or
 - (ii) A levy of \$200,
whichever is the greater (except for a water allocation endorsed on the licence as a Taking Lower Angas Bremer Allocation (LABA) (Flood) in which case paragraph (2) below applies).
- (2) A levy per kilolitre for a water allocation endorsed on the licence of 0.192 cents per kilolitre of water allocated as Taking LABA (Flood).
- (3) No levy will be applied where:
 - (i) the water allocation is endorsed on the licence as Taking LABA (Flood Delivery);
 - (ii) water is taken for domestic purposes; or
 - (iii) water is taken for the watering of stock not subject to intensive farming.

For the purpose of this Notice:

“Taking LABA (Flood)” means an allocation granted to take water sourced from a watercourse in surface water management zones 426AR026 and/or 426BR062, or that flows from these zones, and to be taken by means of a pump or flood gate for the purpose of flood irrigation.

“Taking LABA (Flood Delivery)” means an allocation granted to take water sourced from a watercourse in surface water management zones 426AR026 and/or 426BR062, or that flows from these zones, and to be taken by means of a pump or flood gate as a delivery supplement for the purpose of flood irrigation.

“Eastern Mount Lofty Ranges Prescribed Water Resources Area” means the watercourses and wells prescribed by the *Natural Resources Management (Eastern Mount Lofty Ranges—Prescribed Watercourses and Surface Water Prescribed Area) Regulations 2005* and the wells prescribed by the *Natural Resources Management (Eastern Mount Lofty Ranges—Prescribed Wells Area) Regulations 2005*.

This notice has effect in relation to the financial year commencing on 1 July 2024.

Dated: 11 June 2024

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levy for the Western Mount Lofty Ranges Prescribed Water Resources Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following water levy, payable by SA Water Corporation which is authorised by a water licence to take surface water in the Western Mount Lofty Ranges Prescribed Water Resources Area for the purpose of providing a public water supply:

- (1) A fixed charge of \$1,492,420.

This notice has effect in relation to the financial year commencing on 1 July 2024.

Dated: 11 June 2024

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levies for the Far North Prescribed Wells Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following water levies, payable by persons holding a water allocation, obtained from a water access entitlement on a water licence or an authorisation issued under Section 105 of the *Landscape South Australia Act 2019* from the prescribed wells within the Far North Prescribed Wells Area:

- (1) A levy of 5.21 cents per kilolitre of water allocation obtained from a water access entitlement or authorised from the All Purpose Consumptive pool for the purpose of providing a public water supply;
- (2) A levy of 8.09 cents per kilolitre of water allocation obtained from a water access entitlement or authorised from the All Purpose Consumptive pool to the mining, energy, gas and petroleum sector;
- (3) A levy of 5.21 cents per kilolitre of water allocation obtained from a water access entitlement or authorised from the All Purpose Consumptive pool for the operation of tourist parks and associated irrigation activities;
- (4) A levy of 4.49 cents per kilolitre of water allocation obtained from a water access entitlement or authorised from the All Purpose Consumptive pool for the co-production of water during gas and oil extraction.

The amount of levy payable is based on the water allocation obtained on account of the water access entitlement under the water licence, or the volume of water authorised to be taken under an authorisation issued pursuant to Section 105 of the *Landscape South Australia Act 2019*.

The levy does not apply where:

- (5) the water allocation is obtained on account of a water access entitlement from the Stock and Domestic Consumptive Pool; or
- (6) the water allocation is obtained on account of a water access entitlement from the Cultural Water Consumptive Pool; or
- (7) the water allocation is obtained on account of a water access entitlement from the All Purpose Consumptive Pool for bore-fed wetlands or recreational use; or
- (8) the water is authorised under Section 105 of the *Landscape South Australia Act 2019* and the authorisation is listed on page 40 of the *Water Allocation Plan for the Far North Prescribed Wells Area* adopted on 28 February 2021.

This notice has effect in relation to the financial year commencing on 1 July 2024.

Dated: 11 June 2024

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levies for the Musgrave and Southern Basins Prescribed Wells Areas

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following levies payable by persons authorised by a water licence within the Musgrave and Southern Basins Prescribed Wells Areas:

- (1) A levy of 5.62 cents per unit share of all consumptive pool entitlements with the description public water supply.
- (2) A levy of 3.11 cents per unit share of all consumptive pool entitlements with the description taking.
- (3) A levy of 5.62 cents per unit share of all consumptive pool entitlements with the description mining.

The levy does not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming.

This notice has effect in relation to the financial year commencing on 1 July 2024.

Dated: 11 June 2024

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levy for the River Murray Prescribed Watercourse

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following levies payable by persons authorised by a water licence within the River Murray Prescribed Watercourse:

- (1) A levy per unit share held by the water licensee as endorsed on the water licence of:
 - (i) 2.493 cents per unit share of All Purpose consumptive pool (Class 2) and Metropolitan Adelaide consumptive pool (Class 6);
 - (ii) 0.803 cents per unit share of All Purpose consumptive pool (Class 3 and Class 5);
 - (iii) 0.762 cents per unit share of All Purpose consumptive pool (Class 3 -Qualco Sunlands); or
- (2) A levy of \$200,

whichever is the greater.

The levy does not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming.

This notice has effect in relation to the financial year commencing on 1 July 2024.

Dated: 11 June 2024

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levies for the Mallee Prescribed Wells Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water hereby declare the following levies payable by persons authorised by a water licence to take water from the prescribed wells in the Mallee Prescribed Wells Area:

- (1) A levy per kilolitre of water allocated as endorsed on the water licence of:
 - (i) 2.493 cents per kilolitre of water allocated for the purpose of providing a reticulated water supply; or
 - (ii) 0.803 cents per kilolitre of water allocated where the water allocation on the licence is not for the purpose of providing a reticulated water supply; or
- (2) A levy of \$200,

whichever is the greater.

The levy does not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming.

This notice has effect in relation to the financial year commencing on 1 July 2024.

Dated: 11 June 2024

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levy for the Peake, Roby and Sherlock Prescribed Wells Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare a levy payable by persons authorised by a water licence to take water from the Peake, Roby and Sherlock Prescribed Wells Area:

- (1) A levy of 0.803 cents per kilolitre of water allocated as endorsed on the water licence; or
- (2) A levy of \$200,

whichever is the greater.

The levy does not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming.

This notice has effect in relation to the financial year commencing on 1 July 2024.

Dated: 11 June 2024

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levy for the Marne Saunders Prescribed Water Resources Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare a levy payable by persons authorised by a water licence to take or hold water from prescribed wells or watercourses in the Marne Saunders Prescribed Water Resources Area or to take or hold surface water in the Marne Saunders Prescribed Water Resources Area:

- (1) A levy of 0.803 cents per kilolitre of water allocated as endorsed on the water licence; or
- (2) A levy of \$200,

whichever is the greater.

The levy does not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming.

This notice has effect in relation to the financial year commencing on 1 July 2024.

Dated: 11 June 2024

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levy for the Clare Valley Prescribed Water Resources Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following water levies payable by persons authorised by a water licence to take or hold water from prescribed wells or watercourses in the Clare Valley Prescribed Water Resources Area or to take or hold surface water in the Clare Valley Prescribed Water Resources Area:

- (1) A levy of \$121.10 as a fixed amount per water licence; and
- (2) A levy of 4.321 cents per kilolitre of water allocated as endorsed on the water licence.

These levies do not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming.

This notice has effect in relation to the financial year commencing on 1 July 2024.

Dated: 11 June 2024

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levies for the Barossa Prescribed Water Resources Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following water levies payable by persons authorised by a water licence, to take or hold water from the prescribed surface water resources, wells and watercourses within the Barossa Prescribed Water Resources Area:

- (1) A levy of 0.747 cents per kilolitre of water allocated as endorsed on the water licence.

The levy does not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming.

This notice has effect in relation to the financial year commencing on 1 July 2024.

Dated: 11 June 2024

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levies in the Lower Limestone Coast, Padthaway, Tintinara Coonalpyn and Tatiara Prescribed Wells Areas

Pursuant to Section 76 of the *Landscape South Australia Act 2019* (the Act), I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following water levies payable by persons authorised by a water licence or under Section 105 of the Act to take water from the prescribed wells in the Lower Limestone Coast, Padthaway, Tintinara Coonalpyn and Tatiara Prescribed Wells Areas:

- (1) A levy of \$239.81 as a fixed charge per water licence; and

- (2) A levy per kilolitre of water allocated as endorsed on the water licence, or authorised under Section 105 of the Act, of:
- (i) 1.940 cents per kilolitre of water allocated in the Lower Limestone Coast, Padthaway and Tatiara Prescribed Wells Areas where water is allocated for the supply of water by means of reticulated systems by the SA Water Corporation established pursuant to the *South Australian Water Corporation Act 1994* or where a water allocation on a water licence is specified as a public water supply;
 - (ii) 0.306 cents per kilolitre of water allocated or authorised in the Lower Limestone Coast, Padthaway, Tatiara and Tintinara Coonalpyn Prescribed Wells Areas where the water allocation on a water licence is an allocation other than those allocations specified in other provisions of this notice (2(i) and 2(iii) to 2(viii) below) or where the water allocation is authorised under Section 105 of the Act;
 - (iii) 0.405 cents per kilolitre of water allocated in the Lower Limestone Coast, Padthaway, Tatiara and Tintinara Coonalpyn Prescribed Wells Areas where the water allocation on a water licence is specified as an industrial, aquaculture, industrial-dairy, intensive animal keeping, environmental, Pulp and Paper mill operations or recreational allocation;
 - (iv) 0.306 cents per kilolitre of water allocated in the Lower Limestone Coast, Padthaway, Tatiara and Tintinara Coonalpyn Prescribed Wells Areas, where the water allocation on a water licence is specified as a water (holding) allocation;
 - (v) 0.031 cents per kilolitre of water allocated in the Lower Limestone Coast, Padthaway, Tatiara and Tintinara Coonalpyn Prescribed Wells Areas, where the water allocation from the unconfined aquifer is specified as a delivery supplement allocation;
 - (vi) 0.306 cents per kilolitre of water allocated in the Lower Limestone Coast, Padthaway, Tatiara and Tintinara Coonalpyn Prescribed Wells Areas, where the water allocation from the confined aquifer on a water licence is specified as a delivery supplement allocation;
 - (vii) 0.306 cents per kilolitre of water allocated in the Lower Limestone Coast, Padthaway, Tatiara and Tintinara Coonalpyn Prescribed Wells Areas, where the water allocation on a water licence is specified as a specialised production requirement allocation (excluding specialised production requirement-frost allocations in the Lower Limestone Coast);
 - (viii) 0.102 cents per kilolitre of water allocated in the Lower Limestone Coast Prescribed Wells Areas, where the water allocation is specified as a specialised production requirement frost allocation;
 - (ix) 0.306 cents per kilolitre of water allocated in the Lower Limestone Coast Prescribed Wells Areas, where the water allocation on a licence is specified as a forest water allocation.

The levies do not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming.

This notice has effect in relation to the financial year commencing on 1 July 2024.

Dated: 11 June 2024

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levy for the Morambro Creek and Nyroca Channel Prescribed Water Resources

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following levies payable by persons authorised by a water licence to take or hold water from the Morambro Creek and Nyroca Channel Prescribed Watercourses including Cockatoo Lake and the Prescribed Surface Water Area:

- (1) A levy as endorsed on the water licence of:
 - (i) \$26.70 per percentage share; and
- (2) A levy of \$239.81 as a fixed charge per water licence.

The levy does not apply where the water is taken for domestic purposes or for the watering of stock not subject to intensive farming.

This notice has effect in relation to the financial year commencing on 1 July 2024.

Dated: 11 June 2024

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levies for the Central Adelaide Prescribed Wells Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following levies, payable by persons authorised by a water licence to take water from prescribed wells within the Central Adelaide Prescribed Wells Area:

- (1) A levy of 0.747 cents per kilolitre of water allocated as endorsed on the water licence.

The levy does not apply where:

- (1) the water is taken for domestic purposes or for the watering of stock not subject to intensive farming; or
- (2) the water is taken from the Managed Aquifer Recharge Consumptive Pool.

This notice has effect in relation to the financial year commencing on 1 July 2024.

