



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ADELAIDE, THURSDAY, 28 NOVEMBER 2024

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GOVERNOR'S INSTRUMENTS

APPOINTMENTS, RESIGNATIONS AND GENERAL MATTERS

Department of the Premier and Cabinet
Adelaide, 28 November 2024

Her Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Southern Select Super Corporation Board, pursuant to the provisions of the Public Corporations (Southern Select Super Corporation) Regulations 2012 under the Public Corporations Act 1993:

Member: from 28 November 2024 until 1 October 2027
William Middleton Griggs
Alison Shirley Kimber

By command,

KYAM JOSEPH MAHER, MLC
For Premier

T&F24/095CS

Department of the Premier and Cabinet
Adelaide, 28 November 2024

Her Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Australian Film Corporation, pursuant to the provisions of the South Australian Film Corporation Act 1972:

Member: from 2 December 2024 until 1 December 2027
Austin Robert Meerten Taylor

By command,

KYAM JOSEPH MAHER, MLC
For Premier

24ART0018CS

Department of the Premier and Cabinet
Adelaide, 28 November 2024

Her Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Return to Work Corporation of South Australia Board, pursuant to the provisions of the Return to Work Corporation of South Australia Act 1994:

Member: from 28 November 2024 until 27 November 2027
Lisa Simpson
Thomas Richard Kenyon

By command,

KYAM JOSEPH MAHER, MLC
For Premier

AGO0232-24CS

Department of the Premier and Cabinet
Adelaide, 28 November 2024

Her Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Art Gallery Board, pursuant to the provisions of the Art Gallery Act 1939:

Member: from 2 December 2024 until 1 December 2025
Kenneth Wayne Watkins

By command,

KYAM JOSEPH MAHER, MLC
For Premier

24ART0020CS

Department of the Premier and Cabinet
Adelaide, 28 November 2024

Her Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Board of Infrastructure SA, pursuant to the provisions of the Infrastructure SA Act 2018:

Member: from 28 November 2024 until 27 November 2026
Anthony Francis Shepherd

By command,

KYAM JOSEPH MAHER, MLC
For Premier

DPC24/073CS

Department of the Premier and Cabinet
Adelaide, 28 November 2024

Her Excellency the Governor in Executive Council has been pleased to appoint April Ansen Anzena Lawrie as the Acting Commissioner for Aboriginal Children and Young People for a period commencing on 7 December 2024 and expiring on 4 April 2025 - pursuant to the Children and Young People (Oversight and Advocacy Bodies) Act 2016.

By command,

KYAM JOSEPH MAHER, MLC
For Premier

ME24/128

Department of the Premier and Cabinet
Adelaide, 28 November 2024

Her Excellency the Governor in Executive Council has amended the terms and conditions of appointment for Sarah Rachel Jhunjhunwala, Deputy Registrar of the South Australian Employment Tribunal, effective from 28 November 2024 until her term expires on 21 March 2029 - pursuant to section 71 of the South Australian Employment Tribunal Act 2014.

By command,

KYAM JOSEPH MAHER, MLC
For Premier

AGO0230-24CS

EMERGENCY MANAGEMENT ACT 2004

Governor's Approval of Extension of Electricity Supply Emergency Declaration Under Section 27B

Preamble

On 19 November 2024, the Minister for Energy and Mining declared an electricity supply emergency under Section 27B of the *Emergency Management Act 2004* (the Act) in relation to the extreme weather event on 17 October 2024 affecting the electricity transmission line from Davenport Substation to Leigh Creek and cutting on-grid power supply to residents in Hawker and Leigh Creek and surrounding areas (the declaration).

Approval

In accordance with Section 27B(2)(b) of the Act and with the advice and consent of the Executive Council, I approve an extension of the declaration for the period of 14 days commencing on 4 December 2024.

Given under my hand and the Public Seal of South Australia at Adelaide on 28 November 2024

FRANCES ADAMSON AC
Governor

PROCLAMATIONS

South Australia

Assisted Reproductive Treatment (Posthumous Use of Material and Donor Conception Register) Amendment Act (Commencement) Proclamation 2024

1—Short title

This proclamation may be cited as the *Assisted Reproductive Treatment (Posthumous Use of Material and Donor Conception Register) Amendment Act (Commencement) Proclamation 2024*.

2—Commencement of Act

The *Assisted Reproductive Treatment (Posthumous Use of Material and Donor Conception Register) Amendment Act 2024* (No 8 of 2024) comes into operation on 26 February 2025.

Made by the Governor

with the advice and consent of the Executive Council
on 28 November 2024

South Australia

Fair Work (Registered Associations) Amendment Act (Commencement) Proclamation 2024

1—Short title

This proclamation may be cited as the *Fair Work (Registered Associations) Amendment Act (Commencement) Proclamation 2024*.

2—Commencement of Act and suspension of certain provisions

- (1) Subject to subclause (2), the *Fair Work (Registered Associations) Amendment Act 2024* (No 49 of 2024) comes into operation on 1 December 2024.
- (2) The operation of the following provisions of the Act is suspended until a day or time or days or times to be fixed by subsequent proclamation or proclamations:
 - (a) sections 3 to 8 (inclusive);
 - (b) section 14, insofar as it inserts Part 3B into Chapter 4 of the *Fair Work Act 1994*;
 - (c) section 15;
 - (d) section 17(2);
 - (e) section 18;
 - (f) Schedule 1 Part 1.

Made by the Governor

with the advice and consent of the Executive Council
on 28 November 2024

South Australia

Return to Work (Employment and Progressive Injuries) Amendment Act (Commencement) Proclamation 2024

1—Short title

This proclamation may be cited as the *Return to Work (Employment and Progressive Injuries) Amendment Act (Commencement) Proclamation 2024*.

2—Commencement of Act and suspension of certain provisions

- (1) Subject to subclause (2), the *Return to Work (Employment and Progressive Injuries) Amendment Act 2024* (No 50 of 2024) comes into operation on 1 December 2024.
- (2) The operation of the following provisions of the Act is suspended until a day or time or days or times to be fixed by subsequent proclamation or proclamations:
 - (a) section 4;
 - (b) subparagraph (ii) of section 22(7)(a) of the *Return to Work Act 2014* as inserted by section 9(3);
 - (c) section 9(4);
 - (d) section 12;
 - (e) subparagraph (ii) of section 122(6)(a) of the *Return to Work Act 2014* as inserted by section 14(1);
 - (f) section 14(2);
 - (g) Schedule 1 clause 2.

Made by the Governor

with the advice and consent of the Executive Council
on 28 November 2024

South Australia

Tobacco and E-Cigarette Products (E-Cigarette and Other Reforms) Amendment Act (Commencement) Proclamation 2024

1—Short title

This proclamation may be cited as the *Tobacco and E-Cigarette Products (E-Cigarette and Other Reforms) Amendment Act (Commencement) Proclamation 2024*.

2—Commencement of Act

- (1) Subject to subclause (2), the *Tobacco and E-Cigarette Products (E-Cigarette and Other Reforms) Amendment Act 2024* (No 47 of 2024) comes into operation on 28 November 2024.
- (2) The following provisions of the Act come into operation on 13 December 2024:
 - (a) section 4(1), (2), (5), (6), (7), (12), (13), (14), (16) and (17);
 - (b) section 5 insofar as it inserts section 5A into the *Tobacco and E-Cigarette Products Act 1997*;
 - (c) section 6;
 - (d) sections 38 and 39;
 - (e) section 42;
 - (f) section 45;
 - (g) section 48;
 - (h) section 53.

Made by the Governor

with the advice and consent of the Executive Council
on 28 November 2024

South Australia

Return to Work (Employment and Progressive Injuries) (Designated Day) Proclamation 2024

under Schedule 1 clause 1 of the *Return to Work (Employment and Progressive Injuries) Amendment Act 2024*

1—Short title

This proclamation may be cited as the *Return to Work (Employment and Progressive Injuries) (Designated Day) Proclamation 2024*.

2—Commencement

This proclamation comes into operation on the day on which Schedule 1 clause 1 of the *Return to Work (Employment and Progressive Injuries) Amendment Act 2024* comes into operation.

3—Designated day

For the purposes of the definition of *designated day* in Schedule 1 clause 1 of the *Return to Work (Employment and Progressive Injuries) Amendment Act 2024*, 1 December 2024 is appointed as the designated day for the purposes of clauses 3 and 4 of that Schedule.

Made by the Governor

with the advice and consent of the Executive Council
on 28 November 2024

South Australia

Tobacco and E-Cigarette Products (Exemption—Confidentiality) Repeal Proclamation 2024

under section 71 of the *Tobacco and E-Cigarette Products Act 1997*

Part 1—Preliminary

1—Short title

This proclamation may be cited as the *Tobacco and E-Cigarette Products (Exemption—Confidentiality) Repeal Proclamation 2024*.

2—Commencement

This proclamation comes into operation on 28 November 2024 immediately before section 41 of the *Tobacco and E-Cigarette Products (E-Cigarette and Other Reforms) Act 2024* comes into operation.

Part 2—Repeal of *Tobacco and E-Cigarette Products (Exemption—Confidentiality) Proclamation 2023*

3—Repeal of proclamation

The *Tobacco and E-Cigarette Products (Exemption—Confidentiality) Proclamation 2023* (*Gazette 07.09.2023 p3200*) is repealed.

Made by the Governor

with the advice and consent of the Executive Council
on 28 November 2024

South Australia

Tobacco and E-Cigarette Products (Exemption—Nicotine) Repeal Proclamation 2024

under section 71 of the *Tobacco and E-Cigarette Products Act 1997*

Part 1—Preliminary

1—Short title

This proclamation may be cited as the *Tobacco and E-Cigarette Products (Exemption—Nicotine) Repeal Proclamation 2024*.

2—Commencement

This proclamation comes into operation on 28 November 2024 immediately before section 41 of the *Tobacco and E-Cigarette Products (E-Cigarette and Other Reforms) Act 2024* comes into operation.

Part 2—Repeal of *Tobacco and E-Cigarette Products (Exemption-Nicotine) Proclamation 2021*

3—Repeal of proclamation

The *Tobacco and E-Cigarette Products (Exemption—Nicotine) Proclamation 2021* (*Gazette 30.09.2021 p3645*) is repealed.

Made by the Governor

with the advice and consent of the Executive Council
on 28 November 2024

REGULATIONS

South Australia

Assisted Reproductive Treatment Regulations 2024under the *Assisted Reproductive Treatment Act 1988***Contents****Part 1—Preliminary**

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- 3 Interpretation
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- 14 Access to information by parent or guardian of donor-conceived minor
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- 16 Information of a kind for inclusion on donor conception register
- 17 Functions of authorised entities
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Part 4—Miscellaneous

- 19 Record keeping

Schedule 1—Repeal of *Assisted Reproductive Treatment Regulations 2010***Part 1—Preliminary****1—Short title**

These regulations may be cited as the *Assisted Reproductive Treatment Regulations 2024*.

2—Commencement

These regulations come into operation on the day on which section 5 of the *Assisted Reproductive Treatment (Posthumous Use of Material and Donor Conception Register) Amendment Act 2024* comes into operation.

3—Interpretation

In these regulations—

Act means the *Assisted Reproductive Treatment Act 1988*;

adult means an individual of or above the age of 18 years;

guardian, of a minor, means the legal guardian of the minor (other than a parent);

minor means an individual who is under 18 years of age;

NHMRC means the National Health and Medical Research Council established under the *National Health and Medical Research Council Act 1992* of the Commonwealth;

NHMRC guidelines means the *Ethical Guidelines on the Use of Assisted Reproductive Technology in Clinical Practice and Research 2017* published by the NHMRC, as in force from time to time;

registration, in relation to a person, means registration under Part 2 of the Act;

RTAC means the Reproductive Technology Accreditation Committee of the Fertility Society of Australia and New Zealand;

RTAC licence means a licence to provide assisted reproductive treatment (however described) issued by RTAC.

4—Act does not require provision of assisted reproductive treatment

Nothing in the Act requires a registered person to provide assisted reproductive treatment to another person (whether or not assisted reproductive treatment may, pursuant to section 9(1)(c) of the Act, be provided in the particular circumstances of the person's case).

Part 2—Registration

5—Authorisation to provide assisted reproductive treatment

For the purposes of section 5(1) of the Act, a person is authorised to provide assisted reproductive treatment if the person holds a current RTAC licence.

6—Requirements for registration

For the purposes of section 6(1)(b) of the Act, a current RTAC licence is required for the purposes of registration.

7—Register

For the purposes of section 8(2)(c) of the Act, the following information is prescribed:

- (a) the address of each premises at which the person provides assisted reproductive treatment;
- (b) the date on which the person's RTAC licence expires;
- (c) the URL of any website maintained by or on behalf of the person in relation to the provision of assisted reproductive treatment;
- (d) the principal business email address used by or on behalf of the person in relation to the provision of assisted reproductive treatment.

8—Further conditions of registration

- (1) For the purposes of section 9(1)(c)(v) of the Act, assisted reproductive treatment may be provided in circumstances where—
 - (a) a woman who would be the mother of any child born as a consequence of the assisted reproductive treatment; or
 - (b) a man who is living with a woman (on a genuine domestic basis) who would be the mother of any child born as a consequence of the assisted reproductive treatment, is suffering from an illness or other medical condition that may result in, or the appropriate treatment of which may result in, the woman or man becoming infertile at a future time.
- (2) For the purposes of section 9(1)(e) of the Act, the Minister must impose the following conditions on the registration of a person:
 - (a) a condition requiring the person to comply with the NHMRC guidelines;
 - (b) a condition requiring the person to provide specified information to the Minister from time to time in a manner and form determined by the Minister.
- (3) In the event of an inconsistency between a provision of the NHMRC guidelines and a condition imposed on the registration of a person (whether under the Act or otherwise), the provision of the NHMRC guidelines is, to the extent of the inconsistency, void and of no effect.
- (4) For the purposes of section 18 of the Act—
 - (a) a condition imposed on the registration of a person (whether under the Act or otherwise); or
 - (b) a provision of the NHMRC guidelines, that requires or authorises a person—
 - (c) to disclose the identity of a donor of human reproductive material; or
 - (d) to divulge personal information obtained (whether by that person or some other person) for the purpose, or in the course, of providing assisted reproductive treatment,will be taken to be a requirement or authorisation under the Act.

Part 3—Donor conception register

9—Interpretation

- (1) In this Part—

contact information, in relation to a person, means any of the following information:

 - (a) the person's telephone number;
 - (b) the person's email address;
 - (c) any other information by which the person may be contacted (other than the person's address);

donor has the same meaning as in section 15 of the Act;

identifying information, about a person, means any of the following information:

- (a) the person's name;
- (b) the person's date of birth;
- (c) the person's contact information;
- (d) a photograph of the person;
- (e) any other information from which the person's identity is apparent or can reasonably be ascertained;

personal biographical information, in relation to a person, includes the following information:

- (a) a biographical statement about the person, including information about the person's family;
 - (b) photographs and video recordings of the person;
 - (c) personal characteristics (such as height, weight, eye colour, skin colour);
 - (d) medical information about the person.
- (2) A reference in this Part to human reproductive material used in assisted reproductive treatment will be taken to include human reproductive material used in relation to assisted reproductive treatment.

10—Information to be included on donor conception register

- (1) Subject to subregulation (2), the donor conception register must contain the following information in relation to each donor:
 - (a) any personal biographical information and contact information about, and provided for inclusion on the register by, the donor;
 - (b) any personal biographical information and contact information about, and provided for inclusion on the register by, an adult who was born as a consequence of assisted reproductive treatment using human reproductive material donated by the donor;
 - (c) any medical information of a minor who was born as a consequence of assisted reproductive treatment using human reproductive material donated by the donor provided for inclusion on the register by a parent or guardian of the minor;
 - (d) any contact information of the parent or guardian of a minor who was born as a consequence of assisted reproductive treatment using human reproductive material donated by the donor provided by the parent or guardian for inclusion on the register.
- (2) Personal biographical information and contact information provided by a person for inclusion on the donor conception register must comply with any requirements of the Minister as to the form and content of the information.

11—Access to donor conception register

- (1) A person is entitled to have access to information held on the donor conception register in accordance with this Part if the Minister is satisfied, in such manner as the Minister may determine, that the person is—

- (a) a donor; or
 - (b) an adult who was born as a consequence of assisted reproductive treatment using human reproductive material donated by a donor; or
 - (c) a parent or guardian of a minor who was born as a consequence of assisted reproductive treatment using human reproductive material donated by a donor; or
 - (d) a parent of an adult who was born as a consequence of assisted reproductive treatment using human reproductive material donated by a donor.
- (2) A person entitled to have access to information held on the donor conception register under this Part is to be given access to the information in such manner as the Minister may determine (which may vary according to the circumstances in which, or the class of person to whom, access is to be given).
- (3) The following restrictions apply in relation to access to information on the donor conception register under this Part:
- (a) access to identifying information about a person under regulation 12(e), 13(1)(i) or 14(h) may only be given if the person is aged 18 years or older and has provided consent to such access;
 - (b) access to a person's residential address is not to be given.
- (4) For the purposes of this Part, the consent of a person given in relation to access to information on the donor conception register about the person—
- (a) must be provided in a manner and form approved by the Minister; and
 - (b) may relate to specified information or information of a specified class; and
 - (c) may relate to access to information by persons of a specified class; and
 - (d) remains valid unless revoked in a manner and form approved by the Minister; and
 - (e) continues to operate after the death of the person who provided the consent.

12—Access to information by donor

A donor is entitled to have access to the following information held on the donor conception register:

- (a) information about themselves;
- (b) the year of birth and sex at birth of any person born as a consequence of assisted reproductive treatment using human reproductive material donated by the donor;
- (c) personal biographical information about, and provided for inclusion on the register by, an adult who was born as a consequence of assisted reproductive treatment using human reproductive material donated by the donor;
- (d) with the consent of an adult who was born as a consequence of assisted reproductive treatment using human reproductive material donated by the donor— contact information of the adult;
- (e) subject to this Part, any other information held on the donor conception register relating to a person born as a consequence of assisted reproductive treatment using human reproductive material donated by the donor.

13—Access to information by donor-conceived adult

- (1) An adult who was born as a consequence of assisted reproductive treatment using human reproductive material donated by a donor is entitled to have access to the following information held on the donor conception register:
 - (a) information about themselves;
 - (b) the donor's name and date of birth;
 - (c) with the consent of the donor—contact information of the donor;
 - (d) the year of birth and sex at birth of any other person who was born as a consequence of assisted reproductive treatment using human reproductive material donated by the donor;
 - (e) with the consent of another adult who was born as a consequence of assisted reproductive treatment using human reproductive material donated by the donor—contact information of the other adult;
 - (f) personal biographical information about, and provided for inclusion on the register by—
 - (i) the donor; or
 - (ii) another adult who was born as a consequence of assisted reproductive treatment using human reproductive material donated by the donor;
 - (g) medical information relating to a minor who was born as a consequence of assisted reproductive treatment using human reproductive material donated by the donor provided for inclusion on the register by a parent or guardian of the minor;
 - (h) with the consent of a parent or guardian of a minor who was born as a consequence of assisted reproductive treatment using human reproductive material donated by the donor—contact information of the parent or guardian (as the case requires);
 - (i) subject to this Part, any other information held on the donor conception register relating to the donor or another person born as a consequence of assisted reproductive treatment using human reproductive material donated by the donor.
- (2) Subject to subregulation (3), in a case where human reproductive material was donated by a donor on or before 30 September 2004, the Minister must, before giving access to the donor's name and date of birth to a person under subregulation (1)(b), allow a period of 90 days for the donor to be notified of the entitlement of the person to access the information.
- (3) Subregulation (2) ceases to apply in relation to a donor if—
 - (a) a period of 90 days has elapsed since—
 - (i) the donor has been given access to information on the register; or
 - (ii) any person born as a consequence of assisted reproductive treatment using human reproductive material donated by the donor has sought access to the donor's name and date of birth under subregulation (1)(b); or
 - (b) the donor gives consent for access to the information to be given to the person.
- (4) The Minister may, as the Minister sees fit in the circumstances of a particular case, extend the period referred to in subregulation (2) by a further period of up to 90 days.