Dated: 11 June 2024

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Establishment of Water Levies for the Dry Creek Prescribed Wells Area

Pursuant to Section 76 of the *Landscape South Australia Act 2019*, I, Susan Close, Minister for Climate, Environment and Water, hereby declare the following levies, payable by persons authorised by a water licence to take water from prescribed wells within the Dry Creek Prescribed Wells Area:

- (1) A levy of 0.747 cents per kilolitre of water allocated as endorsed on the water licence.

The levy does not apply where:

- (1) the water is taken for domestic purposes or for the watering of stock not subject to intensive farming; or
(2) the water is taken from the Managed Aquifer Recharge Consumptive Pool.

This notice has effect in relation to the financial year commencing on 1 July 2024.

Dated: 11 June 2024

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

SECTION 71

Notice of Levy Payable in 2024-25 by Persons who Occupy Land Outside Council Areas in the South Australian Arid Lands Landscape Region

Notice is hereby given pursuant to Section 71 of the *Landscape South Australia Act 2019* ("the Act") that, the annual business plan for the South Australian Arid Lands Landscape Board ("Board") having specified an amount to be contributed by persons who occupy land outside council areas in the South Australian Arid Lands Landscape Region ("rateable land") toward the costs of the Board performing its functions under the Act in the 2024-2025 financial year, the Board has determined and hereby declares the following levy payable by persons who occupy rateable land, based on the area occupied:

- \$76.41 per rateable property <10 ha
- \$267.43 per rateable property 10 ha - <100 ha
- \$534.86 per rateable property 100 ha - <100,000 ha
- \$916.89 per rateable property 100,000 ha

Dated: 13 June 2024

DOUGLAS LILLECRAPP
Presiding Member
South Australian Arid Lands Landscape Board

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Volume of Water Available for Allocation from the River Murray Consumptive Pools

Pursuant to Section 121(4) of the *Landscape South Australia Act 2019* ("the Act"), I, Sue Hutchings, delegate of the Minister for Climate, Environment and Water and Minister to whom the Act is committed, hereby determine the volume of water available for allocation from each of the Consumptive Pools within the River Murray Prescribed Watercourse to water access entitlement holders for the period 1 July 2024 to 30 June 2025, as set out in Schedule 1 below:

SCHEDULE 1

Consumptive Pool	Classes	Volume of Water Available for Allocation	Water Access Entitlement	Water Allocation Rate as % of Nominal Maximum Water Allocation Rate of 1 kL/unit share
		kL	unit share	(%)
Metropolitan Adelaide All Purpose	Class 6	130,000,000	130,000,000	100
	Class 1	8,368,662	8,368,662	100
	Class 2	50,000,000	50,000,000	100
	Class 3	607,798,212	607,798,212	100
	Class 5	5,568,841	5,568,841	100
	Class 8	22,200,000	22,200,000	100
	Sub Total	693,935,715	693,935,715	
Wetland	Class 9	38,953,915	38,953,915	100
Environmental	*Class 9	7,244,800	7,244,800	100
	Total	870,134,430	870,134,430	

* Riverine Recovery Program

This Notice will remain in effect until 30 June 2025, unless varied earlier.

Dated: 5 June 2024

SUE HUTCHINGS
A/Executive Director, Water and River Murray
Department for Environment and Water
Delegate of the Minister for Climate, Environment and Water

LOCAL GOVERNMENT (ELECTIONS) ACT 1999

CITY OF ONKAPARINGA

Supplementary Election Pimpala Ward Councillor—Election Results

Conducted on Tuesday, 4 June 2024

Formal Ballot Papers—4,826

Informal Ballot Papers—35

Quota—2,414

Candidates	First Preference Votes	Elected/Excluded
MCPAHON, Simon	733	Excluded
DE JONGE, Rob	658	Excluded
NIELSEN, Mark	550	Excluded
SIMATOS, Alexander	23	Excluded
PIVNIK, Sofia	179	Excluded
O'BRIEN, Michael John	917	
RAYMOND, Krystal	162	Excluded
BROWN, Danika Rose	216	Excluded
KUMAR, Deepak	134	Excluded
CAVAIUOLO, Dominic	24	Excluded
DAVIS, Kim	1,230	Elected

Dated: 20 June 2024

MICK SHERRY
Returning Officer

LOCAL GOVERNMENT (ELECTIONS) ACT 1999

TATIARA DISTRICT COUNCIL

Supplementary Election of Area Councillor—Election Results

Conducted on Wednesday, 5 June 2024

Formal Ballot Papers—1,793

Informal Ballot Papers—9

Quota—897

Candidates	First Preference Votes	Elected/Excluded
BROWN, Debbie	875	Elected
GOLDING, Tiffany	742	
WENDT, Ruben	124	Excluded
FIELKE, Gavin	52	Excluded

Dated: 20 June 2024

MICK SHERRY
Returning Officer

LOCAL GOVERNMENT (ELECTIONS) ACT 1999

WAKEFIELD REGIONAL COUNCIL

Supplementary Election of Councillor for North Ward—Call for Nominations

Nominations open on Thursday, 27 June 2024 and close at 12 noon, Thursday, 11 July 2024. Candidates must submit a profile of not more than 1,000 characters with their nomination and may also provide a photograph, predominantly head and shoulders, taken within the previous 12 months.

More information about nominating, including the candidate handbook that outlines the criteria and requirements for nominating, can be accessed at ecsa.sa.gov.au or by phoning 1300 655 232.

Nominate online at: ecsa.sa.gov.au.

ECSA are holding an online briefing session for intending candidates at 6pm on Thursday, 27 June 2024. Register online at ecsa.sa.gov.au.

Dated: 20 June 2024

MICK SHERRY
Returning Officer

PASSENGER TRANSPORT ACT 1994 ('the Act')
PASSENGER TRANSPORT REGULATIONS 2009 ('Regulations')

EXEMPTION

Country Taxi Service

I, the Hon Tom Koutsantonis, Minister for Infrastructure and Transport:

Pursuant to Section 5(2) of the Act hereby **EXEMPT**:

1. The following taxi plate numbers TAXI9150, TAXI9156, TAXI9159, TAXI9161, TAXI9162, TAXI9163, TAXI9187, TAXI9188, TAXI9189 and TAXI9192 (known as '**Gawler Taxis**' here forth) from:
 - 1.1. The requirement to hold Metropolitan Taxi Accreditation for the provision of a passenger transport service using a metropolitan taxi for any journey not wholly outside Metropolitan Adelaide established under Section 32(3) of the Act, for the purpose of Section 27 of the Act; and
 - 1.2. The requirement to hold accreditation to operate a Centralised Booking Service within Metropolitan Adelaide under Section 29(1) of the Act; and
 - 1.3. The requirement to hold a licence to provide a passenger transport service within Metropolitan Adelaide under Section 45(1) of the Act.

The effect of the above Clauses 1, 1.1., 1.2. and 1.3. is to enable Gawler Taxis to operate within the designated area in the Schedule to this Notice (known as the '**designated area**' here forth).

Pursuant to Section 5(3) of the Act hereby **REQUIRE**:

2. The following taxi plate numbers TAXI9150, TAXI9156, TAXI9159, TAXI9161, TAXI9162, TAXI9163, TAXI9187, TAXI9188, TAXI9189 and TAXI9192 (known as '**Gawler Taxis**' here forth) to:
 - 2.1. Only rank and hail within the designated area or outside the Metropolitan Adelaide boundary.
 - 2.2. Not completely operate within the Metropolitan Adelaide boundary, unless completely within the designated area.
 - 2.3. Start a trip inside of the designated area and drop off outside of the designated area.
 - 2.4. Start a trip outside of the designated area and drop off within the designated area.
 - 2.5. Charge the metropolitan fare contained within Schedule 3 of the Regulations for journeys wholly within the designated area.
 - 2.6. Operate as relevant providers of a point to point transport service under Schedule 2 Section 2 of the Act, and collect a levy amount of \$1 ('\$1 Levy') from persons using the service wholly within the designated area, to be paid to the Minister. The \$1 Levy is for each point to point transport service transaction and is separate from the fare consideration payable by the person for the use of that service.
 - 2.7. Submit its vehicle every 12 months for vehicle inspection by an approved vehicle inspector in accordance with metropolitan taxi standards under Regulation 138(1) of the Regulations.
 - 2.8. Abide by the relevant South Australian Transport Subsidy Scheme (SATSS) Conditions of Use pursuant to Regulation 150A of the Regulations.
 - 2.9. Retain its current livery until further notice or agreement.

Interpretation

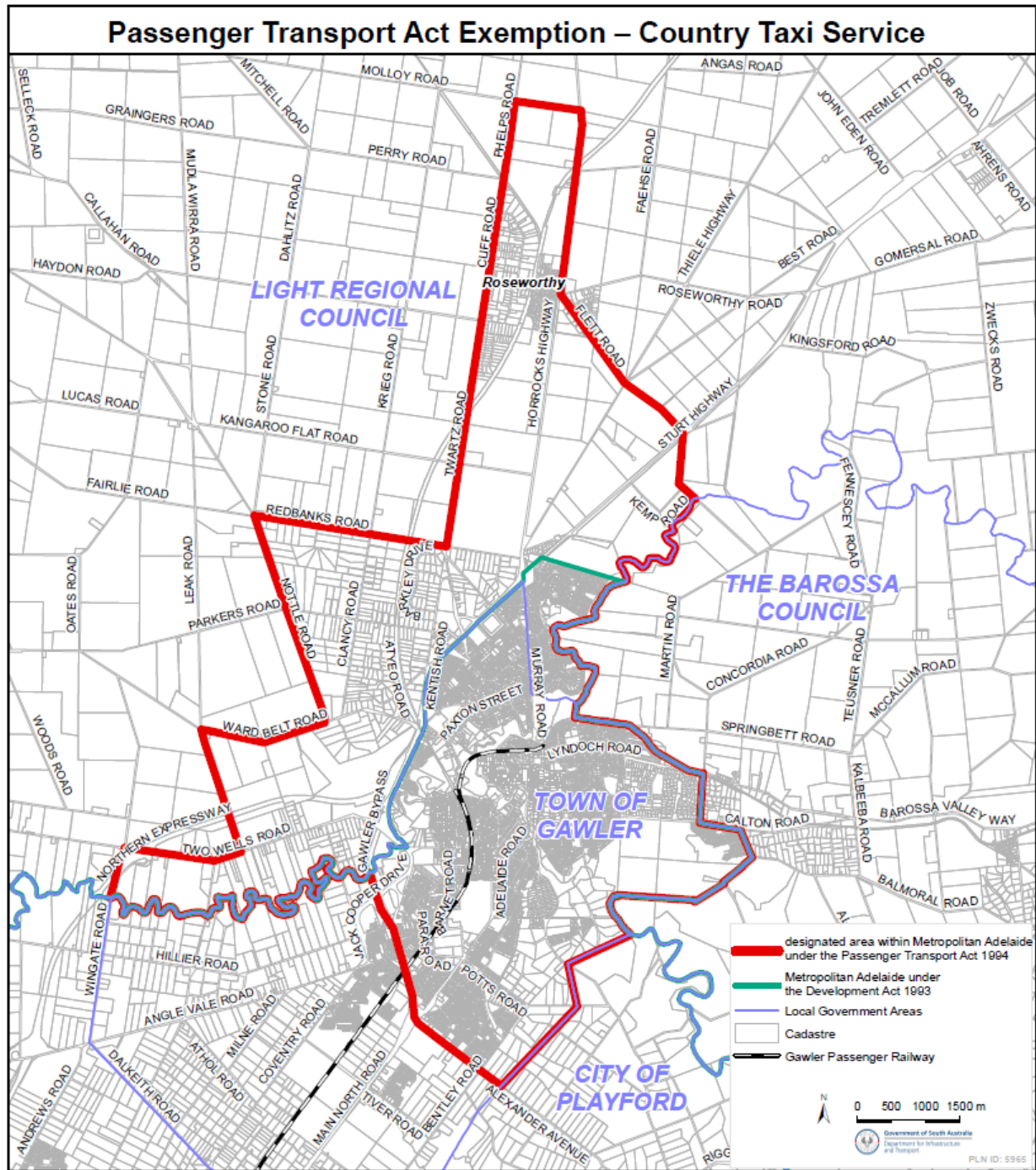
Any terms defined in the Act and the Regulations have the same meaning in this instrument.

This exemption will take effect from the date published in the *South Australian Government Gazette* and will remain in force for 2 years from its execution or until varied or revoked by a subsequent notice issued pursuant to Section 5(4) of the Act.