14—Access to information by parent or guardian of donor-conceived minor

A parent or guardian of a minor who was born as a consequence of assisted reproductive treatment using human reproductive material donated by a donor is entitled to have access to the following information held on the donor conception register:

- (a) information about themselves;
- (b) information about the minor;
- (c) with the consent of the donor—the donor's date of birth and contact information;
- (d) the year of birth and sex at birth of any other person who was born as a consequence of assisted reproductive treatment using human reproductive material donated by the donor;
- (e) with the consent of an adult who was born as a consequence of assisted reproductive treatment using human reproductive material donated by the donor—contact information of the adult;
- (f) personal biographical information about, and provided for inclusion on the register by—
 - (i) the donor; or
 - (ii) an adult who was born as a consequence of assisted reproductive treatment using human reproductive material donated by the donor;
- (g) with the consent of a parent or guardian of another minor who was born as a consequence of assisted reproductive treatment using human reproductive material donated by the donor—
 - (i) contact information of the parent or guardian (as the case requires);
 - (ii) medical information relating to the other minor voluntarily provided for inclusion on the register by a parent or guardian (as the case requires) of the other minor;
- (h) subject to this Part, any other information held on the donor conception register relating to the donor or another person born as a consequence of assisted reproductive treatment using human reproductive material donated by the donor.

15—Access to information by parent of donor-conceived adult

A parent of an adult who was born as a consequence of assisted reproductive treatment using human reproductive material donated by a donor is entitled to have access to the following information held on the donor conception register:

- (a) information about themselves;
- (b) the name, date of birth and sex at birth of the adult who was born as a consequence of assisted reproductive treatment and in relation to whom they are a parent.

16—Information of a kind for inclusion on donor conception register

- (1) For the purposes of section 15(6) of the Act, the following kinds of information are prescribed:
 - (a) information specified in subregulation (2) relating to the provision of assisted reproductive treatment using donated human reproductive material and resulting in the birth of a child where the assisted reproductive treatment—

- (i) was of a kind referred to in section 5(2) of the Act; or
 - (ii) was provided otherwise than in accordance with the Act;
 - (b) information referred to in section 15(2) of the Act that is required or permitted to be included on the donor conception register but is not on the register.
- (2) The following information is specified for the purposes of subregulation (1)(a):
- (a) the full name, date of birth and sex at birth of the child;
 - (b) the full name, residential address and date of birth of the person who donated the human reproductive material;
 - (c) the full name of the person who gave birth to the child;
 - (d) the full name of each parent and guardian of the child;
 - (e) any other information of a kind determined by the Minister.

17—Functions of authorised entities

For the purposes of section 15A(1)(d) of the Act, the function of providing information and support to persons who have, or are seeking to have, access to information held on the donor conception register is prescribed.

18—Notice to Minister of certain records

- (1) Pursuant to section 20(2)(d) of the Act, a person (other than a person who is registered under Part 2 of the Act) who is in possession of records or other documents related to the provision of assisted reproductive treatment using donated human reproductive material and resulting in the birth of a child must notify the Minister of those records and documents in accordance with the requirements of this regulation.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) A notification to the Minister under subregulation (1) must—
- (a) be made in a manner and form approved by the Minister; and
 - (b) include such information about the records and documents as the Minister may require; and
 - (c) be made within 3 months of—
 - (i) if the person was in possession of the records or documents at the commencement of this regulation—the date of commencement of this regulation; or
 - (ii) in any other case—the date on which the person came into possession of the records or other documents.
- (3) This regulation applies in relation to records and other documents relating to the provision of assisted reproductive treatment whether or not the treatment was provided—
- (a) in accordance with the Act; or
 - (b) before or after the commencement of this regulation.

Part 4—Miscellaneous

19—Record keeping

- (1) For the purposes of section 16(1) of the Act, a person who is registered under Part 2 of the Act must make records and keep documents in accordance with the requirements of Chapter 9 of the NHMRC Guidelines.
- (2) For the purposes of section 16(2a) of the Act, a person (other than a person who is registered under Part 2 of the Act) who is in possession of records or other documents relating to the provision of assisted reproductive treatment using donated human reproductive material and resulting in the birth of a child must keep the records and documents securely stored and protected from—
 - (a) misuse, interference and loss; and
 - (b) unauthorised access, modification or disclosure.
- (3) For the purposes of section 16(3) of the Act, a person who is required to make a record or keep a document under section 16 of the Act must retain the records or documents (as the case requires) indefinitely and ensure that they are not removed from the person's possession except as may be authorised by the Minister.

Schedule 1—Repeal of *Assisted Reproductive Treatment Regulations 2010*

The *Assisted Reproductive Treatment Regulations 2010* 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

with the advice and consent of the Executive Council
on 28 November 2024

No 101 of 2024

South Australia

Cost of Living Concessions (Miscellaneous) (No 2) Amendment Regulations 2024

under the *Cost of Living Concessions Act 1986*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Cost of Living Concessions Regulations 2020*

- 3 Amendment of regulation 3—Interpretation
 - 4 Amendment of regulation 4—Prescribed classes of person (section 2(2) and (3))
 - 5 Amendment of regulation 6—Eligible person (section 3(1))
 - 6 Amendment of regulation 7—Concession eligibility requirements (section 3(2)(b))
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Cost of Living Concessions (Miscellaneous) (No 2) Amendment Regulations 2024*.

2—Commencement

These regulations come into operation on 1 January 2025.

Part 2—Amendment of *Cost of Living Concessions Regulations 2020*

3—Amendment of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *prescribed payments*, (a)(iv)—delete subparagraph (iv)
- (2) Regulation 3(1)—after the definition of *prescribed payments* insert:

relevant asylum seeker means a person who is seeking recognition as a refugee who—

- (a) holds a bridging visa granted under the *Migration Act 1958* of the Commonwealth that is classified as Bridging E under the *Migration Regulations 1994* of the Commonwealth (a *bridging visa E*); or
- (b) has applied for a bridging visa E but whose application has not yet been determined; or
- (c) has held a bridging visa E but no longer holds such a visa or any other class of visa under the *Migration Act 1958* of the Commonwealth; or
- (d) is receiving support through the Status Resolution Support Service program delivered by, or on behalf of, the Australian Government;

resident contract has the same meaning as in the *Supported Residential Facilities Act 1992*;

- (3) Regulation 3(1)—after the definition of *residential park tenancy agreement* insert:

rooming house agreement has the same meaning as in the *Residential Tenancies Act 1995*;

rooming house resident has the same meaning as in the *Residential Tenancies Act 1995*;

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

supported residential facility has the same meaning as in the *Supported Residential Facilities Act 1992*;

4—Amendment of regulation 4—Prescribed classes of person (section 2(2) and (3))

Regulation 4(2)—delete subregulation (2) and substitute:

- (2) For the purposes of section 2(3)(b)(ii) of the Act, the following classes of person are prescribed:
- (a) persons who are granted a right of occupancy under a residential park tenancy agreement;
 - (b) persons who are rooming house residents under a rooming house agreement;
 - (c) persons who are residents under a resident contract relating to a supported residential facility;
 - (d) persons who are granted a right of occupancy of premises, or part of premises, under a written agreement (other than as a tenant specified in a residential tenancy agreement or under an agreement or contract referred to in a preceding paragraph) that is approved by the Minister.

5—Amendment of regulation 6—Eligible person (section 3(1))

Regulation 6—after paragraph (d) insert:

- (e) relevant asylum seekers;
- (f) persons eligible for a support package for persons fleeing international conflict provided by the South Australian Government.

6—Amendment of regulation 7—Concession eligibility requirements (section 3(2)(b))

- (1) Regulation 7(1)—delete "Subject to subregulation (3), for" and substitute:

For

- (2) Regulation 7(1)(c)—before "it is" insert:

subject to subregulations (3) and (3aa),

- (3) Regulation 7(1)(d)—delete paragraph (d)

- (4) Regulation 7—after subregulation (2) insert:
- (3) The eligibility requirement set out in subregulation (1)(c) does not apply to an eligible person who is a person referred to in regulation 4(2)(b) or (c) (the *relevant person*) unless the other eligible person referred to in subregulation (1)(c) is a resident in the same room as the relevant person.
 - (3aa) Despite the requirement set out in subregulation (1)(c), the Minister may, if the Minister considers that it is appropriate in the circumstances, approve that payment of a concession to an eligible person be split, in the manner determined by the Minister, between the eligible person and 1 or more other eligible persons who reside at the same residential premises.

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

with the advice and consent of the Executive Council
on 28 November 2024

No 102 of 2024

South Australia

Passenger Transport (Airport Taxi Fare) Amendment Regulations 2024

under the *Passenger Transport Act 1994*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Passenger Transport Regulations 2024*

- 3 Amendment of Schedule 2—Maximum fares (metropolitan taxis)
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Passenger Transport (Airport Taxi Fare) Amendment Regulations 2024*.

2—Commencement

These regulations come into operation on 1 January 2025.

Part 2—Amendment of *Passenger Transport Regulations 2024*

3—Amendment of Schedule 2—Maximum fares (metropolitan taxis)

Schedule 2, clause 3—delete "\$3" and substitute:

\$4.50

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

with the advice and consent of the Executive Council
on 28 November 2024

No 103 of 2024

South Australia

Road Traffic (Miscellaneous) (Helmet Standards and Emergency Workers) Amendment Regulations 2024

under the *Road Traffic Act 1961*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Road Traffic (Miscellaneous) Regulations 2014*

- 3 Amendment of regulation 51—Safety helmets for riders of motor bikes and bicycles (section 162B of Act)
 - 4 Amendment of regulation 52—Safety helmets and riders of wheeled recreational devices and wheeled toys (section 162C of Act)
 - 5 Amendment of regulation 62—Emergency workers (sections 83 and 110AAAA of Act)
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Miscellaneous) (Helmet Standards and Emergency Workers) Amendment Regulations 2024*.

2—Commencement

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

Part 2—Amendment of *Road Traffic (Miscellaneous) Regulations 2014*

3—Amendment of regulation 51—Safety helmets for riders of motor bikes and bicycles (section 162B of Act)

- (1) Regulation 51(1)(a)—after "prescribed standard" insert:
for motor bike helmets
- (2) Regulation 51(3)—delete "the impact attenuation requirement of Australian Standard 2063" and substitute:
a prescribed standard for bicycle helmets
- (3) Regulation 51(4)—delete "the impact attenuation requirement of Australian Standard 2063" and substitute:
a prescribed standard for bicycle helmets

- (4) Regulation 51(5)—before the definition of *prescribed standard* insert:

prescribed standard for bicycle helmets means—

- (a) Australian/New Zealand Standard AS/NZS 2063:2020, *Helmets for use on bicycles and wheeled recreational devices*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand; or
- (b) Australian/New Zealand Standard AS/NZS 2063:2008, *Bicycle helmets*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand; or
- (c) European Standard EN 1078:2012+A1:2012, *Helmets for pedal cyclists and for users of skateboards and roller skates*, published by the European Committee for Standardization; or
- (d) American Society for Testing and Materials Standard ASTM F1447:2018, *Standard Specification for Helmets Used in Recreational Bicycling or Roller Skating*, published by the American Society for Testing and Materials International; or
- (e) U.S. Consumer Product Safety Commission (16 C.F.R. Part 1203), *Safety Standard for Bicycle Helmets*, published by the United States Consumer Product Safety Commission; or
- (f) Snell B-95, 1995 Bicycle Helmet Standard, *1998 revision Standard for Protective Headgear for Use in Bicycling*, published by the Snell Memorial Foundation,

as amended and in force or existing at the time when this instrument commences;

- (5) Regulation 51(5), definition of *prescribed standard*—after "prescribed standard" insert:
for motor bike helmets

4—Amendment of regulation 52—Safety helmets and riders of wheeled recreational devices and wheeled toys (section 162C of Act)

- (1) Regulation 52(1)—delete "the impact attenuation requirement of Australian Standard 2063" and substitute:
a prescribed standard for bicycle helmets
- (2) Regulation 52(2)—delete "the impact attenuation requirement of Australian Standard 2063" and substitute:
a prescribed standard for bicycle helmets

5—Amendment of regulation 62—Emergency workers (sections 83 and 110AAAA of Act)

Regulation 62(1)(c)—delete paragraph (c) and substitute:

- (c) persons engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008* on behalf of SA Ambulance Service Inc or any other persons engaged in the provision of such services under section 57(1) of that Act;

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

with the advice and consent of the Executive Council
on 28 November 2024

No 104 of 2024

South Australia

Road Traffic (Light Vehicle Standards) (Emergency Vehicles) Amendment Rules 2024

under the *Road Traffic Act 1961*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Road Traffic (Light Vehicle Standards) Rules 2018*

- 3 Amendment of rule 3—Definitions
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Light Vehicle Standards) (Emergency Vehicles) Amendment Rules 2024*.

2—Commencement

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

Part 2—Amendment of *Road Traffic (Light Vehicle Standards) Rules 2018*

3—Amendment of rule 3—Definitions

Rule 3(1), definition of *emergency vehicle*, (c)—delete paragraph (c) and substitute:

- (c) a person engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008* on behalf of SA Ambulance Service Inc or any other person engaged in the provision of emergency ambulance services under section 57(1) of that Act;

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

with the advice and consent of the Executive Council
on 28 November 2024

No 105 of 2024

South Australia

Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) (Emergency Workers) Amendment Regulations 2024

under the *Road Traffic Act 1961*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*

- 3 Amendment of regulation 54—Emergency workers
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) (Emergency Workers) Amendment Regulations 2024*.

2—Commencement

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

Part 2—Amendment of *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*

3—Amendment of regulation 54—Emergency workers

Regulation 54(1)(c)—delete paragraph (c) and substitute:

- (c) persons engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008* on behalf of SA Ambulance Service Inc or any other persons engaged in the provision of emergency ambulance services under section 57(1) of that Act;

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

with the advice and consent of the Executive Council
on 28 November 2024

No 106 of 2024

South Australia

Motor Vehicles (Emergency Workers) Amendment Regulations 2024

under the *Motor Vehicles Act 1959*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Motor Vehicles Regulations 2010*

- 3 Amendment of regulation 15—Interpretation
 - 4 Amendment of regulation 99B—Definition of emergency worker
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Motor Vehicles (Emergency Workers) Amendment Regulations 2024*.

2—Commencement

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

Part 2—Amendment of *Motor Vehicles Regulations 2010*

3—Amendment of regulation 15—Interpretation

Regulation 15(1), definition of *ambulance*, (a)—delete paragraph (a) and substitute:

- (a) a person engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008* on behalf of SA Ambulance Service Inc or any other person engaged in the provision of emergency ambulance services under section 57(1) of that Act; or

4—Amendment of regulation 99B—Definition of emergency worker

Regulation 99B(1)(c)—delete paragraph (c) and substitute:

- (c) persons engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008* on behalf of SA Ambulance Service Inc or any other persons engaged in the provision of emergency ambulance services under section 57(1) of that Act;

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

with the advice and consent of the Executive Council
on 28 November 2024

No 107 of 2024

South Australia

Motor Vehicles (Classification of Licences) Amendment Regulations 2024

under the *Motor Vehicles Act 1959*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Motor Vehicles Regulations 2010*

- 3 Amendment of Schedule 2—Classification of driver's licences
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Motor Vehicles (Classification of Licences) Amendment Regulations 2024*.

2—Commencement

These regulations come into operation on 20 February 2025.

Part 2—Amendment of *Motor Vehicles Regulations 2010*

3—Amendment of Schedule 2—Classification of driver's licences

Schedule 2, clause 1—after subclause (4) insert:

- (4a) Without limiting subclause (4), the Registrar may endorse a licence with the MC classification despite the fact that the applicant does not fulfil the criteria specified in column 3 of the table below in respect of that classification if—
 - (a) the applicant holds a driver's licence endorsed with the classification HC or HR; and
 - (b) the Registrar is satisfied that the applicant—
 - (i) has completed a training course approved by the Registrar; and
 - (ii) met any other requirements determined by the Registrar.

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

with the advice and consent of the Executive Council
on 28 November 2024

No 108 of 2024

South Australia

Return to Work (Limits on Costs) Amendment Regulations 2024

under the *Return to Work Act 2014*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Return to Work Regulations 2015*

- 3 Amendment of regulation 12—Employer's duty to provide work (section 18 of Act)
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Return to Work (Limits on Costs) Amendment Regulations 2024*.

2—Commencement

These regulations come into operation on the day on which section 6 of the *Return to Work (Employment and Progressive Injuries) Amendment Act 2024* comes into operation.

Part 2—Amendment of *Return to Work Regulations 2015*

3—Amendment of regulation 12—Employer's duty to provide work (section 18 of Act)

Regulation 12(1)—delete "worker" wherever occurring and substitute in each case:
party

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

with the advice and consent of the Executive Council
on 28 November 2024

No 109 of 2024

South Australia

Tobacco and E-Cigarette Products (E-Cigarette and Other Reforms) Amendment Regulations 2024

under the *Tobacco and E-Cigarette Products Act 1997*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Tobacco and E-Cigarette Products Regulations 2019* commencing on 28 November 2024

- 3 Amendment of regulation 3—Interpretation
- 4 Repeal of regulations 3A and 3B
- 5 Substitution of Part 2 Division 1
 - Division 1—Sale or supply of tobacco products—prescribed notice
 - 4 Prescribed notice
 - Division 1A—Offences relating to e-cigarette products
 - 4A Possession of e-cigarette products for the purpose of sale—prescribed quantity
- 6 Amendment to regulation 6—Permitted signs outside premises
- 7 Amendment to regulation 7—Permitted advertising (other than on or in vending machines)
- 8 Repeal of regulation 8
- 9 Substitution of Part 3
 - Part 3—Signage requirements
 - 8 Smoking permitted signs
 - 9 No smoking signs in enclosed public places
 - 9A No smoking signs in long term ban areas
- 10 Amendment of regulation 16—Further offence where smoking occurs in outdoor dining area
- 11 Insertion of Part 6
 - Part 6—Miscellaneous
 - 29 Evidence of age
 - 30 Embargo notices—prescribed particulars
- 12 Substitution of Schedule 1
 - Schedule 1—Transitional provision
 - 1 Transitional provision

Part 3—Amendment of *Tobacco and E-Cigarette Products Regulations 2019* commencing on 13 December 2024

- 13 Insertion of regulations 3A, 3B and 3BA
 - 3A Fit and proper persons—prescribed offences
 - 3B Conditions of licence—information to be kept by holder of wholesale licence
 - 3BA Annual return—prescribed day

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| 14 | Insertion of Part 5 |
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| 25 | Seized property and forfeiture |
| 26 | Representative samples |
| 27 | Analysis |
| 28 | Evidentiary provisions |
| 15 | Insertion of regulation 31 |
| 31 | Register |

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Tobacco and E-Cigarette Products (E-Cigarette and Other Reforms) Amendment Regulations 2024*.

2—Commencement

- (1) Subject to subregulation (2), these regulations come into operation on 28 November 2024.
- (2) Part 3 comes into operation on 13 December 2024.

Part 2—Amendment of *Tobacco and E-Cigarette Products Regulations 2019* commencing on 28 November 2024

3—Amendment of regulation 3—Interpretation

Regulation 3(1), definition of *product line*—delete "or an e-cigarette product"

4—Repeal of regulations 3A and 3B

Regulations 3A and 3B—delete the regulations

5—Substitution of Part 2 Division 1

Part 2 Division 1—delete Division 1 and substitute:

Division 1—Sale or supply of tobacco products—prescribed notice

4—Prescribed notice

For the purposes of section 39E(5) of the Act, a notice will be in the prescribed form if—

- (a) the notice is A4 size; and
- (b) it displays only the letters, words, figures and symbols of a colour and size specified in a determination of the Minister made for the purposes of this regulation and notified to the holder of a licence from time to time.

Division 1A—Offences relating to e-cigarette products

4A—Possession of e-cigarette products for the purpose of sale—prescribed quantity

For the purposes of section 39B(3) of the Act, the prescribed quantity of e-cigarette products is—

- (a) in the case of an e-cigarette—2 or more e-cigarettes; and
- (b) in the case of an e-cigarette product that is a liquid—60 mL or more of liquid; and
- (c) in the case of any other e-cigarette product—4 or more products.