Dated: 13 June 2024

HON TOM KOUTSANTONIS MP
Minister for Infrastructure and Transport

SCHEDULE



PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

SECTION 76

*Amendment to the Planning and Design Code**Preamble*

It is necessary to amend the Planning and Design Code (the Code) in operation at 6 June 2024 (Version 2024.10) in order to make changes of form relating to the Code's spatial layers and their relationship with land parcels. NOTE: There are no changes to the application of zone, subzone or overlay boundaries and their relationship with affected parcels or the intent of policy application as a result of this amendment.

1. Pursuant to Section 76 of the *Planning, Development and Infrastructure Act 2016* (the Act), I hereby amend the Code in order to make changes of form (without altering the effect of underlying policy), correct errors and make operational amendments as follows:
 - (a) Undertake minor alterations to the geometry of the spatial layers and data in the Code to maintain the current relationship between the parcel boundaries and Code data as a result of the following:
 - (i) New plans of division deposited in the Land Titles Office between 29 May 2024 and 11 June 2024 affecting the following spatial and data layers in the Code:
 - A. Zones and subzones
 - B. Technical and Numeric Variations
 - Building Heights (Levels)
 - Building Heights (Metres)
 - Interface Height
 - Minimum Frontage
 - Minimum Site Area
 - Minimum Primary Street Setback
 - Minimum Side Boundary Setback
 - Future Local Road Widening Setback
 - Site Coverage
 - C. Overlays
 - Affordable Housing
 - Airport Building Heights (Regulated)
 - Character Area
 - Coastal Areas
 - Defence Aviation Area
 - Design
 - Environment and Food Production Area
 - Hazards (Bushfire—High Risk)
 - Hazards (Bushfire—Medium Risk)
 - Hazards (Bushfire—General Risk)
 - Hazards (Bushfire—Urban Interface)
 - Hazards (Bushfire—Regional)
 - Hazards (Bushfire—Outback)
 - Heritage Adjacency
 - Historic Area
 - Limited Land Division
 - Local Heritage Place
 - Scenic Quality
 - State Heritage Area
 - State Heritage Place
 - Stormwater Management
 - Urban Tree Canopy
 - (b) In Part 13 of the Code—Table of Amendments, update the publication date, Code version number, amendment type and summary of amendments within the 'Table of Planning and Design Code Amendments' to reflect the amendments to the Code as described in this Notice.
 2. Pursuant to Section 76(5)(a) of the Act, I further specify that the amendments to the Code as described in this Notice will take effect upon the date those amendments are published on the SA planning portal.

Dated: 18 June 2024

GREG VAN GAANS
Director, Land and Built Environment
Department for Trade and Investment
Delegate of the Minister for Planning

ROADS (OPENING AND CLOSING) ACT 1991

SECTION 24

**NOTICE OF CONFIRMATION OF
ROAD PROCESS ORDER***Road Closure—Portions of North Terrace, Gladstone*

By Road Process Order made on 16 April 2024, the Northern Areas Council ordered that:

1. Portions of North Terrace, Gladstone, situated adjoining Section 457 in Deposited Plan 134396, Hundred of Booyoolie, more particularly delineated and lettered 'A' and 'B' in Preliminary Plan 23/0024 be closed.
2. Issue a Certificate of Title to The Catholic Diocese of Port Pirie Inc. (ABN: 75 019 756 963) for the whole of the land subject to closure lettered 'A' in accordance with the Application for Document of Title dated 10 April 2024.
3. Issue a Certificate of Title to Northern Areas Council for the whole of the land subject to closure lettered 'B' in accordance with the Application for Document of Title dated 16 April 2024.
4. The following easements are to be granted over portions of the land subject to closure:
 - Grant to the Northern Areas Council an easement for drainage purposes over the land marked 'B' in Deposited Plan 134396.
 - Grant to the South Australian Water Corporation an easement for water supply purposes over the land marked 'A' in Deposited Plan 134396.

On 12 June 2024 that order was confirmed by the Minister for Planning conditionally upon the deposit by the Registrar-General of Deposited Plan 134396 being the authority for the new boundaries.

Pursuant to Section 24 of the *Roads (Opening and Closing) Act 1991*, notice of the order referred to above and its confirmation is hereby given.

Dated: 20 June 2024

B. J. SLAPE
Surveyor-General

2023/06980/01

SUPREME COURT ACT 1935

*Vexatious Litigant***In the Supreme Court of South Australia
In the Civil Jurisdiction**

NO. CIV 010182 OF 2021

File Document Number—88

BETWEEN: Attorney-General (Applicant) and Francis Thomas McDonald, Rhoda Louise McDonald (Respondent).

Judgment

Judicial Officer:	The Honourable Justice Bampton
Date of Application:	7 September 2021
Date of Judgment:	24 May 2024
Date of Order:	24 May 2024
Appearances:	B Garnaut for the Applicant Respondents in person

The Court orders that:

1. The Attorney-General's application (FDN 1) is granted.
2. Each of Francis Thomas McDonald and Rhoda Louise McDonald has persistently instituted vexatious proceedings.
3. Pursuant to Section 39(1)(a) of the *Supreme Court Act 1935* (SA):
 - (a) each of Francis Thomas McDonald and Rhoda Louise McDonald is prohibited from instituting further proceedings in a prescribed court without permission of the Supreme Court; and
 - (b) the proceedings already instituted by each or both of Francis Thomas McDonald and Rhoda Louise McDonald are permanently stayed.

Dated: 13 June 2024

LEAH MCLAY
Registrar of the Supreme Court

SURVEY ACT 1992

Fees and Levies Received by the Institution of Surveyors, Australia, South Australia Division Inc.

It is hereby notified that the below fees and charges to be levied by the Institution of Surveyors, Australia, South Australia Division Inc. for the 2024-25 financial year have been approved by Hon Nick Champion MP, Minister for Planning.

Inspection of Register.....	\$14.70
First Registration or Licence and Renewal of Registration or Licence.....	\$209.55
Late Renewal Charge and Issue of Duplicate Certificate of Registration or Licence	\$97.60
Plan Levy on lodgement of survey plans.....	\$145.85

Dated: 18 June 2024

J. ODDY
Registrar
Institution of Surveyors, Australia, South Australia Division Inc.

TRANSPLANTATION AND ANATOMY ACT 1983 (SA)

SECTION 33, PART 6

Instrument of Authorisation

Pursuant to Section 33(2) of the of the *Transplantation and Anatomy Act 1983* (“the Act”), I hereby authorise the establishment of a school of anatomy for the teaching and study of anatomy and for the carrying on of the practice of anatomy, within the South Australian Health and Medical Research Institute, being a prescribed institution pursuant to Section 33(1) of the Act.

This authorisation is for the use of pre-prepared cadaveric material for imaging and for the conduct of surgical anatomy training workshops, including using robotic surgical techniques within the South Australian Health and Medical Research Institute’s Preclinical, Imaging and Research Laboratories located at 101 Blacks Road, Gilles Plains, South Australia.

This authorisation operates from 1 July 2024 and has effect until 31 December 2025.

This authorisation may be varied or revoked by the Minister for Health and Wellbeing at any time.

Dated: 18 June 2024

HON CHRIS PICTON
Minister for Health and Wellbeing

LOCAL GOVERNMENT INSTRUMENTS

CITY OF PLAYFORD

Change of Road Name

Notice is hereby given that pursuant to Section 219(1) of the *Local Government Act 1999*, under delegation, Council has renamed a portion of the road Lot 8019 previously known as Casuarina Way and portion of the road Lot 8023 previously known as Rivergum Close within DP134464 as part of the Eyre Land Division—Eyre. The portion of the road segment 8019 in DP134464 will now be changed to Bottlebrush Road, requiring an amendment to the addressing of Lots 1420 to 1425. The portion of road Lot 8023 previously known as Rivergum Close will now be changed to Casuarina Way, requiring an amendment to the addressing of Lots 1401-1407 and Lots 1441-1446.

These road names changes will come into effect from 4 July 2024.

Dated: 20 June 2024

SURYA PRAKASH
Manager, Engineering Services

KANGAROO ISLAND COUNCIL
PERMITS AND PENALTIES BY-LAW 2024
By-law No. 1 of 2024

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

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Permits and Penalties By-law 2024* and is By-law No. 1 of the Kangaroo Island Council.
 2. **Authorising law**
This By-law is made under section 246 of the *Local Government Act 1999*.
 3. **Purpose**
The objectives of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:
 - 3.1. creating a permit system for Council By-laws;
 - 3.2. providing for the enforcement of breaches of Council By-laws and fixing penalties; and
 - 3.3. clarifying the operation of Council By-laws.
 4. **Commencement, revocation and expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:¹
 - 4.1.1 *By-law No. 1 – Permits and Penalties 2017*.²
 - 4.2 This By-law will expire on 1 January 2032.³
- Note-**
1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
5.1 This By-law applies throughout the Council's area.
 6. **Definitions**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **Council** means Kangaroo Island Council;
 - 6.3 **person** includes a natural person, or a body corporate.
- Note-**
- Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.
7. **Construction of By-laws generally**
 - 7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
 - 7.2 In any By-law of the Council, unless the contrary intention appears, **permission** means permission granted by the Council (or its delegate) prior to the act, event or activity to which it relates and includes:
 - 7.2.1 permission granted specifically to an applicant; or
 - 7.2.2 permission of general application granted by way of the Council adopting a policy of general application for that purpose.

PART 2 – PERMITS AND PENALTIES

8. **Permits**
 - 8.1 Where a By-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
 - 8.2 The Council (or such other person as may be authorised by the Council) may attach such conditions as it thinks fit to a grant of permission, and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.
 - 8.3 A person granted permission under a By-law must comply with every condition attaching to the permission. Failure to do so is an offence (to the extent that it gives rise to a contravention of a By-law).
 - 8.4 The Council (or such other person as may be authorised by the Council) may suspend or revoke a grant of permission under a By-law at any time by notice in writing to the person granted permission.
9. **Offences and Penalties**
 - 9.1 A person who commits a breach of any By-law of the Council is guilty of an offence and may be liable to pay:
 - 9.1.1 the maximum penalty, being the maximum penalty referred to in the Act that may be fixed for any breach of a By-law; or
 - 9.1.2 subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against By-laws, being a fee equivalent to 25 per cent of the maximum penalty fixed for any breach of a By-law.
 - 9.2 A person who commits a breach of a By-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a By-law for a breach of a By-law of a continuing nature.

Note-

The maximum penalty for a breach of a By-law is prescribed by section 246(3)(g) of the Act.

Pursuant to section 246(5) of the Act expiation fees may be fixed for alleged offences against By-laws either by a By-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty for the offence to which it relates.

This By-law was duly made and passed at a meeting of the Kangaroo Island Council held on **11 June 2024** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

KANGAROO ISLAND COUNCIL
MOVEABLE SIGNS BY-LAW 2024
By-law No. 2 of 2024

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

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Moveable Signs By-law 2024* and is By-law No. 2 of the Kangaroo Island Council.
2. **Authorising law**
This By-law is made under sections 226, 238, 239 and 246 of the Act.
3. **Purpose**
The objectives of this By-law are to set standards for moveable signs on roads:

- 3.1. to protect the comfort and safety of road users and members of the public;
- 3.2. to enhance the amenity of roads and surrounding parts of the Council area;
- 3.3. to provide businesses with a fair and equitable opportunity to advertise their goods and services by way of moveable signs in a manner that does not adversely impact upon public safety or amenity;
- 3.4. to prevent nuisances occurring on roads and the unreasonable interference with the use of a road; and
- 3.5. for the good rule and government of the Council's area.
4. **Commencement, revocation and expiry**
- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:¹
- 4.1.1 *By-law No.2 – Moveable Signs 2017.*²
- 4.2 This By-law will expire on 1 January 2032.³
- Note-**
1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2024*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council area subject to:
- 5.2.1 the exemptions set out in clause 11; and
- 5.2.2 the *Planning, Development and Infrastructure Act 2016*.
- 5.3 Subclause 10.2.1 of this By-law applies to such parts of the Council's area that comprise a township as defined under subclause 6.12.
6. **Definitions**
- In this By-law, unless the contrary intention appears:
- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **amenity** means any quality, condition or factor that contributes to making an area harmonious, pleasant or enjoyable;
- 6.3 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
- 6.4 **banner** means a slip of cloth, plastic or other material hung up or carried on or attached to a pole, fence or other structure but does not include a 'feather sign';
- 6.5 **business premises** means premises from which a business, trade or calling is being conducted;
- 6.6 **Council** means Kangaroo Island Council;
- 6.7 **edge of the carriageway** means, as the case may be, either the edge of the kerb or gutter, the edge of the sealed surface of the road, or the graded edge embankment of an unsealed road;
- 6.8 **footpath area** means:
- 6.8.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;
- 6.8.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.9 **Local Government land** has the same meaning as in the Act, being land owned by the Council or under the Council's care, control and management;
- 6.10 **moveable sign** has the same meaning as in the Act, being a moveable advertisement or sign but excludes a banner;
- 6.11 **road** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes: a bridge, viaduct or subway; or an alley, laneway or walkway;
- 6.12 **township** has the same meaning as in the Act or as may otherwise be resolved by the Council exclusively for the purposes of this By-law.
- 6.13 **traffic control device** has the same meaning as in the *Road Traffic Act 1961*.
- 6.14 **vegetation line** means the threshold where clear open or semi open road gives way to substantial vegetation such that it would not be feasible to place a moveable sign within or behind that vegetation;
- 6.15 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:
- 6.15.1 a motor vehicle trailer and a tram;
- 6.15.2 a bicycle;
- 6.15.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
- 6.15.4 a combination; and
- 6.15.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Note- Section 12 of the *Legislation Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act under which the By-law was made.