6—Amendment to regulation 6—Permitted signs outside premises

- (1) Regulation 6(1)—delete "or e-cigarette products"
- (2) Regulation 6(1)(a)(ii)(A), dot points 4, 5 and 6—delete dot points 4, 5 and 6

7—Amendment to regulation 7—Permitted advertising (other than on or in vending machines)

- (1) Regulation 7, heading—delete "(other than on or in vending machines)"
- (2) Regulation 7(1)(a)(iv), (v) and (vi)—delete subparagraphs (iv), (v) and (vi)
- (3) Regulation 7(1)(b)(i)—before "that" insert:
in hard copy
- (4) Regulation 7(1)(b)(iii)—delete subparagraph (iii) and substitute:
(iii) that consists of no more than selling or supplying, or offering to sell or supply, the periodical;
- (5) Regulation 7(1)(c) to (f) (inclusive)—delete "or e-cigarette product" wherever occurring
- (6) Regulation 7(1)(h)—delete "or an e-cigarette product"
- (7) Regulation 7(1)(i)—delete "or e-cigarette product"
- (8) Regulation 7(1)(j)—delete "or e-cigarette product"
- (9) Regulation 7(1)(j)(ii)(A)—delete "or specialist e-cigarette retailer"
- (10) Regulation 7(1)(j)(vi)(E)—delete subsubparagraph (E)
- (11) Regulation 7(1)(j)(vi)(F)—delete "in addition, in the case of tobacco products—"
- (12) Regulation 7(1)(k)—delete "or e-cigarette products"
- (13) Regulation 7(1)(k)(v)(F)—delete subsubparagraph (F)
- (14) Regulation 7(1)(k)(v)(G)—delete "in addition, in the case of tobacco products—"
- (15) Regulation 7(2) and (3)—delete subregulations (2) and (3)

8—Repeal of regulation 8

Regulation 8—delete the regulation

9—Substitution of Part 3

Part 3—delete the Part and substitute:

Part 3—Signage requirements

8—Smoking permitted signs

The following requirements apply for the purposes of section 45(2) of the Act:

- (a) the sign must be no greater than A4 size with only the words, in either black or white text no larger than 20 mm high—
 - (i) smoking permitted; or
 - (ii) smoking permitted in this area; or
 - (iii) smoking permitted in this area only; and
- (b) the sign must be erected or displayed in accordance with any other Act or law relating to such signage.

9—No smoking signs in enclosed public places

The occupier of an enclosed public place (being a place in which smoking is banned under section 46 of the Act) must display signs—

- (a) that contain words or symbols that indicate clearly that smoking (both of tobacco products and e-cigarettes) is not permitted; and
- (b) in such a way that a person (other than the occupier or an employee of the occupier) cannot readily remove or relocate the signs; and
- (c) in such numbers and in positions of such prominence that they are likely to be seen by persons at any public entrance to the place and within the place.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$5 000.

Expiation fee: \$630.

9A—No smoking signs in long term ban areas

For the purposes of section 52(4) of the Act, the occupier of a public area to which a declaration in Part 4 of these regulations applies must indicate the effect of the declaration to persons in the area by displaying signs—

- (a) containing words or symbols that indicate clearly that smoking (both of tobacco products and e-cigarettes) is not permitted; and

- (b) in such a way that a person (other than the occupier or an employee of the occupier) cannot readily remove or relocate the signs; and
- (c) —
 - (i) in the case of the declaration in regulation 13, 17, 18, 19, 20 or 21—in such numbers and in positions of such prominence that the signs are likely to be seen by persons at any public entrance to the public area and within the area; or
 - (ii) in any other case—in such numbers and in such positions of prominence within the public area as are likely to be seen by persons within the area.

10—Amendment of regulation 16—Further offence where smoking occurs in outdoor dining area

Regulation 16(1), penalty provision and expiation fee—delete the penalty provision and expiation fee and substitute:

Maximum penalty:

- (a) in the case of a body corporate—
 - (i) for a first offence—\$15 000;
 - (ii) for a second or subsequent offence—\$20 000;
- (b) in the case of an individual—
 - (i) for a first offence—\$5 000;
 - (ii) for a second or subsequent offence—\$10 000.

Expiation fee: \$630.

11—Insertion of Part 6

After Part 4 insert:

Part 6—Miscellaneous

29—Evidence of age

For the purposes of sections 39E(2)(a) and 70AB(1) of the Act, the following kinds of evidence are prescribed:

- (a) a current photographic driver's licence issued under the *Motor Vehicles Act 1959* or under a corresponding law of another State or a Territory;
- (b) a current photographic Proof of Age card issued by the Registrar of Motor Vehicles or by a corresponding public authority of the Commonwealth or another State or a Territory;
- (c) a current passport issued by the Commonwealth or under the law of another country, bearing a photograph of the person and enabling the age of the person to be determined;

- (d) a current photographic Keypass identification card issued by—
 - (i) if the card was issued before 23 November 2013—Alfa Omega Nominees Pty Ltd, trading as Commonwealth Key and Property Register; or
 - (ii) if the card was issued on or after 23 November 2013—Australian Postal Corporation.

30—Embargo notices—prescribed particulars

For the purposes of section 66B(4)(a) of the Act, an embargo notice must contain the following particulars:

- (a) a description of the thing to which the notice applies;
- (b) either the name of the person to whom the notice is to be given or a statement that the notice is to be affixed to the thing to which it applies;
- (c) the name or identification number of the authorised officer who issued the notice;
- (d) the date on which the notice was given or affixed (as the case may be).

12—Substitution of Schedule 1

Schedule 1—delete the Schedule and substitute:

Schedule 1—Transitional provision

1—Transitional provision

Pursuant to section 87(4)(a) of the Act, until 1 February 2025—

- (a) section 37 of the Act does not apply to the sale of cigarettes or any other tobacco products by means of a vending machine; and
- (b) section 39E(5a) of the Act does not apply to the sale or supply of an e-cigarette product by a person authorised under any other Act or law to sell or supply e-cigarette products.

Part 3—Amendment of *Tobacco and E-Cigarette Products Regulations 2019* commencing on 13 December 2024

13—Insertion of regulations 3A, 3B and 3BA

After regulation 3 insert:

3A—Fit and proper persons—prescribed offences

For the purposes of section 5A(1)(a) and (2)(a) of the Act, a person is not a fit and proper person for a particular purpose under the Act, or to occupy a position of authority in a trust or corporate entity that holds a licence, if the person has, within the previous 10 years, been found guilty or convicted of 1 or any of the following offences:

- (a) an indictable offence against the Act;

- (b) an indictable offence against the *Controlled Substances Act 1984*;
- (c) a summary offence against the *Controlled Substances Act 1984* involving nicotine;
- (d) a serious and organised crime offence within the meaning of the *Criminal Law Consolidation Act 1935*;
- (e) an indictable offence against the *Serious and Organised Crime (Control) Act 2008*;
- (f) an indictable offence involving violence;
- (g) an offence against the law of another jurisdiction that would, if committed in this State, constitute an offence prescribed by a preceding paragraph.

3B—Conditions of licence—information to be kept by holder of wholesale licence

- (1) For the purposes of section 9(4)(a) of the Act, the following information must be kept and retained by the holder of a wholesale licence:
 - (a) the following details in relation to each sale of tobacco products made by the holder of the licence within the previous year:
 - (i) the name and address of each person to whom the tobacco products were sold;
 - (ii) if the tobacco products were sold to a person within Australia—the ABN of the person;
 - (iii) the type and brand of tobacco products sold to each person identified in subparagraph (i);
 - (iv) the quantity (identified by type and brand) of tobacco products sold to each person identified in subparagraph (i);
 - (v) the date on which the sale was made;
 - (vi) the unit price and total price in relation to each sale;
 - (b) the following details in relation to each purchase or receipt of tobacco products by the holder of the licence within the previous year:
 - (i) the name and address of each person from whom the tobacco products were purchased or received;
 - (ii) if the tobacco products were purchased or received from a person within Australia—the ABN of the person;
 - (iii) the type and brand of tobacco products purchased or received from each person identified in subparagraph (i);
 - (iv) the quantity (identified by type and brand) of tobacco products purchased or received from each person identified in subparagraph (i);

- (v) the date on which the tobacco products were purchased or received;
 - (vi) in the case of a purchase of tobacco products—the unit price and total price in relation to each purchase;
 - (vii) in the case of a receipt of tobacco products—the unit value and total value of the products in relation to each receipt of products;
- (c) any other information required by the Minister.
- (2) For the purposes of section 9(4)(b) of the Act, the holder of a wholesale licence must provide to the Minister the information required to be kept and retained under subregulation (1) in the annual return required to be submitted by the holder of the licence under section 11 of the Act.

3BA—Annual return—prescribed day

For the purposes of section 11(1)(b) of the Act, the holder of a licence must pay the annual fee and lodge the annual return on or before—

- (a) the last day of the month in each year nominated in writing to the holder of the licence by the Minister; or
- (b) if the Minister does not nominate a month—the last day of the month in each year that is the same month in which their licence was granted.

14—Insertion of Part 5

After Part 4 insert:

Part 5—Seizure of material or things

25—Seized property and forfeiture

- (1) For the purposes of section 69 of the Act, any material or thing seized by an authorised officer under the Act (*seized property*) must be dealt with in accordance with this Part.
- (2) Subject to this regulation, seized property must be held pending proceedings for an offence against the Act relating to the property.
- (3) If seized property—
 - (a) is a tobacco product, e-cigarette product or a prohibited product; or
 - (b) is, in the opinion of the Minister, likely to constitute a danger if stored pending proceedings for an offence against the Act relating to the property,the Minister may direct that the property be destroyed, whether or not a person has been, or is to be, charged with an offence in relation to it.
- (4) Property referred to in subregulation (3) may be destroyed at the place at which it was seized or at any other suitable place.

- (5) If a charge is laid, or is to be laid, for an offence in relation to property referred to in subregulation (3)(a), a representative sample of the property must be taken in accordance with regulation 26 and kept for evidentiary purposes.
- (6) If a charge is laid, or is to be laid, for an offence in relation to property referred to in subregulation (3)(b), a sample of the property that provides a true representation of the nature of the property must be taken and kept for evidentiary purposes.
- (7) If a person is convicted of an offence in relation to property destroyed in accordance with subregulation (3), the court may order the convicted person to pay the reasonable costs of storage and destruction of the property to the Minister (including, without limitation, the costs of the Minister, or a person acting at the direction of the Minister, collecting, transporting and dismantling the property as may reasonably be required for the purposes of destroying the property).
- (8) If the Magistrates Court on application by the Minister, or any court hearing proceedings under the Act, finds that seized property—
 - (a) was the subject of an offence against the Act; or
 - (b) consists of material or a thing used or intended for use for, or in connection with, an offence against the Act,the court may make 1 or both of the following orders:
 - (c) an order forfeiting the property to the Crown;
 - (d) an order requiring the person from whom the property was seized to pay the reasonable costs incurred by the Minister in storing or otherwise dealing with the property.
- (9) The Minister may, in relation to seized property—
 - (a) if seized property is the subject of an order for forfeiture under this regulation—sell, destroy or otherwise dispose of the property as the Minister thinks fit; or
 - (b) in any other case—return the seized property to the person from whom it was seized.
- (10) No right of compensation arises out of any action taken by the Minister or an authorised officer under this regulation.

26—Representative samples

- (1) For the purposes of this Part, a sample of seized property taken as required under regulation 25(5) will constitute a *representative sample* if the sample comprises the following:
 - (a) in the case of a category A product—
 - (i) if the number of products seized does not exceed 999—the total number of products; and
 - (ii) if the number of products seized exceeds 999 but does not exceed 10 000—not less than 1 000 products; and

- (iii) if the number of products seized exceeds 10 000 but does not exceed 100 000—not less than 5 000 products; and
 - (iv) if the number of products seized exceeds 100 000—not less than 10 000 products;
- (b) in the case of a category B product—
- (i) if the number of products seized does not exceed 9—the total number of products; and
 - (ii) if the number of products seized exceeds 9 but does not exceed 100—not less than 10 products; and
 - (iii) if the number of products seized exceeds 100 but does not exceed 1 000—not less than 100 products; and
 - (iv) if the number of products seized exceeds 1 000 but does not exceed 10 000—not less than 500 products; and
 - (v) if the number of products exceeds 10 000—not less than 1 000 products;
- (c) in the case of a category C product—
- (i) if the weight of the product seized does not exceed 0.2 kg—the total amount of the product; and
 - (ii) if the weight of the product seized exceeds 0.2 kg but does not exceed 2 kg—not less than 0.2 kg of the product; and
 - (iii) if the weight of the product seized exceeds 2 kg but does not exceed 10 kg—not less than 2 kg of the product; and
 - (iv) if the weight of the product seized exceeds 10 kg but does not exceed 50 kg—not less than 5 kg of the product; and
 - (v) if the weight of the product seized exceeds 50 kg but does not exceed 200 kg—not less than 20 kg of the product; and
 - (vi) if the weight of the product seized exceeds 200 kg—not less than 40 kg of the product;
- (d) in the case of a category D product—
- (i) if the amount of the product seized does not exceed 100 mL—the total amount seized; and
 - (ii) if the amount of the product seized exceeds 100 mL but does not exceed 1 000 mL—not less than 100 mL of the product; and
 - (iii) if the amount of the product seized exceeds 1 000 mL but does not exceed 10 000 mL—not less than 500 mL of the product; and
 - (iv) if the amount of the product seized exceeds 10 000 mL—not less than 1 000 mL of the product;

- (e) in any other case—a sample of the property of a quantity that provides a true representation of the nature of the property.
- (2) In this regulation—
- category A product** means seized property that consists of—
- (a) a cigarette; or
 - (b) a cigarette tube;
- category B product** means seized property that consists of—
- (a) a cigar; or
 - (b) an e-cigarette; or
 - (c) an e-cigarette accessory;
- category C product** means seized property that consists of—
- (a) cigarette or pipe tobacco; or
 - (b) shisha tobacco; or
 - (c) tobacco prepared for chewing or sucking; or
 - (d) snuff; or
 - (e) any product (other than an e-cigarette product) that does not contain tobacco but is designed for smoking;
- category D product** means seized property that consists of a liquid for use in, or with, an e-cigarette.
- (3) To avoid doubt, if a category A product or a category B product is packaged with other products of the same kind, the number of products contained in the package (rather than the number of packages) is the number of products required to be taken for the purposes of this regulation.

27—Analysis

- (1) The Minister or an authorised officer may cause any substance seized by an authorised officer under Part 5 of the Act to be analysed by, or under the supervision of, an analyst.
- (2) An analyst must, on the completion of an analysis under this regulation—
 - (a) certify in the prescribed form the results of the analysis; and
 - (b) provide the certificate of analysis to the person who initiated the analysis.
- (3) For the purposes of subregulation (2)(a), a certification will be in the **prescribed form** if it—
 - (a) contains the full name and business address of the analyst; and
 - (b) sets out the results of the analysis; and
 - (c) is signed and dated by the analyst.

28—Evidentiary provisions

- (1) For the purposes of section 87(2)(h) of the Act, in any proceedings for an offence against the Act, an apparently genuine document purporting to be signed by an analyst and to certify that an analysis of a substance referred to in the certificate was carried out by, or under the supervision of, the analyst will, in the absence of proof to the contrary, be proof of any facts stated in the certificate—
 - (a) tending to identify the substance analysed for the purposes of this Act; and
 - (b) as to the weight, amount or quantity of the substance analysed; and
 - (c) relating to the nature and results of the analysis.
- (2) For the purposes of section 87(2)(h) of the Act, in any proceedings for an offence against the Act, an apparently genuine document purporting to be signed by the Minister and to certify that a person named in the certificate is an analyst will, in the absence of proof to the contrary, be proof of the matter certified.
- (3) For the purposes of section 87(2)(h) of the Act, in any proceedings for an offence against the Act, an apparently genuine document purporting to be signed by the Minister and to certify that seized property is a tobacco product or an e-cigarette product will, in the absence of proof to the contrary, be proof of the matters so certified.
- (4) For the purposes of section 87(2)(h) of the Act, in any proceedings for an offence against the Act, if a representative sample of a tobacco product, e-cigarette product or prohibited product is taken under regulation 25(5), an apparently genuine document purporting to be signed by the Minister and to certify that a sample represents a specified quantity of the product is, in the absence of proof to the contrary, proof of the matter certified.

15—Insertion of regulation 31

After regulation 30 insert:

31—Register

For the purposes of section 73(2)(e) of the Act, the following details are prescribed:

- (a) whether a compliance notice has been given to the holder of the licence under section 69E of the Act and, if so, the date on which the notice was given;
- (b) whether a default notice has been given to the holder of the licence and, if so, the date on which the notice was given;
- (c) whether the Minister has taken disciplinary action against the holder of the licence under section 69G of the Act and, if so, the date on which the action was taken;

- (d) the following details in relation to each closure order made in respect of premises from which the holder of a licence carries on business:
 - (i) whether the closure order was an interim closure order or a long term closure order;
 - (ii) the date on which the order was made;
 - (iii) the duration of the order.

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

with the advice and consent of the Executive Council
on 28 November 2024

No 110 of 2024

STATE GOVERNMENT INSTRUMENTS

ADMINISTRATIVE ARRANGEMENTS ACT 1994

SECTION 9

Delegation

I, Hon Chris Picton MP, 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* and to the extent necessary under Section 38(1) of the *Legislation Interpretation Act 2021*, hereby delegate the following powers and functions under the *Tobacco and E-Cigarette Products Act 1997* (and the regulations made under it) to the Minister for Consumer and Business Affairs:

- Section 5A Provisions governing whether a person is fit and proper person
- Part 2 Licences
- Part 5 Investigations
- Part 6 Controlled purchase orders
- Part 6AA Closure orders
- Part 6A Disciplinary action against holder of a licence
- Part 6B Review
- Section 72 Delegation
- Section 73 Register
- Section 76 Minister may require verification of undertakings
- Section 76A Enforceable voluntary undertakings
- Section 77 Criminal intelligence
- Section 78 Disclosure of information
- Section 82 Prosecutions
- Section 82A Court may make certain orders
- Section 85 Evidence
- Regulation 3B Conditions of licence—information to be kept by holder of wholesale licence
- Regulation 3BA Annual return—prescribed day
- Regulation 4 Prescribed notices
- Regulation 26 Representative samples
- Regulation 27 Analysis
- Regulation 28 Evidentiary provisions
- Regulation 31 Register

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

For the avoidance of doubt, this delegation extends to enabling the delegate Minister, the Minister for Consumer and Business Affairs, to exercise the power to delegate powers or functions under the *Tobacco and E-Cigarette Products Act 1997* Section 72(1), save that the power in Section 72(1) is not to be used to delegate my functions and powers which are not delegated to the delegate Minister by this instrument.

This instrument of delegation is intended to delegate my functions and powers under the *Tobacco and E-Cigarette Products Act 1997* as in force at the date of this instrument, and as amended from time to time.

I hereby revoke the previous instrument of delegation signed by me on 20 June 2024.

Dated: 26 November 2024

HON CHRIS PICTON MP
Minister for Health and Wellbeing

ENERGY RESOURCES ACT 2000

Grant of Petroleum Exploration Licence—PEL 682

Notice is hereby given that the undermentioned Petroleum Exploration Licence has been granted under the provisions of the *Energy Resources Act 2000*, pursuant to delegated powers dated 19 August 2024.

| No. of Licence | Licensees | Locality | Area in km ² | Reference |
|----------------|--------------------------|---------------|-------------------------|---------------|
| PEL 682 | Petrex Australia Pty Ltd | Officer Basin | 9,915 | MER-2020/0178 |

Description of Area

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

Commencing at a point being the intersection of latitude 29°10'00"S AGD66 and longitude 130°45'00"E AGD66, thence east to longitude 131°10'00"E GDA94, south to latitude 30°00'00"S GDA94, west to longitude 130°45'00"E GDA94, south to latitude 30°10'00"S GDA94, west to longitude 129°48'00"E GDA94, north to latitude 29°45'00"S GDA94, east to longitude 130°00'00"E GDA94, north to latitude 29°35'00"S AGD66, east to longitude 130°25'00"E AGD66, north to latitude 29°25'00"S AGD66, east to longitude 130°45'00"E AGD66, and north to the point of commencement.

AREA: **9,915** square kilometres approximately.

Dated: 19 November 2024

BENJAMIN ZAMMIT
Executive Director
Regulation and Compliance Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

ENERGY RESOURCES ACT 2000

Grant of Petroleum Exploration Licence—PEL 683

Notice is hereby given that the undermentioned Petroleum Exploration Licence has been granted under the provisions of the *Energy Resources Act 2000*, pursuant to delegated powers dated 19 August 2024.

| No. of Licence | Licensees | Locality | Area in km ² | Reference |
|----------------|--------------------------|---------------|-------------------------|---------------|
| PEL 683 | Petrex Australia Pty Ltd | Officer Basin | 9,886 | MER-2020/0179 |

Description of Area

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

Commencing at a point being the intersection of latitude 28°45'00"S AGD66, and longitude 131°45'00"E AGD66, thence east to the western boundary of Section 1486, Out of Hundreds Giles (Maralinga Nuclear Test Site), thence southerly, easterly and northerly along the boundary of the said lands to latitude 28°46'44"S GDA2020, east to longitude 132°30'00"E GDA94, south to latitude 29°10'00"S GDA94, west to longitude 132°10'00"E GDA94, south to latitude 29°25'00"S GDA94, west to longitude 131°45'00"E GDA94, south to the northern boundary of Section 400, Out of Hundreds Maurice (Maralinga Nuclear Test Site), thence beginning westerly along the boundary of the said lands to the northern boundary of Section 1487, Out of Hundreds Maurice (Maralinga Nuclear Test Site), thence beginning westerly along the boundary of the said lands to latitude 29°59'59"S GDA2020, west to longitude 131°10'00"E GDA94, north to latitude 29°10'00"S AGD66, east to longitude 131°10'00"E AGD66, north to latitude 29°00'00"S AGD66, east to longitude 131°45'00"E AGD66, and north to the point of commencement.

AREA: **9,886** square kilometres approximately.

Dated: 19 November 2024

BENJAMIN ZAMMIT
Executive Director
Regulation and Compliance Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

ENERGY RESOURCES ACT 2000

Grant of Petroleum Exploration Licence—PEL 685

Notice is hereby given that the undermentioned Petroleum Exploration Licence has been granted under the provisions of the *Energy Resources Act 2000*, pursuant to delegated powers dated 19 August 2024.

| No. of Licence | Licensees | Locality | Area in km ² | Reference |
|----------------|--------------------------|---------------|-------------------------|---------------|
| PEL 685 | Petrex Australia Pty Ltd | Officer Basin | 9,972 | MER-2020/0181 |

Description of Area

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

Commencing at a point being the intersection of latitude 29°10'00"S GDA94 and longitude 132°30'00"E GDA94, thence east to the eastern boundary of the Maralinga Tjarutja Lands, thence southerly, easterly and southerly along the boundary of the said Lands to latitude 30°00'00"S GDA94, west to longitude 132°40'00"E GDA94, south to latitude 30°10'00"S GDA94, west to longitude 132°25'00"E GDA94, south to latitude 30°21'00"S GDA94, west to longitude 132°00'00"E GDA94, north to the southern boundary of section 400, Out of Hundreds Maurice (Maralinga Nuclear Test Site), then easterly and northerly along the boundary of the said Lands to latitude 29°45'00"S GDA94, east to longitude 132°00'00"E GDA94, north to latitude 29°25'00"S GDA94, east to longitude 132°10'00"E GDA94, north to latitude 29°20'00"S GDA94, east to longitude 132°30'00"E GDA94, and north to point of commencement.

AREA: **9,972** square kilometres approximately.

Dated: 19 November 2024

BENJAMIN ZAMMIT
Executive Director
Regulation and Compliance Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

ENERGY RESOURCES ACT 2000

Suspension of Petroleum Exploration Licences—PELs 112 and 444

Pursuant to Section 90 of the *Energy Resources Act 2000*, notice is hereby given that the abovementioned Petroleum Exploration Licences have been suspended for the period from 1 October 2024 to 31 December 2024 inclusive, pursuant to delegated powers dated 19 December 2024.

The expiry date of PEL 112 is now determined to be 4 June 2026.

The expiry date of PEL 444 is now determined to be 6 June 2027.

Dated: 18 November 2024

BENJAMIN ZAMMIT
Executive Director
Regulation and Compliance Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

ENERGY RESOURCES ACT 2000

*Suspension of Petroleum Exploration Licence—PEL 677**Petroleum Retention Licences—PRLs 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 74, 75, 124 and 248*

Pursuant to Section 90 of the *Energy Resources Act 2000*, notice is hereby given that the abovementioned licences have been suspended for the period from 1 October 2024 to 31 December 2024 inclusive, pursuant to delegated powers dated 19 August 2024.

The expiry date of PEL 677 is now determined to be 23 February 2029.

The expiry date of PRLs 50, 58, 59, 67, 68, 69, 70, 71, 72 and 74 is now determined to be 23 June 2025.

The expiry date of PRLs 51, 52, 53, 54, 55, 56, 57, 60, 61, 62, 63, 64, 65 and 66 is now determined to be 25 December 2026.

The expiry date of PRL 75 is now determined to be 25 December 2025.

The expiry date of PRL 124 is now determined to be 26 October 2025.

The expiry date of PRL 248 is now determined to be 15 December 2025.

Dated: 18 November 2024

BENJAMIN ZAMMIT
Executive Director
Regulation and Compliance Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

FISHERIES MANAGEMENT (PRAWN FISHERIES) REGULATIONS 2017

November 2024 Fishing for the West Coast Prawn Fishery

Take notice that pursuant to Regulation 10 of the *Fisheries Management (Prawn Fisheries) Regulations 2017*, the notice dated 19 September 2024 on page 4093 of the *South Australian Government Gazette* of 1 November 2024, prohibiting fishing activities in the West Coast Prawn Fishery is hereby varied such that it will not be unlawful for a person fishing pursuant to a West Coast Prawn Fishery licence to use prawn trawl nets in the areas specified in Schedule 1, during the period specified in Schedule 2, and under the conditions specified in Schedule 3.

SCHEDULE 1

The waters of the West Coast Prawn Fishery as defined in the *Fisheries Management (Prawn Fisheries) Regulations 2017*, excluding Ceduna and Venus Bay.

SCHEDULE 2

Commencing at sunset on 25 November 2024 and ending at sunrise on 26 November 2024.

SCHEDULE 3

1. Each licence holder of a fishing licence undertaking fishing activities pursuant to this notice must ensure that a representative sample of catch (a 'bucket count') is taken at least 3 times per night during the fishing activity.
2. Each 'bucket count' sample must be accurately weighed to 7kg where possible and the total number of prawns contained in the bucket must be recorded on the daily catch and effort return.
3. Fishing must cease if a total of 14 nights of fishing are completed.
4. Fishing must cease in a fishing area if one of the following limits is reached:
 - (a) The average catch for all vessels drops below 300 kg for two consecutive nights in a fishing area.
 - (b) The average 'bucket count' for all vessels exceeds 240 prawns per 7 kg bucket for two consecutive nights in the Coffin Bay area.
 - (c) The average 'bucket count' for all vessels exceeds 270 prawns per 7 kg bucket for two consecutive nights in the Corvisart Bay area.
 - (d) The average catch for all vessels drops below 300 kg or 'bucket count' exceeds 260 prawns per 7 kg bucket for two consecutive nights in waters outside the four main fishing areas as defined in the WCPF Harvest Strategy (Ceduna, Corvisart Bay, Venus Bay and Coffins Bay).
5. Each licence holder, or registered master of a fishing license undertaking fishing activities must provide a daily report by telephone or SMS message, via a nominated representative, to the Department of Primary Industries and Regions, Prawn Fishery Manager, providing the following information for all vessels operating in the fishery from the previous nights fishing:
 - (a) average prawn catch; and
 - (b) the average prawn 'bucket count'.
6. No fishing activity may be undertaken after the expiration of 30 minutes from the prescribed time of sunrise and no fishing activity may be undertaken before the prescribed time of sunset for Adelaide (as published in the *South Australian Government Gazette* pursuant to the requirements of the *Proof of Sunrise and Sunset Act 1923*) during the period specified in Schedule 2.

Dated: 21 November 2024

JADE FREDERICKS
Prawn Fishery Manager
Delegate of the Minister for Primary Industries and Regional Development

GAMBLING ADMINISTRATION ACT 2019

South Australia

Authorised Betting Operations Gambling Code of Practice Variation Notice 2024 (No. 1)under Section 15 of the *Gambling Administration Act 2019***Part 1—Preliminary****1—Short title**

This notice may be cited as the *Authorised Betting Operations Gambling Code of Practice Variation Notice 2024 (No. 1)* (**Variation Notice**).

2—Commencement

This Variation Notice comes into operation on 1 January 2025.

3—Variation of existing codes of practice

This notice varies the *Authorised Betting Operations Gambling Code of Practice* published in the Gazette on 28 September 2023 and is made by the Acting Liquor and Gambling Commissioner under Section 15 of the *Gambling Administration Act 2019*.

4—Variation provisions

In this notice, a provision under a heading referring to a variation of a specified clause of the Authorised Betting Operations Gambling Code of Practice made under the *Gambling Administration Act 2019* varies the clause so specified.

Part 2—Variation of Authorised Betting Gambling Code of Practice**5—Variation of Clause 4—Interpretation**

(1) Clause 4—Interpretation

After the definition of ‘expanded call-to-action message’, insert:

expanded warning message means a message listed as an expanded warning message in the table in Schedule 1 which is the expanded warning message for the purposes Clause 12 of this code during—

- (a) the period of 6 months listed beside it as the first relevant period; and
- (b) the period of 6 months commencing on every third anniversary of the commencement of the first relevant period.

6—Variation of Schedule 1—Expanded warning messages

(1) Schedule 1—delete Schedule 1 and substitute:

Schedule 1—Expanded warning messages

Authorised Betting Operations Act 2000

(1) For the purposes of Clause 12, the following expanded warning messages are prescribed:

| | |
|---|---------------------------------|
| Chances are you’re about to lose | 1 January 2025 to 30 June 2025 |
| What’s gambling really costing you? | 1 July 2025 to 31 December 2025 |
| What are you prepared to lose today? | 1 January 2026 to 30 June 2026 |
| Imagine what you could be buying instead. | 1 July 2026 to 31 December 2026 |
| You win some, you lose more. | 1 January 2027 to 30 June 2027 |
| What are you really gambling with? | 1 July 2027 to 31 December 2027 |

Dated: 28 November 2024

STEPH HALLIDAY
Acting Liquor and Gambling Commissioner

GAMBLING ADMINISTRATION ACT 2019

South Australia

Casino Gambling Code of Practice Variation Notice 2024 (No. 1)under Section 15 of the *Gambling Administration Act 2019***Part 1—Preliminary****1—Short title**

This notice may be cited as the *Casino Gambling Code of Practice Variation Notice 2024 (No. 1)* (**Variation Notice**).

2—Commencement

This Variation Notice comes into operation on 1 January 2025.

3—Variation of existing codes of practice

This notice varies the *Casino Gambling Code of Practice* published in the Gazette on 28 September 2023 and is made by the Acting Liquor and Gambling Commissioner under Section 15 of the *Gambling Administration Act 2019*.

4—Variation provisions

In this notice, a provision under a heading referring to a variation of a specified clause of the Casino Gambling Code of Practice made under the *Gambling Administration Act 2019* varies the clause so specified.

Part 2—Variation of *Casino Gambling Code of Practice***5—Variation of Clause 4—Interpretation**

After the definition of ‘condensed warning message’, insert:

expanded warning message means a message listed as an expanded warning message in the table in Schedule 1 which is the expanded warning message for the purposes of this Code during—

- (a) the period of 6 months listed beside it was the first relevant period; and
- (b) the period of 6 months commencing on every third anniversary of the commencement of the first relevant period.

After the definition of ‘private webpage’, insert:

welfare agency means Gambling Harm Support SA

6—Variation of Clause 15—Signage in gaming areas

(1) Clause 15(4)—delete subclause and substitute:

15. Signage in gaming areas

- (4) If the welfare agency publishes recommended content for a sign under sub-clause (3) in respect to the casino premises, the licensee may only display a sign containing that content.

7—Variation of Schedule 1—Expanded warning messages

(1) Schedule 1—delete Schedule 1 and substitute:

Schedule 1**Expanded warning messages**

| | |
|---|---------------------------------|
| Chances are you’re about to lose | 1 January 2025 to 30 June 2025 |
| What’s gambling really costing you? | 1 July 2025 to 31 December 2025 |
| What are you prepared to lose today? | 1 January 2026 to 30 June 2026 |
| Imagine what you could be buying instead. | 1 July 2026 to 31 December 2026 |
| You win some, you lose more. | 1 January 2027 to 30 June 2027 |
| What are you really gambling with? | 1 July 2027 to 31 December 2027 |

Dated: 28 November 2024

STEPH HALLIDAY
Acting Liquor and Gambling Commissioner

GAMBLING ADMINISTRATION ACT 2019

South Australia

Gaming Machines Gambling Code of Practice Variation Notice 2024 (No. 1)

under Section 15 of the *Gambling Administration Act 2019*

Part 1—Preliminary**1—Short title**

This notice may be cited as the *Gaming Machines Gambling Code of Practice Variation Notice 2024 (No. 1)* (**Variation Notice**).

2—Commencement

This Variation Notice comes into operation on 1 January 2025.

3—Variation of existing codes of practice

This notice varies the *Gaming Machines Gambling Code of Practice* published in the Gazette on 28 September 2023 and is made by the Acting Liquor and Gambling Commissioner under Section 15 of the *Gambling Administration Act 2019*.

4—Variation provisions

In this notice, a provision under a heading referring to a variation of a specified clause of the Gaming Machines Gambling Code of Practice made under the *Gambling Administration Act 2019* varies the clause so specified.

Part 2—Variation of *Gaming Machines Gambling Code of Practice***5—Variation of Clause 4—Interpretation**

(1) Clause 4—Interpretation:

After the definition of ‘condensed warning message’, insert:

expanded warning message means a message listed as an expanded warning message in the table in Schedule 1 which is the expanded warning message for the purposes of this code during—

- (a) the period of 6 months listed beside it as the first relevant period; and
- (b) the period of 6 months commencing on every third anniversary of the commencement of the first relevant period.

After the definition of ‘private webpage’, insert:

welfare agency means Gambling Harm Support SA

6—Variation of Clause 15—Signage in gaming areas

(1) Clause 15(4)—delete subclause and substitute:

15. Signage in gaming areas

(4) If the welfare agency publishes recommended content for a sign under sub-clause (3) in respect of a particular premises or a class of premises, the licensee may only display a sign containing that content.

7—Variation of Schedule 1—Expanded warning messages

(1) Schedule 1—delete Schedule 1 and substitute:

Schedule 1**Expanded warning messages**

| | |
|---|---------------------------------|
| Chances are you're about to lose | 1 January 2025 to 30 June 2025 |
| What's gambling really costing you? | 1 July 2025 to 31 December 2025 |
| What are you prepared to lose today? | 1 January 2026 to 30 June 2026 |
| Imagine what you could be buying instead. | 1 July 2026 to 31 December 2026 |
| You win some, you lose more. | 1 January 2027 to 30 June 2027 |
| What are you really gambling with? | 1 July 2027 to 31 December 2027 |

Dated: 28 November 2024

STEPH HALLIDAY
Acting Liquor and Gambling Commissioner

GAMBLING ADMINISTRATION ACT 2019

South Australia

State Lotteries Gambling Code of Practice Variation Notice 2024 (No. 1)

under Section 15 of the *Gambling Administration Act 2019*

Part 1—Preliminary**1—Short title**

This notice may be cited as the *State Lotteries Gambling Code of Practice Variation Notice 2024 (No. 1)* (**Variation Notice**).

2—Commencement

This Variation Notice comes into operation on 1 January 2025.

3—Variation of existing codes of practice

This notice varies the *State Lotteries Gambling Code of Practice* published in the Gazette on 28 September 2023 and is made by the Acting Liquor and Gambling Commissioner under Section 15 of the *Gambling Administration Act 2019*.

4—Variation provisions

In this notice, a provision under a heading referring to a variation of a specified clause of the State Lotteries Gambling Code of Practice made under the *Gambling Administration Act 2019* varies the clause so specified.

Part 2—Variation of State Lotteries Gambling Code of Practice**5—Variation of Clause 4—Interpretation**

(1) Clause 4—Interpretation

After the definition of 'condensed warning message', insert:

expanded warning message means a message listed as an expanded warning message in the table in Schedule 1 which is the expanded warning message for the purposes of this code during—

- (a) the period of 6 months listed beside it as the first relevant period; and
- (b) the period of 6 months commencing on every third anniversary of the commencement of the first relevant period.

6—Variation of Schedule 1—Expanded warning messages

(1) Schedule 1—delete Schedule 1 and substitute:

Schedule 1**Expanded warning messages**

| | |
|---|---------------------------------|
| Chances are you're about to lose. | 1 January 2025 to 30 June 2025 |
| What's gambling really costing you? | 1 July 2025 to 31 December 2025 |
| What are you prepared to lose today? | 1 January 2026 to 30 June 2026 |
| Imagine what you could be buying instead. | 1 July 2026 to 31 December 2026 |
| You win some, you lose more. | 1 January 2027 to 30 June 2027 |
| What are you really gambling with? | 1 July 2027 to 31 December 2027 |

Dated: 28 November 2024

STEPH HALLIDAY
Acting Liquor and Gambling Commissioner

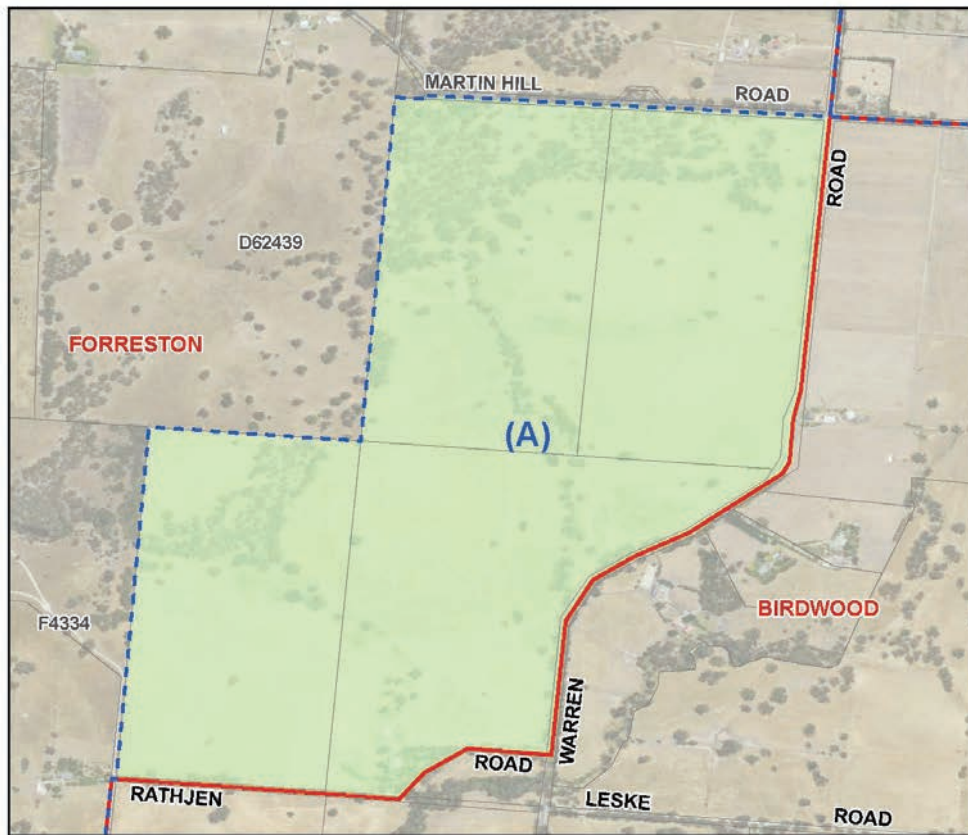
GEOGRAPHICAL NAMES ACT 1991

Notice to Alter the Boundary of a Place

Notice is hereby given that, pursuant to Section 11B(1)(b) of the *Geographical Names Act 1991*, I, Bradley Slape, Surveyor-General and Delegate appointed by the Honourable Nick Champion MP, Minister for Planning, Minister of the Crown to whom the administration of the *Geographical Names Act 1991* is committed, do hereby:

- Alter the locality boundary between Forreston and Birdwood to exclude that area marked (A), highlighted in green as shown on the plan, from the bounded locality of **FORRESTON** and include that area in the locality of **BIRDWOOD**.

This notice is to take effect immediately upon its publication in the Government Gazette.



SUBURB BOUNDARY ALTERATION OF FORRESTON AND BIRDWOOD



0 55 110 220 330 440 Metres

Legend

| | |
|-------------------|-------------------|
| Suburb Boundaries | Parcel Boundaries |
| Area Affected | Historical |

DESCRIPTION

Exclude from the locality of FORRESTON that area marked (A) shown highlighted in green on the attached plan and include that area in the locality of BIRDWOOD.