PART 2 – MOVEABLE SIGNS

7. Construction and design

A moveable sign must:

- 7.1 be of kind known as:
- 7.1.1 an 'A' frame or sandwich board sign;
- 7.1.2 an 'inverted T' sign,
- 7.1.3 a flat sign;
- 7.1.4 a feather sign or,
- 7.1.5 with the permission of the Council (including as may be set out in a Council policy of general application from time to time), be a sign of some other kind;
- 7.2 in the reasonable opinion of an authorised person, be designed, constructed and maintained:
- 7.2.1 in good quality and condition; and
- 7.2.2 so as not to present a hazard to any member of the public;
- 7.3 be of strong construction and sufficiently stable when in position so as to keep its position in any weather conditions;
- 7.4 not contain sharp or jagged edges or corners;
- 7.5 not, in the reasonable opinion of an authorised person, be unsightly or offensive in appearance or content;
- 7.6 not contain flashing or rotating parts;
- 7.7 not be connected to a vehicle that is located on a road;
- 7.8 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.9 not exceed 900mm in perpendicular height or have a base with any side exceeding 600mm in length; either:
- 7.9.1 on roads within a township; or

- 7.9.2 on any roads outside of a township to which a speed limit of 60km/hr or less applies
- 7.10 in the case of an 'A' frame or sandwich board sign:
- 7.10.1 be hinged or joined at the top; and
- 7.10.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 7.11 In the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign.
8. **Placement**
- A moveable sign must not be:
- 8.1 placed on any part of a road other than the footpath area;
- 8.2 placed other than against the vegetation line if the location of the vegetation line on the road means the placement of the moveable sign in accordance with a requirement of this subclause 8 would result in the sign being obscured by vegetation;
- 8.3 placed closer than:
- 8.3.1 1.5 metres from the edge of the carriageway where there is a kerb; or
- 8.3.2 in any other case, 3.5 metres from the edge of the carriageway;
- 8.4 placed on a sealed part of any footpath area:
- 8.4.1 if there is an unsealed part on which the sign can be placed in accordance with this By-law; or
- 8.4.2 unless the sealed part is wide enough to contain the sign and leave a clear thoroughfare for pedestrians of a width of at least 1.2 metres;
- 8.5 placed less than 2 metres from any driveway, access way, clear way or no-standing zone;
- 8.6 placed on or adjacent to the Playford Highway, Birchmore Highway, South Coast Road or West End Highway (or any part(s) thereof) that are under the control of the Council;
- Note-**
- Placement of moveable signs on highways is subject to approval by the Commissioner of Highways.
- 8.7 placed on a landscaped area;
- 8.8 placed on a designated parking area or within 1 metre of an entrance to or exit from any business or other premises;
- 8.9 placed within 10 metres of an intersection of roads;
- 8.10 placed on a median strip, traffic island, roundabout or on any other traffic control device;
- 8.11 displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible;
- 8.12 placed in such a position or in such circumstances that, in the reasonable opinion of an authorised person:
- 8.12.1 the safety of a user of the footpath area or road is at risk; or
- 8.12.2 the moveable sign unreasonably interferes with the lawful movement of persons or vehicles using the road in the vicinity of where the moveable sign is placed.
- 8.13 in the case of a flat sign and notwithstanding anything in this clause 8 to the contrary, placed other than in line with and against the property boundary of the road and not less than one metre from the corner of the road.
9. **Banners**
- A person must not erect or display a banner on a building or structure on a road without the Council's permission.
- Note-**
- A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under section 222 of the *Local Government Act 1999*.
10. **Restrictions**
- 10.1 The owner or operator of a business must not cause or allow more than two moveable signs for each business premises to be displayed at any time.
- 10.2 A person must not cause or allow a moveable sign to be placed on a footpath area unless:
- 10.2.1 in the case of a moveable sign displayed within a township, it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and/or services available from that business; and
- 10.2.2 in any case, it is only displayed during the hours that the business premises to which it relates is open to the public.
- 10.3 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council (or its delegate) may prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.
11. **Exemptions**
- 11.1 Subclause 10.2 of this By-law does not apply to a moveable sign which:
- 11.1.1 advertises a garage sale taking place from residential premises or a farming property; or
- 11.1.2 is a directional sign to or advertises an event run by an incorporated association, a community or government organisation or a charitable body.
- 11.2 Subclauses 10.1 and 10.2 of this By-law do not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.
- 11.3 The requirements of this By-law, with the exception of subclauses 7.1, 7.3 and 8.10 – 8.12, do not apply to a moveable sign that is displayed for the purposes of warning road users of the presence of livestock on a road.
- 11.4 A requirement of this By-law will not apply where the Council has granted permission for a moveable sign (or class of moveable signs) to be displayed contrary to that requirement.
- 11.5 This By-law does not apply to signage locations as designated by the Council (or its delegate) specifically for the display of Council permitted banners or signs for events.
- Note-**
- This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes any sign:
- placed there pursuant to an authorisation under another Act;
 - designed to direct people to the open inspection of any land or building that is available for purchase or lease;
 - related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
 - the sign is of a prescribed class.
- PART 3 – ENFORCEMENT**
12. **Removal of moveable signs**
- 12.1 A person must immediately comply with an order of an authorised person to remove a moveable sign that is made pursuant to section 227(1) of the Act.
- Note-**
- pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:
- the design, construction or positioning of a moveable sign does not comply with a requirement of this By-law; or
 - any other requirement of this By-law is not complied with; or
 - the moveable sign unreasonably restricts the use of the road, or endangers the safety of other persons.
- 12.2 The owner of, or any other person seeking to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council the reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign (if any) before being entitled to recover the moveable sign.

- 12.3 The owner of, or any other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 12.3.1 if, in the reasonable opinion of an authorised person, and notwithstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
- 12.3.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the reasonable opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.
13. **Liability of vehicle owners**
- 13.1 For the purposes of this clause 13, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 13.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the Kangaroo Island Council held on 11 June 2024 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

KANGAROO ISLAND COUNCIL
LOCAL GOVERNMENT LAND BY-LAW 2024
By-law No. 3 of 2024

A By-law to manage and regulate the access to and use of Local Government land and certain public places.

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Local Government Land By-law 2024* and is By-law No. 3 of the Kangaroo Island Council.
2. **Authorising law**
This By-law is made under sections 238, 239 and 246 of the Act and section 18A of the *Harbors and Navigation Act 1993*.
3. **Purpose**
The objectives of this By-law are to regulate the access to and use of Local Government land and certain public places:
- 3.1. to prevent and mitigate nuisances;
- 3.2. to prevent damage to Local Government land;
- 3.3. to protect the convenience, comfort and safety of members of the public;
- 3.4. to enhance the amenity of the Council area; and
- 3.5. for the good rule and government of the area.
4. **Commencement, revocation and expiry**
- 4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:¹
- 4.1.1 *By-law No. 3 – Local Government Land 2017*; and
- 4.1.2 *By-law No. 8 – Foreshore & Boat Facilities By-Law 2017*.²
- 4.2. This By-law will expire on 1 January 2032³
- Note-**
1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2024*.
- 5.2. Subject to subclauses 5.3 & 5.4, this By-law applies throughout the Council area.
- 5.3. Subclauses 9.2, 9.4.2, 9.18.1, 9.18.4, 9.18.5, 9.21.2, 9.28.5, 9.30, 10.4, 10.9 and 13.3 of this By-law only apply in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.
- 5.4. Subclauses 9.1, 9.3, 9.9.2, 9.18.2, 11.2, 12.1 and 13.3 of this By-law apply throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.
6. **Definitions**
In this By-law, unless the contrary intention appears:
- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **animal or animals** includes birds and insects but does not include a dog unless otherwise stated;
- 6.3. **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
- 6.4. **boat** includes a raft, pontoon, personal watercraft or other similar device;
- 6.5. **boat mooring** means a facility constructed, maintained and operated by the Council for the mooring of a boat;
- 6.6. **boat ramp** means a facility constructed, maintained and operated for the launching and retrieval of a boat or other vessel from land or adjacent waters;
- 6.7. **camp includes** setting up a camp or causing
- 6.7.1 a tent or other structure of calico, canvas, plastic or other similar material;
- 6.7.2 a swag or similar bedding; or
- 6.7.3 subject to the *Road Traffic Act 1961*, a caravan, tent trailer, motor home or other vehicle; to remain on a road overnight, whether or not any person is in attendance or sleeps on the road;
- Note-**
- To avoid doubt, setting up a calico, canvas, plastic or other tent, marquee or similar structure for recreation purposes to provide shade during daylight hours only (and not overnight) is not within the meaning of 'camp'.
- 6.8. **coastal waters** means ocean waters extending offshore from the low water mark but excluding any waters overlying land between the low water mark and the high water mark;
- 6.9. **Council** means Kangaroo Island Council;
- 6.10. **effective control** means a person exercising effective control of an animal either:
- 6.10.1 by means of physical restraint; or
- 6.10.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.11. **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 6.12. **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.13. **foreshore** means land (which may or may not be Local Government land) extending:
- 6.13.1 from the low water mark on the seashore in the Council's area to the nearest road or section boundary; or
- 6.13.2 for a distance of 50 metres from the high water mark -

- (whichever is the lesser) and to avoid doubt, includes the foreshore within the Harbor of American River, the Harbor of Kingscote, the Harbor of Penneshaw and the Harbor of Vivonne Bay;
- 6.14. **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.15. **Harbor of American River** has the same meaning as in Schedule 3 of the *Harbors and Navigation Regulations 2023*;
- 6.16. **Harbor of Kingscote** has the same meaning as in Schedule 3 of the *Harbors and Navigation Regulations 2023*;
- 6.17. **Harbor of Penneshaw** has the same meaning as in Schedule 3 of the *Harbors and Navigation Regulations 2023*;
- 6.18. **Harbor of Vivonne Bay** has the same meaning as in Schedule 3 of the *Harbors and Navigation Regulations 2023*;
- 6.19. **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 6.20. **Local Government land** means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.21. **low water mark** means the lowest astronomical tide;
- 6.22. **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.23. **open container** means a container which, after the contents of the container have been sealed at the time of manufacture:
- 6.23.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
- 6.23.2 being a can, it has been opened or punctured;
- 6.23.3 being a cask, it has had its tap placed in a position to allow it to be used;
- 6.23.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
- 6.23.5 is a flask, glass, mug or other container able to contain liquid;
- 6.24. **personal watercraft** means a device that –
- 6.24.1 is propelled by a motor; and
- 6.24.2 has a fully enclosed hull; and
- 6.24.3 is designed not to retain water if capsized; and
- 6.24.4 is designed to be operated by a person who sits astride, stands, or kneels on the device; and includes the device commonly referred to as a jet ski;
- 6.25. **road** has the same meaning as in the Act;
- 6.26. **sand dune or coastal slope or cliff** means the sand dunes, coastal slopes, cliffs or other geomorphologic coastal forms under the care, control and management of the Council;
- 6.27. **special event** means an organised gathering of more than fifty (50) persons for any social, sporting or cultural purposes;
- 6.28. **tobacco product** has the same meaning as in the *Tobacco Tobacco and E-Cigarette Products Act 1997*;
- 6.29. **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 6.30. **waters** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council but does not include coastal waters; and
- 6.31. **wheeled Recreational Device** has the same meaning as in the *Road Traffic Act 1961*.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in a By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

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

The Council may:

- 7.1. close or regulate or restrict access to any part of Local Government land to the public for specified times and days; and
- 7.2. fix charges or fees payable for entry onto any part of Local Government land.