Government of South Australia
Department for Housing and Urban Development

REF: 2024_Forreston_Birdwood (1607/2024)

Dated: 28 November 2024

2024/03983/01

B. J. SLAPE
Surveyor-General

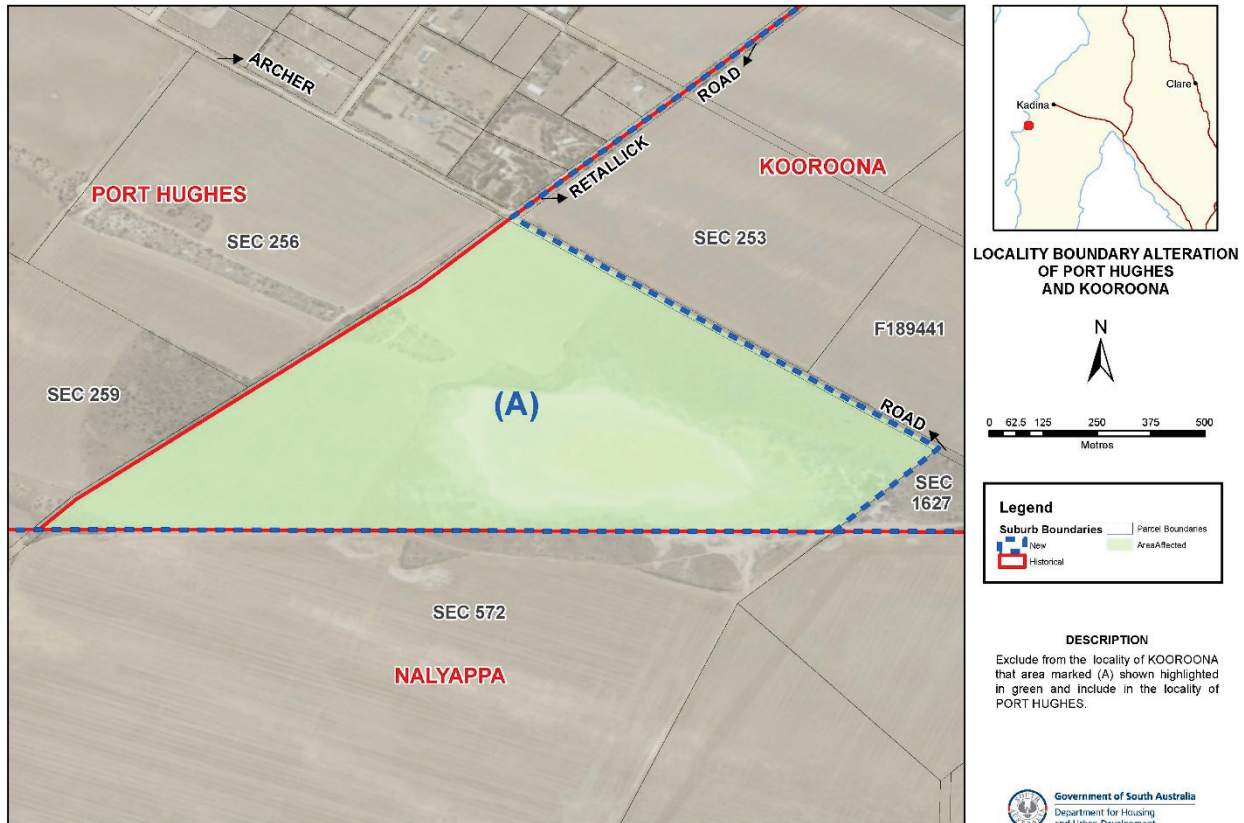
GEOGRAPHICAL NAMES ACT 1991

Notice to Alter the Boundary of a Place

Notice is hereby given that, pursuant to Section 11B(1)(b) of the *Geographical Names Act 1991*, I, Bradley Slape, Surveyor-General and Delegate appointed by the Honourable Nick Champion MP, Minister for Planning, Minister of the Crown to whom the administration of the *Geographical Names Act 1991* is committed, do hereby:

- Alter the locality boundary between Port Hughes and Kooroona to exclude that area marked (A), highlighted in green as shown on the plan, from the bounded locality of **KOOROONA** and include that area in the locality of **PORT HUGHES**.

This notice is to take effect immediately upon its publication in the Government Gazette.



Dated: 28 November 2024

2024/03983/01

REF: Port Hughes Kooroona (2/07/2024)

B. J. SLAPE
Surveyor-General

HIGHWAYS ACT 1926

SECTION 26(3)

Care, Control and Management of Local Roads

I, Jon William Whelan, Commissioner of Highways, with the approval of the Minister for Infrastructure and Transport do hereby give notice that I will undertake the care, control and management of the following local roads, within the boundaries of the City of Marion until further notice, in association with the North-South Corridor, River Torrens to Darlington Project.

- Selgar Avenue
- Byron Avenue
- Janet Street
- Celtic Avenue
- Princes Parade
- English Avenue
- Norrie Avenue
- Wingfield Avenue

The extent of works is identified on the attached plan and is scheduled to commence November 2024.

Dated: 20 November 2024

JON WILLIAM WHELAN
Commissioner of Highways

HIGHWAYS ACT 1926

SECTION 26(4)

This Notice Varies the Section 26(3) Notice Dated 9 November 2023 for the Road Known as York Avenue, Clovelly Park Within the Boundaries of the City of Marion

I, Jon William Whelan, Commissioner of Highways, with the approval of the Minister for Infrastructure and Transport, do hereby give notice that:

I will undertake the care, control and management of that part of York Avenue, Clovelly Park, between the intersection with South Road and the section of York Avenue subject to the existing Section 26(3) notice issued 9 November 2023, within the boundaries of the City of Marion, until further notice.

Dated: 20 November 2024

JON WILLIAM WHELAN
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 |
|--|---|--------------------------------------|------------------------------------|
| 85 Adelaide Road, Mount Barker SA 5251 | Allotment 100 Deposited Plan 45880 Hundred of Macclesfield | CT5383/371 | \$140.00 |

Dated: 28 November 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 |
|---|--|--------------------------------------|
| 4 Bayview Parade, North Beach SA 5556 | Allotment 92 Deposited Plan 6200 Hundred of Wallaroo | CT5213/43 |
| Taylor's Road, Waterloo Corner SA 5110 (160 Calvengrove Road, Waterloo Corner SA 5110) | Allotment 95 Filed Plan 114809 Hundred of Munno Para | CT5573/41 |
| 200 Bethany Road, Bethany SA 5352 | Allotment 593 Filed Plan 172854 Hundred of Moorooroo | CT5832/107 |
| 167 First Avenue, Royston Park SA 5070 | Allotment 167 Deposited Plan 39815 Hundred of Adelaide | CT5201/555 |
| 194 North Parham Road, Windsor SA 5501 | Allotment 6 Filed Plan 18899 Hundred of Dublin | CT5813/294 |

Dated: 28 November 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 Commissioner for Consumer Affairs*

I, Stephanie Halliday, 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 9 December 2024 and expiring on 8 December 2034:

Tanya Lea WILSON
Vikas TOOR
Paul James SCUDDS
Xanthe OLIVIER
Paul James MARSTON
Emily Jane KERNOT
Snehdeep KAUR

Elizabeth Anne HEMPHILL
Jennifer Joy DUNNCLIFF
Annette Joy DODSWORTH
Catherine Jane CUNNINGHAM
Hassan AHMADI

Dated: 20 November 2024

STEPHANIE HALLIDAY
Acting Commissioner for Consumer Affairs
Delegate of the Attorney-General

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, Stephanie Halliday, 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.

For a period of ten years for a term commencing on 18 December 2024 and expiring on 17 December 2034:

Rosaria WHITE
Georgia Nicki WHITE
Peter Mark THOMSON
Robert William THOMPSON
Geoffrey Ross TASSELL
Naomi Edith STUBING
Colin Neil SIMPSON
Bill George PETERSON
Bruce Malcolm MORRISON
David John Gibb MCCARTHY
Vasilios LOIZIDES
Tyron Henry LLOYD
Wayne Kenneth LAWSON
Thomas Grant KELSEY
Gregory Douglas JOHNSTON
Andrew Mark JEYNES
Peter Joseph HOGAN
Brian Douglas HERN
Margaret Elizabeth HERCZEG
Patrick Peter HANSEN
Declan James DONLEAVY
Malcolm DAVIS
Kim Michelle CASEY
Jane Annette AUBREY

Dated: 26 November 2024

STEPHANIE HALLIDAY
Commissioner for Consumer Affairs
Delegate of the Attorney-General

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, Stephanie Halliday, 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.

For a period of ten years for a term commencing on 15 January 2025 and expiring on 14 January 2035:

Fiona Gwendoline WARWICK
Suzanne WARMAN
Carolyn Jeanette SICKERDICK
Janet Aileen SHEPHERD
Brenton John SCROOP
Sheree Gay PENNEY
Anthony William NICHOLLS
Sheila Joan MCCREANOR
Dennis John MATTHEWS
Luke Daniel MAGUIRE
Gary John LITTLE
Anthony Patrick KEARNEY
Mohammed Salim KALANIYA
Heather Bernice KAESLER
Christine Joy JEFFERYS
Trevor Philip HAYLEY
Ryan Mark HARBER
Lisa Nicole FATCHEN

Shirley Marie DUNN
Rodgers Sydney DAVIDSON
Kathryn Joy CRAWFORD
Anthony Melvin CHRISTIAN
Ian James BUDGE
Craig William BRASSINGTON
Nicole Louise BECK
Darren Ray ALOMES

Dated: 26 November 2024

STEPHANIE HALLIDAY
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 unencumbered estate in fee simple in that piece of land being portion of Allotment 301 in Deposited Plan 125169 comprised in Certificate of Title Volume 6246 Folio 505, and being the whole of the land identified as Allotment 51 in D136435 lodged in the Lands Titles Office.

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: 26 November 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: 2021/17708/01

MENTAL HEALTH ACT 2009

Conditions Placed on an Approved Treatment Centre

Notice is hereby given in accordance with Section 96 of the *Mental Health Act 2009*, that the Chief Psychiatrist has determined Building 73 and Building 74 of the Repatriation Health Precinct, 216 Daws Road, Daw Park SA 5054, to be an Approved Treatment Centre commencing from 28 November 2024, which will be known as *Tarin Kowt*. This determination is subject to the following limitation:

A bed plan must be approved by the Chief Psychiatrist which will determine the maximum number of patients under the care of an inpatient treatment order who will be admitted at any one time.

Dated: 28 November 2024

DR J. BRAYLEY
Chief Psychiatrist

MENTAL HEALTH ACT 2009

Conditions Placed on an Approved Treatment Centre

Notice is hereby given in accordance with Section 96 of the *Mental Health Act 2009*, that the Chief Psychiatrist has determined Building 75 of the Repatriation Health Precinct, 216 Daws Road, Daw Park SA 5054, to be an Approved Treatment Centre commencing from 28 November 2024, which will be known as *Timor 5*. This determination is subject to the following limitation:

A bed plan must be approved by the Chief Psychiatrist which will determine the maximum number of patients under the care of an inpatient treatment order who will be admitted at any one time.

Dated: 28 November 2024

DR J. BRAYLEY
Chief Psychiatrist

MINING ACT 1971
MINING REGULATIONS 2020

Terms of Reference for the Razorback Iron Ore Project

This Terms of Reference determines the minimum requirements to apply for a mining lease and/or miscellaneous purposes licence for the Razorback Iron Ore Project in addition to the requirements of the *Mining Act 1971* and *Mining Regulations 2020*.

TERMS OF REFERENCE FOR MINERAL MINE LEASE/LICENCE APPLICATIONS

An application for a mining lease (ML) for the recovery of metallic and industrial minerals must be accompanied by:

- a proposal that complies with Section 36 of the *Mining Act 1971*, Regulations 46 and 47 of the *Mining Regulations 2020* and any determinations set out in this Terms of Reference; and
- information that complies with Regulation 30 of the *Mining Regulations 2020* and any determinations set out in this Terms of Reference; and
- a declaration of accuracy that complies with Regulation 83 of the *Mining Regulations 2020*; and
- the relevant application fee.

An application for a miscellaneous purposes licence (MPL) for ancillary operations must be accompanied by:

- a proposal that complies with Section 49 of the *Mining Act 1971*, Regulations 46 and 47 of the *Mining Regulations 2020* and any determinations set out in this Terms of Reference; and
- information that complies with Regulations 37 and 38 of the *Mining Regulations 2020* and any determinations set out in this Terms of Reference; and
- a declaration of accuracy that complies with Regulation 83 of the *Mining Regulations 2020*; and
- the relevant application fee.

FORM OF APPLICATION

An application for an ML and/or MPL must in accordance with Section 36(1)(a) and 49(1)(a) of the *Mining Act 1971* be in the following form, unless otherwise specified by the Director of Mines or an authorised officer:

- an electronic version must be submitted; hardcopies must be submitted upon request; the information in all must be identical;
- each page, plan or other separate sheet must include the mineral claim, retention lease or exploration licence number(s), date of the application submission and sequential page numbering; and
- the electronic version must be submitted in one single Acrobat PDF file or if requested by the Director of Mines or an authorised officer, Microsoft Word compatible files must be submitted.

PROPOSAL

An application for an ML and/or MPL must be accompanied by a proposal that complies with Sections 36 and 49 of the *Mining Act 1971* and Regulations 46 and 47 of the *Mining Regulations 2020*, and must comply with the following determinations of this Terms of Reference as set out below:

1. DESCRIPTION OF THE EXISTING ENVIRONMENT

In setting out an assessment of the environmental impacts of the proposed authorised operations in accordance with Sections 36(1)(c)(ii)(A) and 49(1)(c)(ii)(A) of the *Mining Act 1971* and Regulation 46(2) of the *Mining Regulations 2020*, the Minister determines in accordance with Regulation 46(6)(e) of the *Mining Regulations 2020* that a proposal must include a description and assessment of the environment as set out in this Terms of Reference. Each of the elements of the existing environment (as defined in Section 6(4) of the *Mining Act 1971*) listed in Clauses 1.1-1.20 must be described only to the extent that they may need to be considered in assessing the potential impacts of the proposed mine operations. If the element is not likely to be impacted by the operation, a statement to that effect must be included.

1.1 Topography and Landscape

Provide a description and map (as per 5.1.1.1) of the topography and landscape, detailing the:

- application area; and
- general surroundings.

1.2 Climate

Provide:

- a summary of rainfall and temperature patterns, evaporation rates, and wind directions and speed (including maximum wind gusts); and
- details of the maximum average recurrence interval or annual exceedance probability rainfall event used for the operational and closure design of the project, and the justification for the value(s) selected.

1.3 Topsoil and Subsoil

Provide:

- a description of the soil profile (type and depth), and the characteristics and/or productivity of all soils on the application area (show this information on a map as per 5.1.1.2 if there is a variation in soils over the application area); and
- identify any soil characteristics, including (but not limited to) erodibility, acid sulfate, sodic or non-wettable soils, that may require control measures to reduce environmental impacts during operations or rehabilitation.

1.4 Geological Environment

Provide a description of the following, as a minimum:

- regional geology;

- local geology within the application area and geological map(s) (as per 5.1.1.2), including but not limited to;
 - location, dimensions and orientation (dip and strike), and extent of the mineral resource and ore reserve;
 - location and composition of all rock types and rock units that are proposed to be disturbed;
 - interpretation of the stratigraphy of the rocks hosting the deposit as well as any overlying and adjacent rock units; and
 - an indication of the potential for extension to the orebody;
- representative cross-sections and long section (as per 5.2.1.1) of the geology of the application area; and
- the exploration data on which the geological interpretation was based on.

1.5 Geochemistry and Geohazards

Provide:

- a geochemical assessment of all rock types that are proposed to be disturbed, based on representative sampling and analysis that includes the identification and quantification of, but not limited to, sulfide minerals that have the potential to generate acid or mobilise metals into the environment; and
- a mineralogical assessment of all the rock types that are proposed to be disturbed, based on representative sampling and analysis for the presence and quantification of (but not limited to) radioactive minerals, asbestiform minerals or minerals that have the potential to produce respirable silica.

Describe the potential for any of the following natural geohazards to be present in the application area and show on a map:

- structural instability, including slips, faults, karst features or geological discontinuities; and
- major seismic events (based on historical data).

1.6 Groundwater

If all proposed mining operations are to occur at least 3 m above the seasonally high water table, provide:

- a statement that all proposed mining operations are to occur at least 3 m above the seasonally high water table;
- a statement that the proposed mining operations will not /are unlikely to increase the seasonally high water table to within 3 m of the mining operations anywhere within the lease application area;
- an assessment of the position of the seasonally high water table beneath the entire lease application area; and
- the drillhole, borehole and hydrogeological data and information the assessment is based on.

If any part of the proposed mining operations is likely to occur within 3 m of the seasonally high water table, or the proposed mining operations will/are likely to increase the seasonally high water table to within 3 m of the mining operations, or the proposed mining operations are likely to intersect aquifer unit(s), provide:

- a statement describing if the application area is within an area where the water resources are prescribed under the *Landscape South Australia Act 2019* and details on the current availability of groundwater resources within the prescribed area;
- a description of the local and regional hydrogeology, detailing both the stratigraphy and hydrostratigraphy;
- a detailed baseline description of the groundwater characteristics and flow dynamics for aquifers within the application area which includes:
 - static water levels and groundwater heads/groundwater elevations, including seasonal fluctuations for each aquifer;
 - baseline groundwater hydrochemistry and mineralogy, including any seasonal fluctuations and spatial variability for each aquifer;
 - aquifer properties including hydraulic conductivity, transmissivity, specific yield, storage coefficient, total porosity, effective porosity and aquifer thickness;
 - recharge and discharge mechanisms,
 - hydrogeological characteristics of confining strata, including hydraulic conductivity and thickness;
 - connectivity between the proposed mining aquifer and lateral, overlying or underlying aquifers and surface water;
 - conceptualisation of the hydrogeology: a summary of all above and a description of the hydrogeological setting considered important for impact assessment; and
 - a preliminary impact assessment/numerical model of groundwater flow (and contaminant transport model, if applicable), based on the conceptual hydrogeology.
- local and regional potentiometric surface/groundwater elevation map(s) (as per 5.1.1.3) for each aquifer within the application area;
- cross-section(s) (as per 5.2.1.2) of the hydrostratigraphy;
- the environmental value of each aquifer determined according to the Environment Protection (Water Quality) Policy 2015, or any subsequent updates;
- a description of the existence, location, condition and value of all aquatic, terrestrial and subterranean Groundwater Dependent Ecosystems (GDEs) within the application area and within and immediately surrounding the extent of predicted hydrogeological impact of the proposed mine operations; and
- an assessment of any current or historical use of local groundwater by the landowner(s) and other users which includes a baseline survey of bores, including depth to groundwater, groundwater quality, bore construction details, status and purpose and collar/ground elevations.

1.7 Surface water

Provide a topographic map (as per 5.1.1.1) and description of the current drainage patterns for the application area and water catchment including:

- location of watercourses, drains, dams and wetlands;

- surface water catchment boundaries;
- direction of drainage and discharge from the application area;
- a statement describing if the application area is within an area where the water resources are prescribed under the *Landscapes South Australia Act 2019*, and provide details on the current availability of water resources within the prescribed area;
- a statement if the application area is within a water protection area including areas under the *River Murray Act 2003*;
- a statement as to whether the application falls within the Murray Darling Basin; and
- groundwater—surface water interactions.

Provide water quality data for identified watercourses, where there is potential for discharge into that watercourse from the proposed operation (whether intentional or not). Should identified watercourses be ephemeral, and it is not possible to collect water samples, provide a characterisation of sediments sampled from the watercourse bed upstream and downstream of the application area.

If there is potential for changing a flow regime (including change in flow volume) or discharge into these watercourses from the proposed operations, an assessment of the use of this water by the landowner, downstream users and water dependent ecosystems must be included.

1.8 Vegetation, Weeds and Plant Pathogens

Provide:

- a description and map (as per 5.1.1.1) of existing flora (native and introduced) in the application area and surroundings;
- the State conservation status and habitat value of native vegetation present in the application area;
- a description of the presence of Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, listed species and ecological communities;
- a description of the extent the application area and adjoining land is affected or potentially affected by pathogens and prescribed weeds; and
- if known, a description of the history of land use to identify if the existing vegetation is the result of deliberate cultivation or natural regrowth arising from previous clearance.

1.9 Fauna

Describe the native and feral fauna that may be present in the application area noting State or Commonwealth conservation status of all species.

1.10 Caves

If the application area is within, or near to, known caves or significant limestone formations a survey for the presence of caves must be performed.

Provide a summary of the results of the survey and describe the presence of any caves in karst (limestone) areas within, or near to, the application area and show on a map (as per 5.1.1.5).

1.11 Local Community

Provide:

- a description of the local population, the economy, services and employment; and
- details of nearest town or urban areas, with a summary of the demographics of the local population.

1.12 Landowners and Land Use

Provide a description of:

- land ownership for all titles within and adjacent to the application area;
- land use (historical and current) for the application area and the surrounding areas;
- the zoning as defined by the Planning and Design Code or relevant council development plans;
- policies relevant to the application area, including region or council wide, zone specific and sub areas within a zone;
- known plans for potential future land use changes by other parties; and
- any other interests or restrictions on the application area, including:
 - public utility easements;
 - if the application is within land used for defence purposes, including (but not limited to) the Woomera Prohibited Area or the Cultana Army Training Area;
 - any overlapping or adjacent tenements under the *Mining Act 1971*, or *Petroleum and Geothermal Energy Act 2000*.