8. Closed lands

A person must not without permission, enter or remain on any Local Government land:

- 8.1. which has been closed or in respect of which access by the public is regulated or restricted in accordance with subclause 7.1;
- 8.2. where entry fees or charges are payable, without paying those fees or charges; or
- 8.3. where the land has been enclosed by fences and/or walls and gates that have been closed and locked or, where a sign is displayed at or near the entrance of the land notifying that the land has been closed.

PART 3 – USE OF LOCAL GOVERNMENT LAND**9. Activities requiring permission****Note-**

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies. A person must not, without the permission of the Council, do any of the following activities on Local Government land or the foreshore or where indicated, on a road.

- 9.1. **Advertising**
Except on any Local Government land determined by resolution of the Council, display, paint or erect or cause to be displayed, painted or erected, on Local Government land or on a structure, building or fixture on Local Government Land any sign, advertising or hoarding for any purpose.
- 9.2. **Alcohol**
Consume, carry or be in possession or in charge of any liquor on Local Government land comprising parks or reserves to which the Council has resolved this subclause applies.
- 9.3. **Amplification**
Use an amplifier or other mechanical or electrical device for the purpose of amplifying, broadcasting or magnifying sound except on Local Government land to which the Council has resolved this clause applies (if any).
- 9.4. **Animals**
- 9.4.1 On Local Government land excluding the foreshore, lead, herd, drive or exercise any horse, cattle, sheep or similar animal except where the Council has set aside a track or other area for use by or in connection with an animal of that kind as indicated by signage, and provided that the animal or animals are under effective control;
- 9.4.2 On the foreshore, take, lead, herd or drive any animal onto or allow any animal to remain on any foreshore to which the Council has resolved this subclause applies and other than in accordance with any conditions determined by the Council;
- 9.4.3 Allow any animal to enter or leave the foreshore other than by the access ramps constructed or provided by the Council for provision of access onto the beach.
- 9.5. **Annoyance**
Do anything that, in the reasonable opinion of an authorised person, offends or is likely to offend or unreasonably interfere with any other person:

- 9.5.1 using that land; or
 9.5.2 occupying nearby premises;
 by making a noise or creating a disturbance.
- 9.6. *Attachments*
 Subject to subclause 9.1, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture, or any other object.
- 9.7. *Buildings*
 Use a building or structure on Local Government land for a purpose other than its intended purpose or other than in accordance with any conditions of use contained on signage in or on the building or structure.
- 9.8. *Burials, Memorials & Cemeteries*
 9.8.1 Bury, inter or spread the ashes of any human or animal remains including the remains of a dog.
 9.8.2 Erect any memorial.
 9.8.3 On Local Government land comprising a cemetery, drive or propel any vehicle except where the Council has constructed and set aside an area for that purpose as indicated by signage on the land.
- 9.9. *Camping and Tents*
 9.9.1 Subject to this clause 9.9, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation.
 9.9.2 Camp or remain overnight except:
 (a) on any Local Government land, road or foreshore to which the Council has resolved this subclause applies (and thereby designates as a camping area); and
 (b) in accordance with any conditions determined by the Council and displayed on any signage on or near the Local Government land or foreshore.
 9.9.3 Subject to this clause 9.9, use or occupy or cause, suffer or permit to be used or occupied, any caravan, motorhome or other vehicle on Local Government land, on the foreshore or on a road for or in connection with undertaking camping activities, including washing, cooking or sleeping.
- 9.10. *Canvassing*
 Subject to subclause 17.2, convey any advertising or other message to any bystander, passer-by or other person.
- 9.11. *Distribution*
 Subject to subclause 17.2 and the *Local Nuisance and Litter Control Act 2016*, give out or distribute any book, leaflet or other printed matter to any bystander, passer-by or other person.
- 9.12. *Donations*
 Ask for or receive or indicate a desire for a donation of money or any other thing.
- 9.13. *Encroachment*
 Erect or cause to be erected or placed any fencing, post or other structures or any other items so as to encroach onto the land.
- 9.14. *Entertainment and Busking*
 9.14.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.
 9.14.2 Conduct or hold a concert, festival, show, public gathering, circus, performance or any other similar activity.
- 9.15. *Fires*
 Subject to the *Fire and Emergency Services Act 2005*, light any fire except:
 9.15.1 in a place provided by the Council for that purpose; or
 9.15.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four (4) metres.
- 9.16. *Fireworks*
 Ignite, explode or use any fireworks.
- 9.17. *Flora and Fauna*
 Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
 9.17.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon (excluding weeds);
 9.17.2 cause or allow an animal (including a dog) to stand or walk on any flower bed or garden plot;
 9.17.3 deposit, dig, damage, disturb, interfere with, clear or remove any sand, soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
 9.17.4 take, interfere with, tease, harm, hunt or disturb any animal, bird or marine creature or the eggs or young of any animal, bird or marine creature;
 9.17.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
 9.17.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
 9.17.7 use, possess or have control of any device for the purpose of killing or capturing any animal bird or marine creature –
 with the exception that subclauses 9.17.4 and 9.17.7 do not apply to lawful fishing activities.
- 9.18. *Games & Sport*
 9.18.1 Participate in, promote or organise any organised competition or sport as distinct from organised social play on Local Government land or foreshore to which the Council has resolved this clause applies (if any).
 9.18.2 Except on any Local Government land or foreshore to which the Council has resolved this clause applies, play or practise any game which involves kicking, hitting or throwing a ball or other object that may, in the reasonable opinion of an authorised person:
 (a) unreasonably cause or be likely to cause injury or discomfort to a person being on or in the vicinity of that land; or
 (b) unreasonably detract from or be likely to detract from another person's lawful use and enjoyment of that land.
 9.18.3 Play or practise the game of golf except on a fairway or other land constructed and set aside for that purpose.
 9.18.4 Engage or participate in or conduct any organised group fitness activity or training on any Local Government land to which the Council has resolved this subclause applies.
 9.18.5 Play or practise any game or sport on any Local Government land to which the Council has resolved this subclause applies and other than in accordance with any conditions indicated on any sign on or in the vicinity of the land.
- 9.19. *Interference with Land*
 Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
 9.19.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;

- 9.19.2 erecting, placing or installing a structure or any object in, on, across, under or over the land;
- 9.19.3 changing or interfering with the construction, arrangement or materials of the land;
- 9.19.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.19.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 9.20. *Jetties*
Jump or dive from a jetty or other structure.
- 9.21. *Model Aircraft, Boats and Cars*
Subject to the *Civil Aviation Safety Regulations 1998*:
- 9.21.1 fly or operate a model or drone aircraft, boat or model or remote control vehicle in a manner which may, in the reasonable opinion of an authorised person:
- (a) cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land;
- (b) or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or
- 9.21.2 fly or operate a model or drone aircraft, boat or model or remote control car on any Local Government Land or foreshore to which the Council has resolved this subclause applies.
- 9.22. *Overhanging Articles*
Suspend or hang an article or object from a building, verandah, pergola, post or other structure where it might, in the reasonable opinion of an authorised person:
- 9.22.1 present a nuisance or danger to a person using the land; or
- 9.22.2 cause an unsightly condition.
- 9.23. *Playing Area*
Use or occupy a playing area:
- 9.23.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);
- 9.23.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 9.23.3 contrary to any conditions indicated on a sign displayed on or near the playing area.
- 9.24. *Preaching*
Preach, harangue or solicit for religious purposes.
- 9.25. *Rubbish Dumps and Rubbish Bins*
- 9.25.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land.
- 9.25.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin on Local Government land for collection by the Council (or its agent).
- 9.26. *Sand dunes, coastal slopes and cliffs*
Subject to the *Coastal Protection Act 1972* and the *Native Vegetation Act 1991*:
- 9.26.1 destabilise sand on a sand dune by any means so as to cause it to unnecessarily mass waste down slope;
- 9.26.2 destroy, remove or interfere with live or dead vegetation upon a sand dune, coastal slope or cliff;
- 9.26.3 introduce non-indigenous flora or fauna to, or dump any materials on a sand dune;
- 9.26.4 use a sandboard or other item to slide down a sand dune, coastal slope or cliff;
- 9.26.5 drive or propel a vehicle over or on any sand dunes; or
- 9.26.6 carry out any other activity that may damage or threaten the integrity of sand dunes, coastal slopes or cliffs.
- 9.27. *Trading*
- 9.27.1 Sell, buy, offer or display anything for sale, or hire or lease any goods, merchandise, commodity, article or thing.
- 9.27.2 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.
- 9.28. *Vehicles*
- 9.28.1 Drive or propel a vehicle on any Local Government land or foreshore except on land constructed or set aside by the Council for that purpose as indicated by signs on or in the vicinity of the land.
- 9.28.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose as indicated by signage on the land.
- 9.28.3 Repair, wash, paint, panel beat or carry out any other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.28.4 Drive or propel a vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or provided by the Council for that purpose.
- 9.28.5 Use any ramp or thoroughfare to which the Council has resolved this clause applies to drive or propel a vehicle onto or from the foreshore without having paid the applicable fee (if any) in the manner determined by the Council.
- 9.29. *Weddings, Functions and Special events*
- 9.29.1 Hold, conduct or participate in a marriage ceremony, funeral ceremony or special event.
- 9.29.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral ceremony or special event.
- 9.29.3 Hold or conduct any filming where the filming is for a commercial purpose.
- 9.30. *Wheeled Recreational Devices*
Subject to the *Road Traffic Act 1961*, ride a wheeled recreational device on Local Government land to which the Council has determined this subclause applies.
10. **Prohibited activities**
A person must not do any of the following activities on Local Government land or on the foreshore.
- 10.1. *Climbing*
Climb on or over any fixture, fitting, plant, object or building other than a playground or similar area that the Council has set aside for that purpose.
- 10.2. *Defacing Property*
Subject to any permission of the Council given under clause 9, deface, paint, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign or property of the Council.

- 10.3. *Equipment*
 10.3.1 Use any item of equipment, facilities or property belonging to the Council:
 (a) other than in the manner and for the purpose for which it was designed, constructed or intended to be used;
 (b) where any nearby sign states the conditions of use, except in accordance with such conditions; or
 (c) in such a manner as is likely to damage or destroy it.
 10.3.2 Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.
- 10.4. *Fishing*
 Fish in any waters to which the Council has resolved this subclause applies.
- 10.5. *Glass*
 Willfully break any glass, china or other brittle material.
- 10.6. *Interference with Permitted Use*
 Interrupt, or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.
- 10.7. *Obstruction*
 Obstruct:
 10.7.1 any path or track;
 10.7.2 any door, entrance, stairway or aisle in any building; or
 10.7.3 any gate or entrance to or on Local Government land.
- 10.8. *Playing games*
 Play or practise a game:
 10.8.1 which is likely to cause damage to the land or anything on it; or
 10.8.2 in any area where a sign indicates that the game is prohibited.
- 10.9. *Smoking*
 Subject to the *Tobacco Products and E-Cigarette Products Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product or vape on any Local Government land or foreshore to which the Council has resolved this subclause applies.
- 10.10. *Solicitation*
 Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.
- 10.11. *Throwing objects*
 Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.
- 10.12. *Toilets*
 In any public convenience on Local Government land (including showers, changerooms, toilets and hand washing facilities):
 10.12.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
 10.12.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage or damage to the facility, or any drain, pipe or property associated with the facility;
 10.12.3 use the facilities for a purpose for which it was not designed or constructed.
- 10.13. *Waste*
 10.13.1 Deposit or leave thereon anything obnoxious or offensive.
 10.13.2 Deposit any rubbish or waste other than in receptacles provided by the Council for that purpose; or
 10.13.3 Deposit in any rubbish bin:
 (a) any waste or rubbish emanating from a domestic, trade or commercial source; or
 (b) any waste or rubbish contrary to any information on signs on the bin or in its vicinity.