1.13 Proximity to Infrastructure and Housing

Provide information and a map (as per 5.1.1.4):

- identifying residences within and near the application area;
- identifying other human infrastructure such as (but not limited to) schools, hospitals, commercial or industrial sites, roads, sheds, bores, dams, ruins, pumps, cemeteries, scenic lookouts, roads, railway lines, fences, transmission lines, gas and water pipelines, and telephone lines (both underground and above ground); and
- identifying public roads to be utilised or affected as part of proposed operations, including an estimate of the existing traffic movements.

1.14 Exempt Land

Provide a description and map (as per 5.1.1.4) of any applicable exempt land under Section 9 of the *Mining Act 1971*.

1.15 Amenity

Provide a description of scenic or aesthetic values for the application area and immediate surrounds, including features of community, tourist or visitor interest.

1.16 Air Quality

Provide a description of the existing levels of dust and contributors to air quality including odour (both natural and anthropogenic).

1.17 Noise

Provide a description and measurement data of the existing levels of noise and contributors to noise (both natural and anthropogenic).

1.18 Heritage (Aboriginal, European, Geological)

Detail and show on a map (as per 5.1.1.1):

- any registered heritage sites in or adjacent to the application areas that are protected under legislation (in so far as may be permitted under the relevant legislation); and
- include a statement concerning whether or not an Aboriginal cultural heritage survey has been conducted by the proponent and if so, the results of the survey.

1.19 Proximity to Conservation Areas

Provide:

- information and a map (as per 5.1.1.1) showing proximity to national parks and reserves, private conservation areas, Commonwealth recognised conservation areas, heritage agreement areas and geological heritage sites; and
- a statement as to whether the application area falls within the Adelaide Dolphin Sanctuary, Adelaide International Bird Sanctuary or a Marine Park.

1.20 Pre-existing Site Contamination and Previous Disturbance

Provide information and a map (as per 5.1.1.1) showing:

- any known existing contamination of the site and of any disturbance by previous operations or other activities.

2. DESCRIPTION OF THE PROPOSED OPERATIONS

In specifying the nature and extent of the authorised operations that are proposed in accordance with Sections 36(1)(c)(i) and 49(1)(c)(i) of the *Mining Act 1971*, the Minister determines in accordance with Regulation 46(6)(e) of the *Mining Regulations 2020* that a proposal must include a description of the proposed operations as set out in this Terms of Reference. Each of the elements listed in Clauses 2.1-2.10 must be described only to the extent that they apply to the proposed mine operation.

2.1 General Description and Maps/Plans of Operations

Provide a summary description of all elements of the proposed operation, including mining, processing and waste management (include maps/plans and cross-sections as per 5.1.2 and 5.2.2).

2.1.1 Options

Provide a summary description of relevant options considered for mining, processing and mine waste management strategies, and provide justification for the chosen strategies, including a description of any elimination or substitution strategies that have been adopted to control a hazard in order to protect the environment.

2.2 Reserves, Products and Market**2.2.1 Ore Reserves or Mineral Resources (or both)**

Provide:

- a statement of the current Australasian Joint Ore Reserves Committee (JORC) compliant ore reserve or mineral resource estimates (or both) in the application area; and
- a statement of what reserve and/or resource forms the basis for the application; or (if a JORC compliant reserve or resource (or both) has not been reported
- an estimate of the resource to be mined and the basis of this estimate.

Provide steps that have been taken to ensure proposed mining operations will not sterilize/prevent future extraction of mineral resources.

2.2.2 Production Rate and Products

Provide:

- a statement of the relevant commodities that are proposed to be extracted, recovered, processed and sold, and the expected market or end use;
- a statement of any other commodities present in the application area that are not proposed to be recovered for sale, and the reasons for this decision;
- a quantitative estimate of production of mine gate product(s) for the life of mine, and a schedule of the annual production of mine gate product(s); and
- a statement if any extractive minerals (as defined by Section 6 of the *Mining Act 1971*) will leave the lease.

2.3 Exploration Activities

Provide information that details all exploration activities to be undertaken within the application area as a part of the proposed mining operation, including:

- purpose of the activities (i.e. resource drill-out or resource extension);
- types of drilling;

- geophysical techniques likely to be used;
- earthworks required to conduct exploration activities;
- equipment required to conduct exploration activities; and
- rehabilitation methods for exploration works (including that not yet rehabilitated from previous tenure).

2.4 Mining Activities

2.4.1 *Type or Types of Proposed Mining Operation to be Carried Out*

Provide a clear statement on the type or types of mining operation proposed to be carried out, such as:

- the mining method(s) to be adopted.

2.4.2 *Open Pit*

Describe proposed open pit workings, including (but not limited to):

- overall pit wall angles, bench height, berm width;
- dimensions and depth of pit;
- access ramps; and
- maps, plans and cross-sections (as per 5.1.2 and 5.2.2).

2.4.3 *Underground Workings*

Describe proposed underground workings, including (but not limited to):

- proposed stoping methods;
- potential surface disturbance resulting from underground mining;
- declines, shafts, tunnels, bore holes, ventilation intakes and exhausts; and
- maps, plans and cross-sections (as per 5.1.2 and 5.2.2).

Where underground fill is proposed, describe:

- type of fill to be used;
- the volume percentage of underground void to be filled;
- sequence of filling;
- source and proportion of fill; and
- maps, plans and cross-sections showing the proposed fill (as per 5.1.2 and 5.2.2).

2.4.4 *Material Movements*

Provide:

- expected life of mine (including scope for extension);
- annual mine production rates and mine production schedule of ore and waste rock over the life of mine; and
- life of mine and annual strip ratios.

2.4.5 *Stockpiles*

Describe for all ore, product, subsoil and topsoil stockpiles the:

- location, size, shape and height of all stockpiles;
- method of placement;
- method of stabilisation and erosion control of all stockpiles; and
- water movement through stockpiles.

The location, maximum height and extent of all stockpiles must be shown on a map (as per 5.1.2.1).

2.4.6 *Use of Explosives*

If explosives are proposed to be used, describe:

- type of explosives used on the site;
- proposed timing and frequency of blasting;
- size of blasts; and
- storage of explosives (amount, type, detailed location and method of storage).

2.4.7 *Type of Mining Equipment*

Provide a description of the equipment (fixed and mobile) proposed to be used in the mining operation in terms of:

- type, size and capacity of machines;
- approximate number of units;
- noise outputs;
- exhaust outputs; and
- fire ignition sources.

The location of fixed equipment must be shown on a map (as per 5.1.2.1).

2.4.8 *Mine Dewatering*

Provide:

- estimated inflows of groundwater, stormwater and water from any other mining activities into mine workings;
- details of proposed mine dewatering infrastructure, and mine water management and disposal;
- contingency measures for greater than planned water inflows into mine workings; and
- a mine water balance of water inflows and water outflows during operations and at completion (if not included in the water balance in Clause 2.5.4).

2.4.9 *Sequence of Mining and Rehabilitation Operations*

Provide the following information on the sequence of operations in both text and map form (as per 5.1.2.2):

- description of the sequence of mining stages;
- proposed sequencing of progressive and final rehabilitation, including demonstration that progressive rehabilitation has been integrated with the mining plan;
- an estimation of the quantities of sulfide minerals that have the potential to generate acid or mobilise metals, or other hazardous minerals to be mined at each mining stage; and
- any mineral resource that may be sterilised from future mining by the proposed mining operations.

2.4.9.1 *Rehabilitation Strategies and Timing*

Describe all activities, strategies and designs relating to mine closure for rehabilitation of open pit and/or underground workings, stockpiles, explosives storage, mining equipment and mine dewatering infrastructure. Include timing of these activities and all opportunities for progressive rehabilitation. Include (but not limited to) the maximum area of land disturbed by proposed mining operations at any time, battering of mining faces and other earthworks, mine void backfilling, abandonment bunds, sealing of portals and ventilation shafts, soil management, revegetation and expected water infill rates.

2.4.10 *Modes and Hours of Operation*

State if the proposed mining operation will be worked on a continuous (24 hour, 7 days a week), regular periodical or campaign basis.

If the proposed mining operation is to be worked on a regular periodical basis, specify:

- proposed period(s) (daily, weekly and public holidays) to be worked; and
- proposed start and finish hours the site is to be worked per period. If the operation is to be worked on a campaign basis, specify:
 - minimum hours the site is to be worked per year;
 - the minimum time of each campaign;
 - the maximum and minimum time between campaigns;
 - define the beginning and end of each campaign;
 - hours of mining operations during campaign;
 - days of mining operations during campaign;
 - determining factors for initiating and ceasing a campaign;
 - maximum and minimum tonnage of each campaign; and
 - maximum and minimum tonnage of production per year.

2.5 **Crushing, Grinding, Processing and Product Transport**

2.5.1 *Crushing and Grinding Plant*

Provide a description of the crushing/grinding plant including:

- area, size, type of construction and location;
- throughput rate;
- a description of ore preparation for processing;
- grind size of the ore;
- noise sources;
- dust sources and composition;
- fire ignition sources; and
- plans (as per 5.1.2.3)

2.5.2 *Processing Plant*

Provide a description of the processing plant including:

- the methods and details of processing and value adding proposed;
- number, location, area, size, type of construction (including lining and drainage systems, as appropriate) of processing plant;
- any ancillary plant and infrastructure to be used for processing the minerals on site; examples of associated structures are concrete batching plants, wheel wash facilities, silos, fuel tanks, water tanks, chemical storage/use, reverse osmosis plants and bore fields;

- if chemicals are to be used in the beneficiation or processing of ore, describe the nature and quantities of the chemicals to be used, their reactions with ore and their ultimate fate;
- noise sources;
- dust sources and composition;
- fire ignition sources;
- other potential air emissions (including odour) and their composition; and
- plans (as per 5.1.2.3).

2.5.3 *Heap Leach*

Provide a description of the Heap Leach Pad and process including:

- type, size and location of the Heap Leach Pad;
- construction and operating specifications for the Heap Leach Pad and process, including solution containment measures;
- geochemical and geotechnical assessment of the material placed on the Heap Leach Pad before and after leaching;
- method and rate of ore deposition and removal;
- chemical characteristics of the leach solution, pregnant liquor and raffinate solutions;
- solution application rates, and method of application;
- removal (where proposed) of the Heap Leach Pad at cessation of production and the method/location of disposal of leached material;
- method of stabilisation and erosion control of Heap Leach Pad;
- an assessment of the long term chemical and physical stability of the Heap Leach Pad post completion;
- the source, pathway and ultimate fate of any potential mobile contaminants; and
- plans (as per 5.1.2.4).

2.5.4 *Process Water Management*

Provide a water balance including:

- approximate water volumes required;
- a summary of the inputs and outputs (with consideration of any purge requirements);
- determination of net surplus or deficit; and
- process flowsheet showing all streams including stormwater management and mine dewatering where these are connected to the processing circuit.

Provide a description of all water ponds, including:

- size, capacity, layout and location of ponds;
- design and construction methods;
- chemical composition of the solution to be stored in each pond;
- minimum freeboard to be maintained; and
- plans (as per 5.1.2.1).

2.5.5 *Type of Mobile Equipment*

For mobile equipment to be used in crushing/grinding, processing ore and in transporting the mine product to the point of sale, describe:

- type, size and capacity of machines;
- approximate number of units;
- noise outputs;
- exhaust outputs; and
- fire ignition sources.

2.5.6 *Conveyors and Pipelines*

Provide a description of any conveyors or pipelines to be used for transporting material to or from the mine, processing facilities and the point of sale including:

- length, size (volumes to be transported), design and type of construction and location;
- the material being transported;
- noise sources;
- dust sources and composition;
- fire ignition sources; and
- plans (as per 5.1.2.1).

2.5.7 *Hours of Operation*

Describe the proposed hours of operation of crushing/grinding, processing and transport activities.

2.5.8 *Rehabilitation Strategies and Timing*

Detail all activities, strategies and designs relating to mine closure for removal, disposal and rehabilitation of processing facilities, and material transport systems, including timing of these activities.

2.6 Wastes**2.6.1 Waste Rock and Tailings Storage Facilities**

For waste rock and tailings storage facilities (TSF) provide:

- the estimated tonnes and volumes of all waste rock and tailings to be stored;
- the reserve and any resource or potential resource that the estimated tonnes and volumes of waste rock and tailings is based on;
- the type, location, size, shape, height and method of construction of permanent and temporary waste storage facilities;
- a geochemical and geotechnical assessment of the waste rock and tailings based on the geochemical and geotechnical properties determined from the analysis of representative sampling of all waste rock types and tailings to be disposed;
- an assessment on the weathering and erosive potential of waste rock to be disposed;
- conceptual specifications, drawings and plans for the design, construction, operation and completion of all facilities (as per 5.1.2.5);
- the method and rate of waste rock/tailings disposal;
- where relevant, a description and plan (as per 5.1.2.5) of the placement and encapsulation of waste material deemed to be hazardous, including potentially acid forming material (PAF);
- the method of stabilisation and erosion control of waste storage facilities, both during operations and post completion;
- surface water runoff control on disturbed and rehabilitated areas;
- a geotechnical stability assessment and a factor of safety analysis;
- an assessment of seepage of liquids through the waste rock and tailings storage facilities;
- strategies for the containment of any seepage that has the potential to impact the environment;
- an assessment of the post completion chemical and physical stability of the structure following rehabilitation, including the expected extent of erosion;
- an assessment of the source, pathway and ultimate fate of any potential mobile contaminants; and
- a description of the governance arrangements for the design, construction, operation and closure including when it is proposed to use third party verification.

Include a water balance for the TSF (if not included in the water balance in Clause 2.5.4).

2.6.2 Other Processing Wastes

Provide:

- the volumes and composition of all solid and liquid wastes produced;
- estimated volumes of waste processing water, reverse osmosis reject water, water content of solid wastes, and method of disposal or recycling;
- waste water composition;
- disposal and management of any hazardous material or contaminants within waste including radioactive, toxic, corrosive or flammable materials; and
- the source, pathway and ultimate fate of any potential mobile contaminants.

2.6.3 Industrial and Commercial Wastes

List any industrial and commercial wastes generated including, but not limited to:

- putrescible waste, including sewage;
- oils and other hydrocarbons; and
- tyres.

For each waste type, describe the method of disposal including:

- offsite disposal;
- on site waste disposal (including size, location on a plan (as per 5.1.2.1 and 5.1.2.7) and construction details);
- recycling (either on or offsite);
- the type, area and layout of sewage systems to be installed at the site; and
- describe what, if any approvals are required for the disposal of waste.

For each type of waste, describe any potential contaminants that may be generated from onsite storage, and the ultimate fate of those contaminants.

2.6.4 Rehabilitation Strategies and Timing

Detail all activities, strategies and designs relating to mine closure, including timing of these activities and all opportunities for progressive rehabilitation of waste rock and tailings and any other waste to be left on site.

2.7 Supporting Surface Infrastructure**2.7.1 Access and Roads**

Describe:

- access route to the proposed operations and show on a map (as per 5.1.2.1 and 5.1.2.6);
- indicate if any new roads are to be constructed, or if existing roads or intersections (public and private) are to be upgraded;

- transport system(s) used to and from the proposed operations and the estimated number of vehicle movements per day; and
 - airport/airstrips to be constructed.
- 2.7.2 *Accommodation and Offices*
Describe onsite personnel accommodation and offices, including (but not limited to):
- number, area, size, type of construction and location of accommodation, office, meals or laboratory buildings, caravans or camp, and associated structures to be used on site; and
 - if temporary or permanent.
- 2.7.3 *Public and Private Services and Utilities Used by the Operation*
Describe:
- sources of services or utilities that are, or are to be supplied to the proposed site, including but not limited to power, water, telecommunications;
 - if new connections to services and utilities are required, the proposed routes for connection; and
 - the effects to any existing services or utilities that have been or may be affected by the proposed operations.
- 2.7.4 *Visual Screening*
Describe the type of screening, including existing or proposed vegetation (i.e. species and density of plantings) and show on a map (as per 5.1.2.1).
- 2.7.5 *Fuel and Chemical Storage*
For all fuels and chemicals proposed to be stored on site show the proposed location of storage on a map (as per 5.1.2.1) and provide detail on:
- types of bulk chemicals and the volumes of each; and
 - proposed storage, bunding and containment for all chemical and fuel storage vessels.
- 2.7.6 *Site Security*
Describe and show on a map (as per 5.1.2.1) infrastructure and measures that will be adopted to prevent unauthorised access by the public, including but not limited to:
- fencing; and
 - signage.
- 2.7.7 *Erosion, Sediment and Silt Control*
Describe and show on a plan (as per 5.1.2.1):
- location and design of silt management structures;
 - management and disposal of silt;
 - strategies to control runoff on disturbed and rehabilitated areas;
 - storage, diversion and release of clean water (discharge water must comply with the current Environment Protection (Water Quality) Policy ; and
 - a whole of site stormwater balance, if not included in the water balance in Clause 2.5.4.
- 2.7.8 *Rehabilitation Strategies and Timing*
Detail all activities, strategies and designs relating to mine closure for rehabilitation of supporting surface infrastructure. Provide details for timing of closure activities, including all opportunities for progressive rehabilitation.
- 2.8 Vegetation Clearance**
- 2.8.1 *Description of Vegetation Clearance*
If clearing of native vegetation is proposed, a map (as per 5.1.2.2) and description of the vegetation present in the application area must be provided, showing:
- the extent of any proposed vegetation clearance; and
 - the likelihood of the presence of threatened flora.
- State the estimated quantum of significant environmental benefit (SEB) to be gained in exchange for the proposed clearance and describe how the SEB will be provided.
- 2.9 Completion**
- 2.9.1 *Description of Site at Completion*
Provide a description, plans and cross-sections (as per 5.1.2.7 and 5.2.2.2) of the site as it will be at completion after all rehabilitation and closure activities have been completed, including:
- potential land use options;
 - landforms;
 - proposed vegetation covers (including native vegetation that will not be disturbed due to proposed operations);
 - natural contours of land not to be disturbed by proposed operations;
 - any infrastructure that will remain on site and will become the responsibility of the landowner;
 - location, description and management of waste disposal areas;
 - location of reshaped and rehabilitated areas showing proposed surface contours and revegetation;

- mine voids (open pit and/or underground);
- location of stored and/or exposed PAF material and/or other hazardous materials;
- expected final water level and time to reach this level, and water quality of mine voids;
- location of surface water infrastructure including ponds and diversions; and
- representative plans and cross-sections (as per 5.1.2.7 and 5.2.2.2) that show:
 - pre-mining natural surface;
 - emplacement areas, waste disposal areas and disturbed areas;
 - final rehabilitated surface;
 - where relevant, backfilled and remaining underground workings;
 - predicted final groundwater elevations; and
 - interpreted geology including all rock types.

Provide a description of the proposed mechanism for transferring responsibility for any potential residual liability (i.e. ongoing maintenance or monitoring) subsequent to surrender of the tenement.

2.10 Resource Inputs

2.10.1 Workforce and local procurement

For the proposed workforce (for all operations including mining, processing, waste management and supporting surface infrastructure) describe:

- how operations on the site will be managed;
- number and workforce breakdown by job type;
- number of full-time employee positions that would be directly created by the proposal (not to include existing positions);
- the proportion of the workforce that would reside in the local community and the estimated impact on local employment;
- any programs to target and assist Indigenous or local employment at the quarry;
- training to be provided to employees and potential employees;
- approximate timelines for creation of the positions; and
- potential for local business participation, and procurement of local goods and services.

2.10.2 Energy Sources

For the proposed energy sources and usage provide:

- estimates of total annual energy usage (from all sources, including personnel transport and ore transport to point of sale);
- expected sources of energy;
- potential for efficiency gains;
- amount and percentage of zero emission energy to be utilised;
- equivalent annual CO₂ generated; and
- any carbon offsets proposed.

2.10.3 Water Sources

Provide details on the source(s) of water to be used at the mine, expected usage and any discharge, including:

- expected annual water usage by source;
- indicate if any water usage by source will be more than 5% of the total annual water withdrawal for that source;
- percentage of water that will be recycled; and
- water discharge by quality and destination.

3. CONSULTATION

In setting out the result of the consultation undertaken in connection with the proposed operations in accordance with Sections 36(1)(c)(iv) and 49(1)(c)(iv) of the *Mining Act 1971* and Regulation 47 of the *Mining Regulations 2020*, the Minister determines in accordance with Regulation 46(6)(e) of the *Mining Regulations 2020* that a proposal must include:

A description of:

- the process undertaken for identifying stakeholders with an interest in, or stakeholders likely to be directly affected by the proposed operation;
- the process undertaken for the delivery of information to, gathering of feedback from, and responding to those identified stakeholders;
- if any individual or group of similar affected persons were not able to be consulted, what steps were taken to consult with them; and
- the extent to which the outcomes proposed in Clause 4.2.2 have been developed in consultation with the landowner and any other person who may be directly affected by the proposed mine operations.