PART 4 – BOATS & BOAT FACILITIES

A person must not, without the permission of the Council, do any of the following activities on Local Government land or the foreshore or where indicated, on a road.

11. **Boats**
 Subject to the provisions of the *Harbours and Navigation Act 1993* and, the *Marine Safety (Domestic Commercial Vessel) National Law*:
 11.1. hire out a boat; or
 11.2. subject to subclause 11.3, except on any Local Government land, foreshore or road to which the Council has resolved this clause applies, launch or retrieve a boat; or
 11.3. launch or retrieve a boat from or to any Local Government land, foreshore or road other than in accordance with any conditions specified on signage on or in the vicinity of that land.
12. **Boat Ramps**
 12.1. Except on any Local Government land, road or foreshore that the Council has resolved to apply this subclause to, a person must not use a boat ramp to launch or retrieve a boat without first having purchased a ticket in the form determined by the Council.
 12.2. A person must not use a boat ramp other than in accordance with any conditions stipulated on the ticket purchased in compliance with subclause 12.1.
 12.3. A person must not allow any vehicle or boat to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat.
13. **Boat Moorings**
 13.1. A person must not moor a boat at any place within Christmas Cove other than:
 13.1.1 at the boat moorings designated and clearly marked as such by the Council; and
 13.1.2 in accordance with the terms and conditions determined by the Council and set out on any signage erected on or in the vicinity of the boat moorings.
 13.2. For the purposes of subclause 13.1, *Christmas Cove* means the area outlined in the plan displayed on the Council's website and marked as the plan that applies for the purpose of this subclause.
 13.3. Subject to this clause 13, a person must not moor or tether a boat to any foreshore or Local Government land except for any foreshore or Local Government land to which the Council has resolved this subclause applies (and thereby designates as a mooring area).
 13.4. A person must not moor a boat to any foreshore or Local Government land in a manner that obstructs any boat or access to any boat or object (either floating or sunk) or any boat facility.
 13.5. A person must not use a boat mooring on any foreshore or Local Government land to which the Council has resolved this clause applies unless the person:
 13.5.1 first obtains a permit from the Council or purchases a mooring ticket in the form determined by the Council; and

- 13.5.2 complies with any conditions regarding that use as specified either on the permit or mooring ticket or on any signs in the vicinity of the boat mooring.

PART 5– ENFORCEMENT**14. Directions**

- 14.1. A person on Local Government land or the foreshore must comply with a reasonable direction from an authorised person relating to:
- 14.1.1 that person's use of the land;
 - 14.1.2 that person's conduct and behaviour on the land;
 - 14.1.3 that person's safety on the land; or
 - 14.1.4 the safety and enjoyment of other persons on the land.
- 14.2. A person who, in the reasonable opinion of an authorised person, is likely to commit or has committed, a breach of this By-law must immediately comply with an order of an authorised person made pursuant to section 262 of the Act which may include an order to leave that part of Local Government land or the foreshore.

15. Orders

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

Note-

Section 262(1) of the Act states:

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

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

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

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land;
- dismantle and remove a structure erected on Local Government land without permission.

16. Removal of animals and objects

An authorised person may remove an animal or object that is on Local Government land in breach of a By-law if the authorised officer reasonably believes that no person is in charge of the animal or object.

PART 6 – MISCELLANEOUS**17. Exemptions**

- 17.1. The restrictions in this By-law do not apply to a police officer, emergency worker, Council officer or Council employee acting in the course of and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council officer.
- 17.2. The restrictions in subclauses 9.10 and 9.11 of this By-law do not apply to:
- 17.2.1 electoral matter authorised by a candidate and which is related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
 - 17.2.2 authorised electoral material relating to an election under the Act or the *Local Government (Elections) Act 1999* displayed or occurring during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
 - 17.2.3 electoral matter related to, and occurs during the course of and for the purpose of a referendum.
- 17.3. The Council may otherwise, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 17.4. An exemption:
- 17.4.1 may be granted or refused at the discretion of the Council;
 - 17.4.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 - 17.4.3 is subject to any conditions specified in the instrument of exemption.
- 17.5. The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 17.6. The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

18. Liability of vehicle owners

- 18.1. For the purposes of this clause 13, *owner* in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 18.2. The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the Kangaroo Island Council held on **11 June 2024** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

KANGAROO ISLAND COUNCIL**ROADS BY-LAW 2024****By-law No. 4 of 2024**

A By-law to manage, control and regulate certain activities on roads in the Council's area and to specify requirements for waste management services on roads and other public places.

PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Roads By-law 2024* and is By-law No. 4 of the Kangaroo Island Council.

2. Authorising law

This By-law is made under sections 239 and 246 of the Act and regulation 28 of the *Local Government (General) Regulations 2013*.

3. Purpose

The objectives of this By-law are to manage, control and regulate certain uses of roads in the Council's area:

- 3.1 to protect the convenience, comfort and safety of road users and members of the public;
- 3.2 to prevent damage to buildings and structures on roads;
- 3.3 to prevent certain nuisances occurring on roads; and
- 3.4 for the good rule and government of the Council area.

4. Commencement, revocation and expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

- 4.1.1 *By-law No. 4 – Roads 2017*.²

- 4.2 This By-law will expire on 1 January 2032.³
- Note-**
1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazetting of the By-law.
5. **Application**
- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2024*.
 - 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
 - 5.3 Subclause 7.3.2 of this By-law only applies in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.
6. **Definitions**
- In this By-law, unless the contrary intention appears:
- 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **animal** includes birds, insects and poultry but does not include a dog;
 - 6.3 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
 - 6.4 **Council** means Kangaroo Island Council;
 - 6.5 **effective control** means a person exercising effective control of an animal either:
 - 6.5.1 by means of a physical restraint; or
 - 6.5.2 by command, the animal being in close proximity to the person, and the person being able to see the animal at all times;
 - 6.6 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
 - 6.7 **moveable sign** has the same meaning as in the Act;
 - 6.8 **premises** means premises to which the Council's domestic waste collection service is made available;
 - 6.9 **road** has the same meaning as in the Act, being, a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
 - a bridge, viaduct or subway; or
 - an alley, laneway or walkway;
 - 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*; and
 - 6.11 **waste container** means a container for the disposal of domestic waste, recyclables or green organics that is used to facilitate the kerbside collection of waste from premises by the Council or its agents or contractors.
- Note-**
- Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.
- PART 2 – USE OF ROADS**
7. **Activities requiring permission**
- A person must not engage in or undertake any of the following activities on a road (or where otherwise indicated, on other land) without the permission of the Council.
- 7.1 **Advertising**
Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services, or for any other purpose and except for a moveable sign that is displayed in accordance with the Council's *Moveable Signs By-law 2024*.
- Note-**
- Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's Moveable Signs By-law.
- 7.2 **Amplification**
Use an amplifier or other device (whether mechanical or electrical) for the purpose of amplifying or magnifying sound including for the broadcasting of announcements or advertisements.
 - 7.3 **Animals**
 - 7.3.1 Cause or allow an animal to be left unattended on any road.
 - 7.3.2 Cause or allow an animal to stray onto, move over, or graze on a road to which the Council has resolved this clause applies.
 - 7.3.3 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.
 - 7.4 **Obstructions**
Erect, install or place or cause to be erected, installed or placed any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road.
 - 7.5 **Preaching and Canvassing**
 - 7.5.1 Preach, harangue, or canvass for religious or charitable purposes.
 - 7.5.2 Convey any religious or other message to any bystander, passer-by or other person.
 - 7.6 **Public Exhibitions and Displays**
 - 7.6.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.
 - 7.6.2 Conduct or hold a concert, festival, show, circus, performance or a similar activity.
 - 7.6.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.
 - 7.6.4 Cause or conduct any public exhibitions or displays.
 - 7.7 **Repairs to Vehicles**
Repair, wash, paint, panel beat or perform other work of a similar nature to a vehicle, except for running repairs in the case of a vehicle breakdown.
 - 7.8 **Rubbish Bins**
Deposit in any Council bin on a road any rubbish:
 - 7.8.1 emanating from a domestic, commercial or trade source; or
 - 7.8.2 that is not rubbish of the type permitted to be placed in the bin, as indicated on signs on the bin or in its vicinity.
 - 7.9 **Soliciting**
Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.
8. **Waste Management Services**
- 8.1 A person must not place or cause or allow to be placed, waste containers out on a road or on another public place to facilitate the collection by the Council its agents or contractors of waste generated on premises unless the waste containers:
 - 8.1.1 are waste containers of the type that are approved by the Council for the collection of waste by the Council its agents or contractors;
 - 8.1.2 are placed out:

- 8.1.2.1 on the day nominated by the Council for the collection of waste in that area or after 4pm the preceding day (and not before these times);
- 8.1.2.2 in a position that is adjacent to the kerb (not on the carriageway) so that the front of the bin faces the road, or as may otherwise be directed by the Council; and
- 8.1.2.3 for a period that does not extend beyond 11:59pm on the day after the date that waste has been collected from the waste container; and
- 8.1.3 contain only the type of waste approved by the Council to be in that type of waste container.

Note-

To avoid doubt:

- clause 8.1.2.3 operates such that a waste container that is placed on a road for collection must be removed from the road before 11.59pm on the day following the date of collection; and
- clause 8.1.3 requires only approved:
 - recyclables to be placed in a recyclable waste container placed out on a road/public place for collection;
 - organic waste to be in a green organics waste container placed out on a road/public place for collection; and
 - general waste to be in a general waste container placed out on a road/public place for collection.

Note-

Camping on roads is regulated under the Council's *Local Government Land By-law 2024*.

PART 3 – ENFORCEMENT**9. Directions**

A person who, in the opinion of an authorised person, is committing or has committed a breach of this By-law, must immediately comply with an order of the authorised person made pursuant to section 262 of the Act, which may include an order to leave that part of the road.

10. Orders

If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

Note-

Section 262(1) of the Act states:

- 1) *If a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*
- a. *if the conduct is still continuing – to stop the conduct; and*
 - b. *whether or not the conduct is still continuing – to take specified action to remedy the contravention.*

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

- cease busking on a road; or
- remove an object or structure blocking a footpath;
- remove advertising displayed on a structure on a road.

11. Removal of animals and objects

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

11.2 The Council may recover from the owner or apparent owner of an object, removed under subclause 0, the costs it incurs in removing that object.

PART 4 – MISCELLANEOUS**12. Exemptions**

12.1 The restrictions in this By-law do not apply to a police officer, emergency worker, Council officer or employee acting in the course of and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer.

12.2 The Council may otherwise, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.

12.3 An exemption:

- 12.3.1 may be granted or refused at the discretion of the Council;
- 12.3.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 12.3.3 is subject to any conditions specified in the instrument of exemption.

12.4 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

12.5 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

13. Liability of vehicle owners

13.1 For the purposes of this clause 13, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.

13.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the Kangaroo Island Council held on **11 June 2024** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**KANGAROO ISLAND COUNCIL
DOGS BY-LAW 2024
By-law No. 5 OF 2024**

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

PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Dogs By-law 2024* and is By-law No. 5 of the Kangaroo Island Council.

2. Authorising law

This By-law is made under section 90 of the *Dog and Cat Management Act 1995*, sections 238 and 246 of the Act and section 18A of the *Harbors and Navigation Act 1993*.

3. Purpose

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

- 3.1 to reduce the incidence of environmental nuisance caused by dogs; and
- 3.2 to promote responsible dog ownership; and
- 3.3 to protect the convenience, comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council's area.

4. Commencement, revocation and expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:¹

- 4.1.1 *By-law No. 5 – Dogs 2017*.²

4.2 This By-law expires on 1 January 2032.³

Note-

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

5. Interpretation

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2024*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council area.
- 5.3 Clauses 10 and 11 of this By-law only apply in such part or parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. Definitions

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **approved kennel establishment** means a building, structure premises or area approved under the *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
- 6.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
- 6.4 **Council** means Kangaroo Island Council;
- 6.5 **Dog** (except for in clause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.6 **effective control** means a person exercising effective control of a dog either:
 - 6.6.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
 - 6.6.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.7 **foreshore** means land extending:
 - 6.7.1 from the low water mark on the seashore in the Council's area to the nearest road or section boundary; or
 - 6.7.2 for a distance of 50 metres from the high water mark; -
(whichever is the lesser) and to avoid doubt, includes the foreshore within the Harbor of American River, the Harbor of Kingscote, the Harbor of Penneshaw and the Harbor of Vivonne Bay;
- 6.8 **Harbor of American River** has the same meaning as in Schedule 3 of the *Harbors and Navigation Regulations 2023*;
- 6.9 **Harbor of Kingscote** has the same meaning as in Schedule 3 of the *Harbors and Navigation Regulations 2023*;
- 6.10 **Harbor of Penneshaw** has the same meaning as in Schedule 3 of the *Harbors and Navigation Regulations 2023*;
- 6.11 **Harbor of Vivonne Bay** has the same meaning as in Schedule 3 of the *Harbors and Navigation Regulations 2023*;
- 6.12 **keep** includes the provision of food or shelter;
- 6.13 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.14 **premises** includes land, whether used or occupied for domestic or non-domestic purposes;
- 6.15 **small dwelling** means a self-contained residence that is:
 - 6.15.1 a residential flat building; or
 - 6.15.2 contained in a separate strata unit or community title; or
 - 6.15.3 on an allotment less than 450 square metres in area; and
 - 6.15.4 without a secure yard of at least 100 square metres in area; and
 - 6.15.5 includes any vehicle in which a dog is kept;
- 6.16 **working livestock dog** means a dog:
 - 6.16.1 usually kept, proposed to be kept or worked on rural land by a person who is:
 - (a) a primary producer; or
 - (b) engaged or employed by a primary producer; and
 - 6.16.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock;
- 6.17 for the purposes of clause 9 of this By-law, a dog is under **effective control by means of a leash** if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:
 - 6.17.1 the leash, chain or cord is either tethered securely to a fixed object; or
 - 6.17.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.

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

- 7.1 Subject to subclauses 0 and 0, a person must not, without the Council's permission, keep, or cause, suffer or permit to be kept:
 - 7.1.1 more than one dog in a small dwelling; or
 - 7.1.2 on any premises other than a small dwelling, more than:
 - (a) two (2) dogs (other than working livestock dogs);
 - (b) six (6) working livestock dogs.
- 7.2 For the purposes of subclause 0, **dog** means a dog that is three (3) months of age or older or, a dog that has lost its juvenile teeth.
- 7.3 Subclause 7.1 does not apply to:
 - 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or
 - 7.3.2 any other business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* and operating in accordance with all required approvals and consents.
- 7.4 The Council may require that premises that are the subject of an application for permission to keep additional dogs are inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 7.5 No dog is to be kept on any premises where, in the reasonable opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

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

Subject to clauses 9 and 10 of this By-law, a person may enter a park on Local Government land for the purpose of exercising a dog under that person's effective control.

Note –

If a person is exercising a dog in a park and the dog is not under effective control, this gives rise to a dog wandering at large offence under section 43(1) of the *Dog and Cat Management Act 1995*, for which the owner of, or person responsible for, the dog may be liable.

9. **Dog on leash areas**
A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain on:
- 9.1 any Local Government land or foreshore; or
 - 9.2 any other public place -
- to which the Council has resolved this clause applies unless the dog is under effective control by means of a leash.
10. **Dog prohibited areas**
A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain on any Local Government land, foreshore or other public place to which the Council has resolved this clause applies.
11. **Dog faeces**
No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995*).

PART 4 – EXEMPTIONS**12. Council May Grant Exemptions**

- 12.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 12.2 An exemption:
- 12.2.1 may be granted or refused at the discretion of the Council;
 - 12.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 - 12.2.3 is subject to any conditions specified in the instrument of exemption.
- 12.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 12.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

PART 5 – ENFORCEMENT**13. Orders**

- 13.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:
- 13.1.1 if the conduct is still continuing – to stop the conduct; and
 - 13.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 13.2 A person must comply with an order made by an authorised person pursuant to section 262 of the Act.
- 13.3 If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.

Note-

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

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

This By-law was duly made and passed at a meeting of the Kangaroo Island Council held on the **11 June 2024** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

KANGAROO ISLAND COUNCIL**CATS BY-LAW 2024****By-law No. 6 of 2024**

A By-law to limit the number of cats kept on premises and for the responsible management and control of cats in the Council's area, including for conservation purposes and to protect Kangaroo Island's unique biodiversity and to reduce adverse economic impacts to the islands primary production sector.

PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Cats By-law 2024* and is By-law No. 6 of the Kangaroo Island Council.

2. Authorising Law

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

3. Purpose

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

- 3.1 to promote responsible cat ownership;
- 3.2 to work towards achieving the Council's vision of eradicating feral cats from Kangaroo Island to eliminate their adverse impacts upon wildlife, primary production and human health;
- 3.3 to reduce the incidence of public and environmental nuisance caused by cats;
- 3.4 to protect the comfort and safety of members of the public; and
- 3.5 for the good rule and government of the Council area.

4. Commencement, revocation and expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:¹

- 4.1.1 *By-law No. 6 – Cats 2017*.²

4.2 This By-law expires on 1 January 2032.³

Note-

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

5. Application

5.1 This By-law operates subject to the Council's Permits and Penalties By-law 2024.

5.2 This By-law applies throughout the Council's area subject to any declaration of the Minister responsible for the *Landscape South Australia Act 2019* that is made under Part 9 of that Act.

6. Definitions

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **approved cattery** means a building, structure or area approved pursuant to the *Planning, Development and Infrastructure Act 2016*, for the keeping of multiple cats on a temporary or permanent basis;
- 6.3 **breeding cat** means a cat that is reproductively intact (un-spayed or neutered) and is being kept with the capacity to breed;
- 6.4 **cat** means an animal of the species *felis catus* that is three (3) months of age, or has lost its juvenile canine teeth;
- 6.5 **Council** means Kangaroo Island Council;

- 6.6 **effective control by means of physical restraint means:**
- 6.6.1 a person is exercising effective control of a cat by means of a cord or leash that does not exceed 2 metres in length restraining the cat; or
- 6.6.2 a person has effectively secured the cat by placing it in a cage, vehicle or other enclosed object or structure;
- 6.7 **keep** includes the provision of food or shelter;
- 6.8 for the purposes of clause 8, a cat (or cats) causes a **nuisance** if it:
- 6.8.1 unreasonably interferes with the peace, comfort or convenience of a person, including but not limited to by displaying aggressive nature or creating unpleasant noise, or odour;
- 6.8.2 damages, kills or otherwise has an adverse impact upon native flora or fauna;
- 6.8.3 acts in a manner that is injurious or causes damage to a person's real or personal property;
- 6.8.4 wanders onto premises without the consent of the owner or occupier of the premises; or
- 6.8.5 defecates or urinates on premises without the consent of the owner or occupier of the premises;
- 6.9 **owner** of a cat has the same meaning as in section 5 of the *Dog and Cat Management Act 1995*;
- 6.10 the **person responsible for the control of a cat** has the same meaning as in section 6 of the *Dog and Cat Management Act 1995*;
- 6.11 **public place** has the same meaning as in the Act and, for the avoidance of doubt, includes a road;
- 6.12 **premises** includes land whether used or occupied for domestic or non-domestic purposes and any part thereof;
- 6.13 **road** has the same meaning as in the Act;
- 6.14 **un-spayed cat** means a female cat that has not been desexed and is reproductively intact;
- 6.15 **un-neutered cat** means a male cat that has not been desexed and is reproductively intact.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law is made.

PART 2 – CAT CONTROLS**7. Limits on cat numbers**

- 7.1 Subject to subclause 7.2, a person must not, without the Council's permission, keep or cause, suffer or permit to be kept, more than two (2) cats on any premises.
- 7.2 Subclause 7.1 does not apply to premises comprising a business involving the keeping of cats (including not limited to the operation of an approved cattery) provided that the business is operating in accordance with all required approvals and consents.
- 7.3 The Council may require that premises that are the subject of an application for permission to keep additional cats are to be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.
- 7.4 Permission under subclause 7.1 may be given if the Council is satisfied that:
- 7.4.1 no insanitary condition exists or is likely to arise on the premises as a result of the keeping of cats; and
- 7.4.2 a nuisance is not or is not likely to be caused to any neighbour as a result of the keeping of cats on the premises.
- 7.5 No cat is to be kept outdoors on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a cat may be effectively confined.

8. Cats not to be a nuisance

- 8.1 An owner or occupier of premises must ensure that any cat (or cats) kept or allowed to remain on the premises does not cause a nuisance.
- 8.2 Without limiting liability under subclause 8.1 the owner of or person responsible for the control of a cat is in contravention of this By-law if the cat causes a nuisance.
- 8.3 For the purposes of this subclause 8, cat means an animal of the species *felis catus* (of any age).

9. Effective Confinement of Cats

- 9.1 The owner or person responsible for the control of a cat must take steps to ensure that the cat is effectively confined to the premises occupied by that person unless the cat is under effective control by means of physical restraint.
- 9.2 For the purposes of this subclause 9, cat means an animal of the species *felis catus* (of any age).

PART 3 – NOTICE OF CATS BROUGHT ONTO THE ISLAND & REGISTRATION OF CATS**10. Cats Brought onto the Island**

- 10.1 A person must not, in any circumstances, bring or cause, suffer or permit to be brought onto Kangaroo Island an un-spayed cat that is not registered as a breeding cat.
- 10.2 A person must not bring a desexed cat that is not registered with the Council onto Kangaroo Island unless that person has notified the Council, either before the cat is brought onto Kangaroo Island or within 12 hours of the cat being brought onto Kangaroo Island:
- 10.2.1 that the cat has been brought onto Kangaroo Island or (as the case may be) of the person's intention to bring the cat onto Kangaroo Island; and
- 10.2.2 of the premises at which the cat will be kept for so long as it remains on Kangaroo Island.

Note-

The owner of or person responsible for a cat that has been brought onto Kangaroo Island must comply with his/her obligations under the Act and this By-law.

11. Registration of cats

- 11.1 Subject to subclause 11.4, a person must not keep a cat on any premises in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.
- 11.2 An application for registration of a cat must:
- 11.2.1 be made in the manner and form prescribed by Council (if any); and
- 11.2.2 be accompanied by the fee (if any) prescribed by the Council; and
- 11.2.3 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name; and
- 11.2.4 identify with reference to an address the premises at which the cat is kept; and
- 11.2.5 contain or be accompanied by any other information required by the Council.
- 11.3 Registration of a cat under this By-law:
- 11.3.1 remains in force until 30 June next following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months; and
- 11.3.2 is subject to any conditions of registration that the Council (or its delegate) may see fit to impose from time to time by notice in writing to the registered owner of the cat.
- 11.4 Subclause 11.1 does not apply to premises comprising a business involving the keeping of cats (including not limited to the operation of an approved cattery) provided that the business is operating in accordance with all required approvals and consents.
- 11.5 If there is any change in ownership of a cat kept in the Council's area then the person taking ownership of the cat must notify the Council of the change in ownership within 14 days of that change occurring.

- 11.6 If the premises at which a registered cat is kept changes or, a registered cat dies or is relocated outside of Kangaroo Island, the registered owner of the cat must notify the Council of the new premises where the cat is to be kept or the fact that the cat has died or been relocated (as the case may be).

PART 4 – EXEMPTIONS

12. Council May Grant Exemptions

- 12.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 12.2 An exemption:
- 12.2.1 may be granted or refused at the discretion of the Council;
- 12.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 12.2.3 is subject to any conditions specified in the instrument of exemption.
- 12.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 12.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

PART 5 – ENFORCEMENT

13. Orders

- 13.1 If a person engages in conduct that is a contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:
- 13.1.1 if the conduct is still continuing – to stop the conduct; and
- 13.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 13.2 A person must comply with an order of an authorised person made pursuant to section 262 of the Act.
- 13.3 If a person does not comply with an order made by an authorised person pursuant to section 262 of the Act, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.

Note-

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

- cease keeping more than the permitted number of cats on that person's premises; or
- take the necessary steps to mitigate a nuisance caused by cats.

This By-law was duly made and passed at a meeting of the Kangaroo Island Council held on the 11 June 2024 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

KANGAROO ISLAND COUNCIL KEEPING OF LIVESTOCK, FOWL AND BEES 2024 By-law No. 7 of 2024

A By-law to regulate the keeping of livestock, fowl and bees within urban areas in the interests of the community and to conserve the unique biodiversity and ecosystems on Kangaroo Island.

Note: Persons keeping livestock must comply with their obligations under the *Livestock Act 1997*, including (where applicable) the requirement to obtain a Property Identification Code.