The results of the consultation undertaken with those identified stakeholders, including:

- the persons consulted;
- any concerns/issues raised; and
- the response and steps (if any) taken or proposed to address those concerns.

4. MANAGEMENT OF ENVIRONMENTAL IMPACTS

4.1 Assessment of Environmental Impacts

In setting out an assessment of the environmental impacts of the proposed authorised operations in accordance with Sections 36(1)(c)(ii)(A) and 49(1)(c)(ii)(A) of the *Mining Act 1971* and Regulation 46(2) of the *Mining Regulations 2020*, the Minister determines in accordance with Regulation 46(6)(e) of the *Mining Regulations 2020* that a proposal must include an assessment of the environment as set out in this Terms of Reference.

4.1.1 Elements of the Environment

Describe the specific elements of the environment (the environment is defined in Section 6(4) of the *Mining Act 1971*) that may reasonably be expected to be impacted by the proposed operation during construction, operation, and indefinitely post completion.

For each element of the environment identified:

- provide a summary of any issues or considerations raised by stakeholders, and any relevant legislated or recognised standards in relation to the element of the environment;
- describe all potential environmental receptors; and
- undertake an impact assessment of how the element could be potentially impacted by proposed operations (during construction, operation and post completion) through the provision of the information listed in the following Clause 4.1.2.

4.1.2 Potential Impact Events

Describe potential impact events associated with each phase of the proposed operations (construction, operation and post completion) and relevant to each element of the environment.

For the purpose of the impact assessment, a potential impact event is the combination of a source, a pathway and an environmental receptor.

The source, pathway and environmental receptor of each potential impact event must be described prior to the implementation of engineering or administrative control measures.

For each potential impact event identified in Clause 4.1.2, provide:

4.1.2.1 Source

A description of the source of the potential impact event which alone or in combination has the potential to cause harm to an environmental receptor.

4.1.2.2 Pathway

A description of the potential pathway, means or route (with consideration of any natural barriers) by which an identified environmental receptor can be exposed to, or may reasonably be expected to be impacted by an identified source.

4.1.2.3 Environmental Receptor

A description of the environmental receptors that may reasonably be expected to be adversely impacted by the source, taking into account the considerations for the element of the environment described under 4.1.1

4.1.2.4 Description of Uncertainty

Describe any significant degree of uncertainty pertaining to the evaluation of sources, pathways and environmental receptors, including (but not limited to) lack of site specific information, limitations on modelling and quality of data. Describe any assumptions connected with the identified uncertainty.

So far as is relevant, identify the sensitivity to change of any assumption that has been made, including whether a change in assumption may result in a new environmental impact.

4.1.2.5 Confirmation of Impact Events

For each potential impact event provide:

- an analysis of whether a source, pathway and receptor does exist (and if not, or if it remains uncertain, provide an explanation for the conclusion); and
- a description of the likely impact from the source on the environmental receptor.

4.2 Control and Management Strategies, Uncertainty Assessment, Statement of Environmental Outcomes and Criteria

For each impact event confirmed in Clause 4.1.2.5, the information listed in Clauses 4.2.1-4.2.4 must be provided:

4.2.1 Control and Management Strategies

In setting out an outline of the measures that the applicant intends to take to manage, limit or remedy environmental impacts as confirmed in Clause 4.1.2.5 in accordance with Sections 36(1)(c)(ii)(B) and 49(1)(c)(ii)(B) of the *Mining Act 1971* and Regulation 46(3) of the *Mining Regulations 2020*, the Minister determines in accordance with Regulation 46(6)(e) of the *Mining Regulations 2020* that a proposal must:

- Include a description of the strategies proposed to manage, limit or remedy each impact event;
- Demonstrate that the control and management strategies proposed are commensurate with the potential impacts, achieve compliance with other applicable statutory requirements and promote progressive rehabilitation;
- Include a description of any significant degree of uncertainty pertaining to the likely effectiveness of proposed control and management strategies, including (but not limited to) lack of site specific information, limitations on modelling and quality of data
- Include a description of any assumptions connected with the identified uncertainty; and
- So far as is relevant, identify the sensitivity to change of any assumption that has been made and assess the likelihood of an outcome not being achieved if an assumption is later found to be incorrect.

4.2.2 *Statement of Proposed Environmental Outcomes*

Statements of the environmental outcomes that are expected to occur are required in accordance with Sections 36(1)(c)(ii)(C) and 49(1)(c)(ii)(C) of the *Mining Act 1971* and Regulation 46(4) of the *Mining Regulations 2020* and must be made for each impact event confirmed in Clause 4.1.2.5. The Minister determines in accordance with Regulation 46(6)(e) of the *Mining Regulations 2020* that a proposal must:

- Provide a statement of the proposed environmental outcome(s) (including completion outcomes assessed on a long term basis) for each impact event confirmed in Clause 4.1.2.5.
- Ensure that the statement of environmental outcome(s) describe the likely consequence of the expected impact on the environment by the proposed mine operations subsequent to the implementation of the control measures described in Clause 4.2.1.
- Provide a statement that demonstrates the environmental outcomes would be able to be achieved taking into consideration the effectiveness of the control strategies (Clause 4.2.1) and description of uncertainty (Clause 4.2.2).

4.2.3 *Draft Measurement Criteria*

In preparing a draft statement of the criteria to be adopted to measure each of the proposed environmental outcomes in accordance with Sections 36(1)(c)(iii) and 49(1)(c)(iii) of the *Mining Act 1971* and Regulation 46(5) of the *Mining Regulations 2020*, the Minister determines in accordance with Regulation 46(6)(c) of the *Mining Regulations 2020* that the draft criteria must:

as far as practical comply with the five elements set out in Regulation 46(5);

include demonstration of the successful implementation for the significant environmental benefit, if native vegetation is proposed to be cleared and an on-ground off-set proposed;

be developed separately for construction, operation and completion, as appropriate; and

Where appropriate, recognised industry standards, codes of practice or legislative provisions from other Acts should be used as criteria.

4.2.4 *Draft Leading Indicator Criteria*

As required by Regulation 46(6), where there is a high level of reliance on control measures strategies to achieve an environmental outcome, provide a draft statement of leading indicator criteria that will be used to give an early warning that a control measure strategy may fail or be failing.

5. MAPS, PLANS AND CROSS SECTIONS

In preparing a proposal in accordance with Sections 36(1)(c) and 49(1)(c) of the *Mining Act 1971* and Regulation 46 of the *Mining Regulations 2020*, the Minister determines in accordance with Regulation 46(6)(e) of the *Mining Regulations 2020* that all maps and plans must comply with the following requirements relating to the amount of detail or information to be provided:

- state and show the relevant datum (Australian Height Datum (AHD) is preferred);
- metric units;
- title, north arrow, scale bar, text and legend;
- date prepared and author;
- be of appropriate resolution and scale for represented information; and
- be legible in both the hardcopy and electronic versions of the submission.

All cross-sections must conform to the following standards:

- state and show the relevant datum (Australian Height Datum (AHD) is preferred);
- metric units;
- title, scale bar, text and legend;
- date prepared and author;
- be of appropriate resolution and scale for represented information; and
- be legible in both the hardcopy and electronic versions of the submission; and
- be accompanied by a map showing the orientation of the cross-sections.

5.1 **List of Maps**

5.1.1 *Maps required for Description of the Existing Environment (as per Clause 2)*

5.1.1.1 Topographic Map showing:

- application area boundaries;
- existing surface contours;
- existing vegetation;
- location of watercourses, including ephemeral and permanent rivers, creeks, swamps, streams, wetlands and any man-made water management structures;
- surface water catchment boundaries;
- direction of drainage and discharge from the application area;
- location and extent of all previously disturbed areas associated with previous mining;
- location and extent of any known existing contamination; and
- location and extent of any adjacent conservation reserves, heritage sites (in so far as may be permitted by the relevant legislation) or any other significant areas.

- 5.1.1.2 Local Geological Map showing:
 - application area boundaries;
 - geology within the application area, including but not limited to location, dimensions and orientation (dip and strike), and extent of the mineral resource and ore reserve;
 - topsoil/subsoil variation if there is a variation in soils over the application area; and
 - natural geohazards in the application area.
- 5.1.1.3 Aquifer Potentiometric Surface Map(s) showing:
 - application area boundaries;
 - potentiometric surface contours/groundwater elevation contours and the time (or time period) the contours relate to;
 - interpreted direction(s) of groundwater flow; and
 - location of representative bores (where measurements were obtained of which the contours are based on) used to establish this information.
- 5.1.1.4 Land Access Map showing:
 - application area boundaries;
 - cadastral information for the Tenement (including land title(s) and ownership);
 - any exempt land;
 - location of residences within and near the application area; and
 - human infrastructure as per 1.13.
- 5.1.1.5 Caves Map showing:
 - application area boundaries; and
 - location of the cave(s).
- 5.1.2 *Map(s) and Plan(s) required for Description of Proposed Mine Operations (as per Clause 3)*
 - 5.1.2.1 Site Layout Map showing all components of the proposed mine operation including (but not limited to):
 - application area boundaries;
 - location of surface water and sediment management infrastructure;
 - location of process water dams;
 - location of fuel and chemical storage areas;
 - location of haul/access roads;
 - location of fixed plant;
 - location of mobile plant for stage 1 of mining;
 - location of visual screening measures;
 - location of fencing;
 - location and extent of topsoil/subsoil and product stockpiles.
 - location and extent of all areas proposed to be disturbed from mining including waste rock, silt/slime dams, mine infrastructure, processing plant, process water ponds, waste disposal facilities; and
 - location and extent of open pit(s) and/or underground workings.
 - location of key environmental features that are within or in close proximity to the Tenement and that are relevant to the design of the Site Layout Plan, including but not limited to housing and infrastructure, existing heritage sites, existing ephemeral and permanent rivers, watercourses, creeks or dams and/or existing native vegetation
 - 5.1.2.2 Sequence of Mining and Progressive Rehabilitation Map showing:
 - application area boundaries;
 - staging of each progressive mining stage;
 - proposed native vegetation clearance;
 - location and applicable buffer zones for protection of native vegetation that will not be cleared; and
 - conceptual staging of each progressive rehabilitation stage.
 - 5.1.2.3 Crushing, Grinding and Processing Plant Plan
 - application area boundaries
 - layout of crushing, grinding and processing plant(s) and ancillary plant and infrastructure; and
 - if required; including lining and drainage systems.
 - 5.1.2.4 Heap Leach Pad Plan
 - application area boundaries
 - construction and design drawings of heap leach pad (including size and batters); and
 - solution containment measures

- 5.1.2.5 Tailings Storage Facility (TSF) Plan
 - application area boundaries
 - conceptual drawings and plans for design, construction, operation and completion of all facilities;
 - size, shape, height and method of construction; and
 - location of any waste material deemed to be hazardous including potentially acid forming material.
- 5.1.2.6 Access Route Map showing:
 - application area boundaries
 - access route for heavy vehicles;
 - exit route for heavy vehicles; and
 - any road upgrades or new roads to be constructed.
- 5.1.2.7 Completion Map showing:
 - application area boundaries
 - conceptual final landforms (including rehabilitated and non-disturbed areas);
 - proposed topographical contours of the entire site (including rehabilitated and non-disturbed areas);
 - backfilled and remaining underground workings;
 - location of waste disposal areas (including waste rock dumps, tailings storage facilities and paf encapsulation); and
 - interpreted geology including all rock types

5.2 Summary of Cross-Sections and Long Sections

Following is a summary of all cross-sections and long sections required in the proposal:

5.2.1 *Cross-sections required for Description of the Existing Environment (as per Clause 2)*

- 5.2.1.1 Long Section and Geological Cross-Section(s) showing:
 - a representation of the geological profile within the application area; and
 - depth of the resource and any overlying overburden.
- 5.2.1.2 Hydrogeological Cross-Section(s) showing:

Include a series of hydrogeological cross-sections that represent the following at a regional scale and/or tenement application scale, as specified:

 - mineral claim boundaries;
 - major geological units (regional scale);
 - geological units showing aquifer and confining units (tenement scale);
 - aquifer systems (regional and tenement scale) including any palaeochannels;
 - interpreted hydrostratigraphy showing the known and inferred groundwater heads/groundwater elevations, interpreted groundwater flow direction, recharge and discharge mechanisms (if applicable);
 - location of GDEs;
 - interpreted faults (regional and tenement scale);
 - mineralised zone (tenement scale);
 - location of representative drill log sites from which geological information was obtained (regional and tenement scale); and
 - location of representative monitoring bores from which baseline groundwater information was obtained.

5.2.2 *Cross-sections required for Description of Operations (as per Clause 3)*

- 5.2.2.1 Mining Operation Cross-Section(s) showing:
 - pre-mining natural surface;
 - proposed pit depth;
 - proposed pit dimensions (length and width);
 - proposed pit batters and benches;
 - location of underground shafts and stopes; and
 - stages of operation.
- 5.2.2.2 Completion Cross Section(s) showing:
 - pre mining natural surface;
 - proposed conceptual rehabilitated final batters and benches;
 - location of underground backfill in shafts and stopes;
 - predicted final groundwater elevations; and
 - proposed conceptual final rehabilitated surface.

ADDITIONAL INFORMATION TO ACCOMPANY APPLICATION

An application for an ML and/or MPL must be accompanied by additional information as set out in Regulations 30, 37 and 48 of the *Mining Regulations 2020*, and must comply with the following determinations of this Terms of Reference as set out below:

6. REASONABLE PROSPECT OF ACCESS TO LAND

In preparing a statement under Regulation 30(1)(e)(i) of the *Mining Regulations 2020* that demonstrates that there is a reasonable prospect that the land in respect of which an ML is sought could be effectively and efficiently mined, the Minister determines in accordance with Regulation 30(2) of the *Mining Regulations 2020* that this statement must be supported by the following evidence:

- A description of any waivers of exemption obtained, and/or information on the status of waivers of exemption yet to be negotiated/finalised under Section 9AA of the *Mining Act 1971*; and
- A description of any native title mining agreements obtained under the *Mining Act 1971* or Indigenous Land Use Agreements (ILUA) under the *Native Act 1993* (Cth) and/or information on the status of waivers of exemption yet to be negotiated/finalised.

7. DESCRIPTION OF CONTRIBUTIONS TO THE ECONOMY

For the purposes of Regulation 30(1)(g) of the *Mining Regulations 2020*, the Minister determines that the following information must accompany an application for an ML:

Describe:

- goods and services used in the local community, state and external to state;
- wages and other employee benefits;
- economic benefits derived from local employment;
- approximate royalty payments and other direct state government taxes; and
- any other potential economic contributions proposed during the development of the mine, operation of the proposed mine and post completion.

8. RESERVES OR RESOURCES (OR BOTH)

Provide:

- a JORC compliant reserve or resource estimate (or both); and
 - the accompanying JORC Public Report and competent person statement;
- or (if a JORC compliant reserve or resource (or both) has not been reported):
- a detailed estimate of the resource to be mined, the basis of this estimate, and evidence that demonstrates that the resource can be economically mined at current market prices.

ADDITIONAL INFORMATION REQUIRED TO ADDRESS MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE (MNES)

9. BACKGROUND AND DESCRIPTION OF THE EPBC ACT ACTION AND MNES

The Proposal must include how the action relates to any other actions (of which the proponent should reasonably be aware) that have been, or are being, taken or that have been approved in the region affected by the action.

The Proposal must also provide details on the current status of the action as well as the consequences of not proceeding with the action.

10. IMPACTS

The Proposal must provide an assessment including potential impacts (including direct, indirect, consequential and cumulative impacts) that may occur as a result of all elements and project phases of the proposed action on the protected matter.

Consideration of impacts must not be confined to the immediate areas surrounding the proposed actions but must also consider the potential of the proposed action to impact on adjacent areas that are likely to contain protected matters. For each protected matter, this must include, but not be limited to an assessment of:

- the direct and indirect loss and/or disturbance of habitat from the proposed action. This must include the quality of habitat and total area in hectares (and number of individuals, if available and applicable), and the area of potential habitat for the species and communities likely to be impacted;
- an impact assessment for the Mallee Bird Community of the Murray Darling Depression Bioregion (MBCMDDB) for the preferred haul road route of the proposed action;
- details on whether any impacts are likely to be unknown, unpredictable or irreversible or sub-lethal (reversible over time) and what confidence is placed on the predictions or relevant impacts;
- an analysis of the acceptability of the relevant impacts;
- any technical data and other information used or needed to make a detailed assessment of the relevant impacts;
- a local and regional scale analysis of the likely impacts. This should include a discussion of connectivity, potential cumulative impacts and information on the long-term viability of the protected matter within the surrounding Interim Biogeographic Regionalisation for Australia (IBRA) regions.

All discussions and conclusions drawn regarding the assessment of direct or indirect impacts from the proposed action should include a full justification based on the best available information. The discussion of impacts must incorporate relevant conservation advices, recovery plans and threat abatement plans, if applicable. If these are not applicable, a brief statement to this effect must be included.

Note: the proponent may choose to integrate Section 10 (MNES) with Section 4 (Management of Environmental Impacts).

11. AVOIDANCE, ALTERNATIVES, MITIGATION AND SAFEGUARDS

The Proposal must provide information on specific measures proposed to avoid, mitigate and manage the impacts to the relevant protected matters from the proposed action. A description of proposed avoidance, management and mitigation measures relation to MNES should be presented in the form of management plans or suitable alternative. The discussion must incorporate conservation advices, recovery plans and threat abatement plans, where relevant.

Specific measures should be presented in a detailed management plan for the protected matter likely to be impacted by the proposed action. To assist you, the Department of Climate Change, Energy, the Environment and Water's (DCCEEW) *Environmental Management Plan Guidelines* are available at www.environment.gov.au/epbc/publications/environmental-management-plan-guidelines.

Documentation should clearly set out the following measures for each environmental issue and protected matter likely to be impacted by the proposed action. Measure including, but not limited to, the following items must be outlined in the documentation to:

- address all project phases of the proposed action;
- provide a full avoidance and mitigation analysis of all haul road options, including all reasoning and justification for selecting the preferred option;
- details of any redesign of the preferred haul road options and subsequent impact assessments that will outline how any impacted patches of the MBCMDDDB will/will not meet the criteria to retain their status as a protected threatened ecological community under the EPBC Act;
- state the environmental and conservation objectives, performance criteria, monitoring, reporting, corrective action, responsibility and timing for each environmental issue;
- describe contingencies for events, such as the identification of protected matters during pre-commencement searches (e.g. translocation management protocols);
- include maps that illustrate the location of any exclusion zones or buffer zones and details on how these areas will be protected;
- provide details of ongoing research and monitoring programs to support an adaptive management approach and determine the effectiveness of the proposed mitigation measures;
- provide an assessment of the expected or predicted effectiveness of the avoidance and mitigation measures for each MNES protected matter. This includes the scale and intensity of impacts of the proposed action and the on-ground benefits to be gained through each of these measures. Where impact on a protected matter is avoided this should be stated.
- any statutory or policy basis for the mitigation measures;
- the cost of the mitigation measures;
- the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program;
- a consolidated list of mitigation measures proposed to be undertaken to prevent, minimise, or compensate for the relevant impacts of the action, including mitigation measures proposed to be taken by State governments, local governments or the proponent.

Should the applicant's assessment determine that a residual impact to MNES remains likely after the implementation of mitigation measures, provide information of the likely residual impacts to the protected matter after the proposed avoidance or mitigation measures are taken into account:

- include reasons why avoidance or mitigation of impacts is not reasonably achieved;
- identify the significant residual impacts on protected matters; and
- demonstrate how the EPBC Act environmental offsets policy has been considered.

The Proposal must include any feasible alternatives to the action to the extent reasonably practicable, including:

- if relevant, the alternative of taking no action;
- a comparative description of the impacts of each alternative on the triggered MNES protected by controlling provisions of Part 3 of the EPBC Act for the action; and
- sufficient detail to make clear why any alternative is preferred to another.

Short, medium and long-term advantages and disadvantages of the options must be discussed.

Note: the proponent may choose to integrate Section 11 (MNES) with Section 4 (Management of Environmental Impacts).