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Keeping of Livestock, Fowl and Bees By-law of 2024* and is By-law No. 7 of Kangaroo Island Council.
2. **Authorising law**
This By-law is made under section 246 of the *Local Government Act 1999*.
3. **Purpose**
The objectives of this By-law are to regulate and control the keeping of livestock, fowl and bees in urban areas:
- 3.1. to prevent and mitigate nuisances to the community;
- 3.2. to preserve the amenity of Kangaroo Island and to conserve its unique biodiversity and ecosystems;
- 3.3. to protect the convenience, comfort and safety of members of the public;
- 3.4. to enhance the amenity of the Council area; and
- 3.5. for the good rule and government of the area.
4. **Commencement, revocation and expiry**
- 4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:¹
- 4.1.1 *Keeping of Livestock, Fowl and Bees By-law 2017*.²
- 4.2. This By-law expires on 1 January 2032.³
- Note-**
1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2024*.
- 5.2. This By-law applies throughout the Council's area subject to the operation of State legislation including but not limited to:
- 5.2.1 the *Landscape South Australia Act 2019*; and
- 5.2.2 the *Planning, Development and Infrastructure Act 2016*; and
- 5.2.3 the *Livestock Act 1997*.
6. **Definitions**
In this By-law, unless the contrary intention appears:
- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **Authorised person** means a person appointed as an authorised person pursuant to Section 260 of the Act;
- 6.3. **bee keeping** means bees kept in the course of undertaking apiairy activities, but does not include the use of a hive to collect swarming bees from any premises provided that the hive is not on the relevant premises for more than 4 weeks;
- 6.4. **fowl** includes guineafowl and prescribed fowl;
- 6.5. **guineafowl** means birds of the family *Numidae* in the order *Galliformes*;
- 6.6. **keep** includes possessing and/or providing food or shelter, but does not include the possession of any livestock or prescribed fowl on land where a carnival, circus, petting zoo or similar function or event is taking place;
- 6.7. **livestock** means mammalian species kept or usually kept in a domestic or captive state including:
- 6.7.1 *Camelidae* (alpacas, camel, dromedary, llama);
- 6.7.2 *Bovidae* (buffalo, cattle);
- 6.7.3 *Caprinae* (not limited to goats, sheep, dall),
- 6.7.4 *Suidae* (pigs);

- but excludes dogs, cats and animals of the order *Equus* (horse, donkey);
- 6.8. **premises** includes land whether used or occupied for domestic or non-domestic purposes and any part thereof;
- 6.9. **prescribed fowl** means any bird of the families in the order *Galliformes* including:
- 6.9.1 *Anatidae* (geese);
- 6.9.2 *Phasianidae* (chickens, roosters, partridges, pheasants, turkeys, peafowl, grouse);
- 6.9.3 *Odontophoridae* (quails);
- 6.9.4 *Cracidae* (chachalacas, guans, curassows); and
- 6.9.5 *Megapodidae* (brush turkeys, malleefowl);
- but excludes guineafowl;
- 6.10. **secure enclosure** means an enclosure that is designed and constructed to adequately confine the animals therein so that they cannot escape from it and, in the case of prescribed fowl, it must be fully enclosed with a roof; and
- 6.11. **urban area** means, subject to any resolution of the Council to the contrary, any land within the Council's area within the Township, Township Activity Centre, Township Main Street, Tourism Development, Infrastructure (Ferry and Marina Facilities), Rural Shack Settlement or Neighbourhood zones established under the *Planning, Development and Infrastructure Act 2016*.

PART 2 – BEE KEEPING**7. Bee Keeping in urban areas**

- 7.1. Subject to part 6 of the *Livestock Act 1997*, a person must not undertake bee keeping on premises in an urban area without permission of the Council.
- 7.2. Clause 7.1 does not apply where hives are in the process of being transported to premises in an urban area.

PART 3 – KEEPING FOWL**8. Keeping Fowl in Urban Areas**

- 8.1. A person must not, without permission of the Council, keep or cause, suffer or permit to be kept, guineafowl on premises within an urban area.
- 8.2. Subject to clause 9, a person must not keep or cause, suffer or permit to be kept, any prescribed fowl on premises within an urban area other than:
- 8.2.1 in the circumstances prescribed by subclause 8.3; or
- 8.2.2 without permission of the Council.
- 8.3. A person may, keep prescribed fowl on premises in an urban area that are:
- 8.3.1 female (i.e. a hen); or
- 8.3.2 a male hatchling bred or hatched at the premises provided that it is not kept on the premises for a period greater than three (3) months or after the point the hatchling reaches sexual maturity and begins to crow (whichever occurs first).
- 8.4. Any person who keeps fowl on premises in an urban area must ensure the fowl are securely contained on the premises on which they are kept and not permitted to roam onto other premises without permission of the occupier of those premises.

9. Maximum Number of Fowl to be Kept on Premises

- 9.1. Subject to clause 8 and subclause 9.2, a person must not, without the Council's permission, keep or cause, suffer or permit to be kept, more than six (6) fowl on premises in an urban area (whether or not of a mixture of fowl species).
- 9.2. Hatchlings of any fowl species bred or hatched at premises within an urban area may be kept on the premises in addition to the prescribed maximum number of fowl specified in subclause 9.1 for a maximum period of up to three (3) months before all fowl on the premises must be reduced to six (6) fowl in total (subject to any permission from Council to the contrary).

PART 4 – KEEPING LIVESTOCK**10. Keeping Livestock in Urban Areas**

- 10.1. A person must not keep or cause, suffer or permit to be kept, livestock on premises within an urban area, other than;
- 10.1.1 on premises with a total area in excess of 700m², the keeping of not more than one (1) animal of the *Caprinae* family (sheep, goat); or
- 10.1.2 on premises with a total area in excess of 2000m², the keeping of:
- (a) not more than two (2) animals of the *Caprinae* family (sheep, goat), or
- (b) not more than one (1) animal of the *Suidae* family (pig); and
- (c) no more than 2 of the animals described in 10.1.2(a) and (b) in total; or
- 10.1.3 with permission of the Council.
- 10.2. Any person who keeps livestock on premises in an urban area must ensure the livestock are confined to those premises and are not permitted to roam onto other premises without permission of the occupier of those premises.

PART 5 – MISCELLANEOUS**11. Orders**

- 11.1. If a person engages in conduct that is a contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:
- 11.1.1 if the conduct is still continuing – to stop the conduct; and
- 11.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 11.2. A person must comply with an order of an authorised person made pursuant to section 262 of the Act.
- 11.3. If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.

12. Council May Grant Exemptions

- 12.1. The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 12.2. An exemption:
- 12.2.1 may be granted or refused at the discretion of the Council;
- 12.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 12.2.3 is subject to any conditions specified in the instrument of exemption.
- 12.3. The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 12.4. The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

This By-law was duly made and passed at a meeting of the Kangaroo Island Council held on the **11 June 2024** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

PUBLIC NOTICES

NATIONAL ELECTRICITY LAW

*Notice of Extension for Final Determination
Notice of Making of Draft Rule Determination and Draft Rule
Notices of Initiation for Rule Change Request*

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

Under s 107, the time for the making of the final determination on the *Unlocking CER benefits through flexible trading* (Ref. ERC0346) proposal has been extended to **15 August 2024**.

Under s 99, the making of a draft determination and related draft rule on the *Providing flexibility in the allocation of interconnector costs* proposal (Ref. ERC0383). Submissions must be received by **1 August 2024**.

Under s 95, The Honourable Chris Bowen MP, Minister for Climate Change and Energy has requested the *Clarifying cyber security roles and responsibilities* (Ref. ERC0388) proposal. The proposal seeks to clarify AEMO's role and responsibilities in protecting the National Electricity Market (NEM) against cyber security incidents. Submissions must be received by **18 July 2024**.

Under s 95, The Honourable Chris Bowen, Minister for Climate Change and Energy has requested the *Better integrating gas into the ISP* (Ref. ERC0395) proposal. The proposal seeks to require the Australian Energy Market Operator to expand its consideration of gas market conditions when developing the Integrated System Plan. Submissions must be received by **18 July 2024**.

Under s 95, The Honourable Chris Bowen, Minister for Climate Change and Energy has requested the *Improving consideration of demand-side factors in the ISP* (Ref. ERC0396) proposal. The proposal seeks to expand the Australian Energy Market Operator's analysis of the uptake and availability of consumer energy resources and distributed resources when developing the Integrated System Plan. Submissions must be received by **18 July 2024**.

Under s 95, The Honourable Chris Bowen, Minister for Climate Change and Energy has requested the *Better integrating community sentiment into the ISP* (Ref. ERC0397) proposal. The proposal seeks to require the Australian Energy Market Operator to consider community sentiment earlier in the development of the Integrated System Plan. Submissions must be received by **18 July 2024**.

Submissions can be made via the [AEMC's website](#). Before making a submission, please review the AEMC's [privacy statement](#) on its website, and consider the AEMC's [Tips for making a submission](#). The AEMC publishes all submissions on its website, subject to confidentiality.

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

Australian Energy Market Commission
Level 15, 60 Castlereagh St
Sydney NSW 2000
Telephone: (02) 8296 7800
www.aemc.gov.au

Dated: 20 June 2024

NATIONAL ENERGY RETAIL LAW

Notice of Extension of Final Determination

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

Under s 266, the time for the making of the final determination on the *Unlocking CER benefits through flexible trading* (Ref. RRC0045) proposal has been extended to **15 August 2024**.

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

Australian Energy Market Commission
Level 15, 60 Castlereagh St
Sydney NSW 2000
Telephone: (02) 8296 7800
www.aemc.gov.au

Dated: 20 June 2024

NATIONAL GAS (SOUTH AUSTRALIA) ACT 2008

Notice of Making General Regulatory Information Order

Notice is hereby given that the Australian Energy Regulator (AER) has, pursuant to Section 48(1)(b) of the *National Gas Law*, made a general regulatory information order which applies to the following specified classes of regulated service providers of gas pipelines:

- service providers of scheme and non-scheme pipeline services provided by a transmission pipeline, and
- service providers of scheme and non-scheme pipeline services provided by a distribution pipeline.

The general regulatory information order was published by the AER on 7 June 2024 and takes effect on 1 July 2024.

The AER's decision to make the general regulatory information order (Annual Compliance Order for gas pipeline service providers) has been published on the AER's website (www.aer.gov.au) and is available for inspection at AER office locations listed on the AER's website. Queries may be directed to the AER on 1300 585 165 or via email at [AERGasNetworksCompliance@aer.gov.au](mailto:AERGasNetworksCompliance@ aer.gov.au).

Dated: 20 June 2024

ANTHEA HARRIS
Chief Executive Officer

NATIONAL GAS LAW

Notice of Initiation for Rule Change Request

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

Under s 303, The Honourable Chris Bowen, Minister for Climate Change and Energy has requested the *Better integrating gas into the ISP* (Ref. GRC0073) proposal. The proposal seeks to require the Australian Energy Market Operator to expand its consideration of gas market conditions when developing the Integrated System Plan. Submissions must be received by **18 July 2024**.

Submissions can be made via the AEMC's website. Before making a submission, please review the AEMC's [privacy statement](#) on its website, and consider the AEMC's [Tips for making a submission](#). The AEMC publishes all submissions on its website, subject to confidentiality.

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

Australian Energy Market Commission
Level 15, 60 Castlereagh St
Sydney NSW 2000
Telephone: (02) 8296 7800
www.aemc.gov.au

Dated: 20 June 2024

NOTICE SUBMISSION

The South Australian Government Gazette is published each Thursday afternoon.

Notices must be emailed by 4 p.m. Tuesday, the week of publication.

Submissions are formatted per the gazette style and a proof will be supplied prior to publication, along with a quote if applicable. Please allow one day for processing notices.

Alterations to the proof must be returned by 4 p.m. Wednesday.

Gazette notices must be submitted as Word files, in the following format:

- Title—the governing legislation
- Subtitle—a summary of the notice content
- Body—structured text, which can include numbered lists, tables, and images
- Date—day, month, and year of authorisation
- Signature block—name, role, and department/organisation authorising the notice

Please provide the following information in your email:

- Date of intended publication
- Contact details of the person responsible for the notice content
- Name and organisation to be charged for the publication—Local Council and Public notices only
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PHONE: (08) 7109 7760

WEBSITE: www.governmentgazette.sa.gov.au

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