12. OFFSETS (IF REQUIRED)

The Proposal must include an assessment of the likelihood of residual impacts occurring, after mitigation and management measures relating to the project have been applied. This includes direct impacts such as habitat clearing and indirect impacts such as degradation of retained habitat. If residual significant impacts to protected matters are likely, the proposal must provide:

- details of an offset package (this may be in the form of an offset management plan) proposed to be implemented to compensate for any residual significant impact of the project (if relevant);
- details of how the offset will compensate for the significant residual impacts upon protected matters, resulting from the action;
- a description of how the offset will ensure the protection, conservation and management of protected matters for the duration of the impact;
- an analysis about how the offset meets the requirements of the Department of Climate Change, Energy, the Environment and Water's (DCCEEW) *Environment Protection and Biodiversity Conservation Act 1999 Offset Policy October 2012*; and
- The anticipated cost (financial and other) of the delivery of the offset

The offset proposal should include, but not be limited to:

- the location, description and suitability of the proposed offset site, including baseline conditions, environmental values and connectivity with other relevant habitat;
- the extent to which the proposed offset actions correlate to, and adequately compensate for, the impacts of protected matters and habitat critical to the survival of protected matters;
- a description of the conservation gain to be achieved by the offset;
- information on current land tenure of any proposed offset and the method of legally securing the offset for at least the duration of the impact
- measures to protect, manage and rehabilitate the ecological community and protected matter habitat at the offset site, including timing, frequency and longevity for each measure and performance criteria that must be met;
- details of monitoring and reporting activities to assess the success of the offset;
- an assessment of the proposed offset with clear justification for each input entered

The analysis and information should be undertaken in accordance with DCCEEW's Offset Guide (offset calculator and justification of figures used in the calculation), which is available on DCCEEW's [website](#).

The information provided should specify in detail the proposed offset and fully explain how the offset will compensate for the impacts of the proposal on MNES for the full duration of the impact. Any management plan proposed to minimize the impact to the level anticipated and deliver the offset should also be provided.

13. SOCIAL AND ECONOMIC MATTERS

The information must address the economic and social impacts (both positive and negative) of the proposed action. Consideration of economic and social matters may include:

- details of any public consultation activities undertaken and the outcomes;
- details of any consultation with indigenous stakeholders;
- any monitoring programs to monitor ongoing changes to economic and social characteristics potentially affected by the proposed action;
- projected economic costs and benefits of the project, including the basis for their estimation through cost/benefit analysis or similar studies;
- employment opportunities expected to be generated by the project at each phase of the proposed action;
- benefits to the local and wider community as a result of the proposed action.

Economic and social impacts should be considered at the local, regional and national levels.

14. ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The information must include a description of the proposed action in relation to the principles of ecologically sustainable development, as defined in the EPBC Act:

- the long-term and short-term economic, environmental, social and equitable considerations;
- the precautionary principle which states that a lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation where there are threats of serious or irreversible environmental damage
- the principles of inter-generational equity which states that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;
- the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making;
- improved valuation, pricing and incentive mechanisms should be promoted.

15. ENVIRONMENTAL RECORD OF PERSON(S) PROPOSING TO TAKE THE ACTION

The information provided must include details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:

- the person proposing to take the action; and
- for an action for which a person has applied for a permit, the person making the application.

If the person proposing to take the action is a corporation, details of the corporation's environmental policy and planning framework must also be included.

16. MNES INFORMATION SOURCES PROVIDED IN THE PROPOSAL

For information relating to MNES addressed in the Proposal, state:

- the source of the information;
- how recent the information is;
- how the reliability of the information was tested;
- what uncertainties (if any) are in the information; and
- what guidelines, plans and/or policies were considered.

Note: the proponent may choose to integrate Section 13 requirements with Section 4 (Management of Environmental Impacts) and/or Section 10 to align where the information sources are used.

17. MNES CONCLUSION

For MNES matters, provide an overall conclusion as to the environmental acceptability and sustainability of the proposal on each MNES, including:

- a discussion on the consideration with the requirements of the EPBC Act, including the objects of the EPBC Act,
- reasons justifying undertaking the proposal in the manner proposed, including the acceptability of the avoidance and mitigation measures;
- if relevant, a discussion of residual impacts and any offsets and compensatory measures proposed or required for significant residual impacts on MNES, and the relative degree of compensation and acceptability; and
- discussion of how impacts to the listed Threatened Ecological Community Mallee Bird Community of the Murray Darling Depression Bioregion are acceptable, when considering all proposed avoidance, mitigation and offset measures, as consistent with the following statutory documents:
 - [Approved Conservation Advice for the Mallee Bird Community of the Murray Darling Depression Bioregion](#)
 - [Survey guidelines for Australia's threatened birds: Guidelines for detecting birds listed as threatened under the EPBC Act \(2010\)](#)—Department of the Environment, Water, Heritage and the Arts

Dated: 20 November 2024

PAUL DE IONNO
Director Minerals Regulation
Regulation and Compliance Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

PUBLIC FINANCE AND AUDIT ACT 1987

TREASURER'S QUARTERLY STATEMENT

*Summary of the Statement on the Consolidated Account for the Quarters and
6 Months Ended 31 December 2023 and 31 December 2022*

(Prepared on a Cash Basis)

| - Six months ended - | | | - Quarter ended - | | |
|------------------------------------|-------------------------------|---------------------|-------------------------------|-------------------------------|---------------------|
| 31 December 2023 \$ 000 | 31 December 2022 \$ 000 | Variation \$ 000 | 31 December 2023 \$ 000 | 31 December 2022 \$ 000 | Variation \$ 000 |
| RECEIPTS | | | | | |
| 7,670,340 | 7,187,296 | 483,044 | 4,191,396 | 4,270,176 | -78,780 |
| PAYMENTS | | | | | |
| 11,089,319 | 9,493,665 | 1,595,654 | 4,820,993 | 4,286,340 | 534,653 |
| FINANCING REQUIREMENT | | | | | |
| 3,418,979 | 2,306,369 | 1,112,610 | 629,597 | 16,164 | 613,433 |
| CONSOLIDATED ACCOUNT RESULT | | | | | |
| Deficit / - Surplus | | | | | |
| 3,418,979 | 2,306,369 | 1,112,610 | 629,597 | 16,164 | 613,433 |

*Statement of the Receipts and Borrowings on the Consolidated Account
Quarters and 6 Months Ended 31 December 2023 and 31 December 2022*

(Prepared on a Cash Basis)

| | Budget | - Six months ended - | | - Quarter ended - | |
|---|-------------------|----------------------|------------------|-------------------|------------------|
| | | 31 December | 31 December | 31 December | 31 December |
| | 2023-24 | 2023 | 2022 | 2023 | 2022 |
| | \$ 000 | \$ 000 | \$ 000 | \$ 000 | \$ 000 |
| RECEIPTS - | | | | | |
| Taxation - | | | | | |
| Commonwealth Places Mirror Tax | 36,863 | 18,679 | 15,266 | 12,170 | 9,330 |
| Gambling | 606,792 | 295,781 | 305,598 | 167,873 | 174,539 |
| Land Tax | 683,710 | 159,203 | 188,280 | 94,816 | 74,792 |
| Payroll Tax | 1,943,344 | 887,230 | 805,861 | 517,363 | 469,215 |
| Stamp Duties | 1,965,212 | 945,839 | 866,112 | 578,651 | 513,259 |
| Total Taxation | 5,235,921 | 2,306,732 | 2,181,117 | 1,370,873 | 1,241,135 |
| Contributions from State Undertakings | 284,834 | 40,609 | 44,478 | 40,230 | 44,478 |
| Fees and Charges | 685,031 | 149,214 | 317,506 | 77,875 | 280,612 |
| Recoveries | 85,173 | 150,972 | 52,425 | 4,814 | 52,425 |
| Royalties | 404,658 | 173,143 | 171,966 | 99,344 | 97,694 |
| Commonwealth - | | | | | |
| General Purpose Payments | 8,788,282 | 4,509,418 | 4,152,755 | 2,405,650 | 2,380,591 |
| National Partnership Payments | 41,029 | 22,442 | 42,681 | 21,692 | 19,020 |
| Specific Purpose Payments | 236,393 | 118,199 | 113,891 | 59,100 | 57,455 |
| Total Commonwealth | 9,065,704 | 4,650,059 | 4,309,327 | 2,486,442 | 2,457,066 |
| Other Receipts | 376,531 | 199,611 | 110,477 | 111,818 | 96,766 |
| Total Receipts | 16,137,852 | 7,670,340 | 7,187,296 | 4,191,396 | 4,270,176 |
| FINANCING REQUIREMENT - | | | | | |
| Funds required from South Australian Government Financing Authority | 3,237,418 | 3,418,979 | 2,306,369 | 629,597 | 16,164 |
| Total Receipts and Borrowings | 19,375,270 | 11,089,319 | 9,493,665 | 4,820,993 | 4,286,340 |

*Statement of Payments on the Consolidated Account
Quarters and 6 Months Ended 31 December 2023 and 31 December 2022*

(Prepared on a Cash Basis)

| | Budget 2023-24 \$ 000 | - Six months ended - | | - Quarter ended - | |
|--|-----------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| | | 31 December 2023 \$ 000 | 31 December 2022 \$ 000 | 31 December 2023 \$ 000 | 31 December 2022 \$ 000 |
| | | PAYMENTS - | | | |
| Administered Items for the Attorney-General's Department | 158,992 | 74,663 | 24,855 | 34,678 | 13,242 |
| Attorney-General's Department | 114,607 | 63,357 | 74,687 | 32,007 | 49,793 |
| Auditor-General's Department | 19,200 | 9,568 | 9,231 | 5,152 | 4,893 |
| Commission on Excellence and Innovation in Health | 6,766 | 3,382 | 3,823 | 1,560 | 2,193 |
| Courts Administration Authority | 93,617 | 42,906 | 43,199 | 19,800 | 23,261 |
| Defence SA | 19,179 | 10,429 | 7,499 | 5,250 | 3,899 |
| Department for Child Protection | 795,684 | 486,556 | 436,670 | 220,685 | 199,166 |
| Department for Correctional Services | 400,308 | 201,619 | 171,756 | 115,207 | 92,484 |
| Administered Items for the Department for Education | 428,355 | 399,018 | 161,969 | 125,850 | 131,955 |
| Department for Education | 3,631,281 | 1,825,036 | 1,814,564 | 832,742 | 1,009,757 |
| Department for Energy and Mining | 174,870 | 153,012 | 51,858 | 76,506 | 25,929 |
| Administered Items for the Department for Environment and Water | 30,363 | 19,294 | 21,882 | - | - |
| Department for Environment and Water | 152,073 | 89,000 | 83,000 | 43,000 | 33,000 |
| Department for Health and Wellbeing | 5,231,002 | 2,925,000 | 2,525,000 | 1,430,000 | 1,190,000 |
| Administered Items for the Department of Human Services | 303,685 | 205,000 | 172,249 | 80,000 | 39,494 |
| Department of Human Services | 963,281 | 660,000 | 700,000 | 240,000 | 240,000 |
| Administered Items for the Department for Industry, Innovation and Science | 10,891 | 5,446 | 5,347 | 2,723 | 2,005 |
| Department for Industry, Innovation and Science | 67,109 | 40,266 | 13,040 | 20,133 | -95,006 |
| Administered Items for the Department for Infrastructure and Transport | 7,863 | 3,890 | 3,129 | 2,040 | 1,756 |
| Department for Infrastructure and Transport | 1,107,742 | 569,897 | 558,729 | 293,653 | 297,530 |
| Administered Items for the Department of the Premier and Cabinet | 20,260 | 20,260 | 34,369 | 5,065 | 18,991 |
| Department of the Premier and Cabinet | 341,333 | 214,968 | 224,166 | 89,563 | 99,821 |
| Administered Items for the Department of Primary Industries and Regions | 4,516 | 2,022 | 1,965 | 1,011 | 866 |
| Department of Primary Industries and Regions | 132,612 | 74,306 | 56,163 | 39,586 | 21,151 |
| Administered Items for the Department for Trade and Investment | 1,375 | 690 | 332 | 345 | 251 |
| Department for Trade and Investment | 118,542 | 59,274 | 53,322 | 29,637 | 26,661 |
| Administered Items for the Department of Treasury and Finance | 3,557,414 | 2,160,580 | 1,454,296 | 749,567 | 490,847 |
| Department of Treasury and Finance | 175,788 | 147,500 | 147,500 | 35,000 | 47,500 |
| Administered Items for the Electoral Commission of South Australia | 532 | 263 | 326 | 263 | - |
| Electoral Commission of South Australia | 8,867 | 5,705 | 10,195 | 1,018 | 5,700 |
| House of Assembly | 8,430 | 4,080 | 4,014 | 2,040 | 2,007 |
| Administered Items for the Joint Parliamentary Services | 3,809 | 3,809 | 3,550 | - | - |
| Joint Parliamentary Services | 19,947 | 9,600 | 5,911 | 4,800 | 2,955 |
| Legislative Council | 6,050 | 2,880 | 2,874 | 1,440 | 1,437 |
| Minister for Tourism | - | - | 5,701 | - | - |
| Administered Items for the South Australia Police | 69 | - | - | - | - |
| South Australia Police | 1,006,195 | 494,520 | 468,975 | 228,240 | 216,450 |
| South Australian Country Fire Service | - | - | 250 | - | 250 |

*Statement of Payments on the Consolidated Account
Quarters and 6 Months Ended 31 December 2023 and 31 December 2022*

(Prepared on a Cash Basis)

| | Budget | - Six months ended - | | - Quarter ended - | |
|---|-------------------|----------------------|------------------|-------------------|------------------|
| | | 31 December | 31 December | 31 December | 31 December |
| | | 2023-24 | 2023 | 2022 | 2023 |
| | \$ 000 | \$ 000 | \$ 000 | \$ 000 | \$ 000 |
| PAYMENTS - | | | | | |
| South Australian Fire Emergency Commission | 500 | 500 | - | 375 | - |
| South Australian Metropolitan Fire Service | 3,513 | 1,800 | 1,800 | 900 | 900 |
| South Australian State Emergency Service | 1,050 | 500 | 5,335 | 250 | 5,085 |
| South Australian Tourism Commission | 65,738 | 36,600 | 49,000 | 16,200 | 23,000 |
| State Governor's Establishment | 4,569 | 2,256 | 4,476 | 1,128 | - |
| Wellbeing SA | 25,884 | 12,942 | 10,478 | 5,970 | 4,831 |
| Payments for which specific appropriation is authorised in various Acts | 151,409 | 46,925 | 66,180 | 27,609 | 52,286 |
| TOTAL PAYMENTS | 19,375,270 | 11,089,319 | 9,493,665 | 4,820,993 | 4,286,340 |

*Commentary to the Statement of the Amounts Credited to and Issued from the Consolidated Account
for the Quarters Ended 31 December 2023 and 31 December 2022*

Receipts

Taxation

Gambling tax receipts in the December quarter 2023 and six months ended December 2023 were lower than the corresponding prior year periods, largely due to lower collections from the Betting Operations Tax due to the collection of once-off revenue in the prior year periods associated with compliance investigations.

Land tax receipts in the December quarter 2023 were higher than the corresponding prior year period mainly due to the timing of collections associated with private land tax liabilities. Land tax receipts in the six months ended December 2023 were lower than the corresponding prior year period mainly due to the timing of collections associated with government land tax liabilities.

Payroll tax receipts in the December quarter 2023 and six months ended December 2023 were higher than the corresponding prior year periods primarily reflecting growth in taxable payrolls.

Stamp duty receipts in the December quarter 2023 and six months ended December 2023 were higher than the corresponding prior year periods, largely due to higher collections from conveyance duty and motor vehicle registrations.

Royalties

Royalty receipts for the December quarter 2023 and six months ended December 2023 were broadly in line with the corresponding prior year periods.

Fees and Charges

Fees and charges for the December quarter 2023 and six months ended December 2023 were lower than the corresponding prior year periods, largely due to the timing of the collection of regulatory fees from Department for Trade and Investment.

Recoveries

Recovery receipts were higher for the six months ended December 2023 due to a return of deposit account balance from Department for Education for the return of unused appropriation.

Commonwealth—General Purpose Payments

Growth in general purpose grant receipts in 2023-24 compared to 2022-23 is not indicative of underlying movements in Goods and Services Tax (GST) revenue. This is because monthly grants are paid according to a payment schedule prepared by the Commonwealth Government rather than actual emerging monthly GST collections.

Based on the growth in the national GST pool and population estimates as well as South Australia's relativity in 2023-24, the Commonwealth Government estimated in its 2023-24 Mid-Year Economic and Fiscal Outlook that South Australia's GST entitlement grant will increase by 11.9 per cent in 2023-24.

Commonwealth—National Partnership Payments

National Partnership Payments received in the December quarter 2023 were higher than the corresponding prior year period mainly due to the timing of payments for the Natural Disaster Relief and Recovery Arrangements (NDRRA) into the consolidated account, partially offset by lower reimbursements for Commonwealth HomeBuilder grants that are being administered by the state on behalf of the Commonwealth Government.

National Partnership Payments in the six months ended December 2023 were lower than the corresponding prior year period largely due to lower reimbursements for Commonwealth HomeBuilder grants that are being administered by the state on behalf of the Commonwealth Government and lower recoveries associated with COVID-19 Business Support Grant Payments. This was partially offset by the timing of payments for the NDRRA.

Commonwealth—Specific Purpose Payments

Specific Purpose Payments received in the December quarter 2023 and six months ended December 2023 were broadly in line with the corresponding prior year period.

Other Receipts

Other receipts for the December quarter 2023 and six months ended December 2023 were broadly in line with corresponding prior year periods.

Payments

Payments were made pursuant to the *Appropriation Act 2023* and in accordance with other Acts for which specific appropriation has been authorised. The timing of the payments is based on agreed agency drawdown schedules and may change from period to period based on specific agency requirements.

All appropriations were paid within approved limits established under the various Acts.

Note

The following points should be considered when reviewing the quarterly statement of Consolidated Account transactions:

- Unlike the State Budget which comprises transactions on an accrual basis, the information reflected in the quarterly statement is limited to cash transactions.
- The Consolidated Account does not capture all the transactions undertaken by the general government sector. In particular, it does not record receipts to, and payments from, Agency deposit and special deposit accounts.
- The timing of receipts and payments can fluctuate within a financial year and between financial years. As a result, apparently large movements between quarters or years may only be due to changes in the timing of receipts and payments and therefore may not have consequences for the underlying budget position.

Dated: 12 November 2024

HON. STEPHEN MULLIGHAN MP
Treasurer of South Australia

PUBLIC FINANCE AND AUDIT ACT 1987

TREASURER'S QUARTERLY STATEMENT

*Summary of the Statement on the Consolidated Account for the Quarters and
9 Months Ended 31 March 2024 and 31 March 2023*

(Prepared on a Cash Basis)

| - Nine months ended - | | | - Quarter ended - | | |
|-------------------------------------|-------------------------------------|-----------------------------|-------------------------------------|-------------------------------------|-----------------------------|
| 31 March 2024 \$ 000 | 31 March 2023 \$ 000 | Variation \$ 000 | 31 March 2024 \$ 000 | 31 March 2023 \$ 000 | Variation \$ 000 |
| RECEIPTS | | | | | |
| 11,787,791 | 10,698,304 | 1,089,487 | 4,117,450 | 3,511,008 | 606,442 |
| PAYMENTS | | | | | |
| 15,621,155 | 13,663,946 | 1,957,209 | 4,531,836 | 4,170,280 | 361,556 |
| FINANCING REQUIREMENT | | | | | |
| 3,833,364 | 2,965,642 | 867,722 | 414,386 | 659,272 | -244,886 |
| CONSOLIDATED ACCOUNT RESULT | | | | | |
| Deficit / - Surplus | | | | | |
| 3,833,364 | 2,965,642 | 867,722 | 414,386 | 659,272 | -244,886 |

*Statement of the Receipts and Borrowings on the Consolidated Account
Quarters and 9 Months Ended 31 March 2024 and 31 March 2023*

(Prepared on a Cash Basis)

| | Budget 2023-24 \$ 000 | - Nine months ended - | | - Quarter ended - | |
|---|-----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| | | 31 March 2024 \$ 000 | 31 March 2023 \$ 000 | 31 March 2024 \$ 000 | 31 March 2023 \$ 000 |
| RECEIPTS - | | | | | |
| Taxation - | | | | | |
| Commonwealth Places Mirror Tax | 36,863 | 26,269 | 23,785 | 10,580 | 8,520 |
| Gambling | 606,792 | 456,950 | 465,807 | 161,168 | 160,208 |
| Land Tax | 683,710 | 346,454 | 271,748 | 187,252 | 83,468 |
| Payroll Tax | 1,943,344 | 1,415,817 | 1,288,906 | 525,619 | 483,045 |
| Stamp Duties | 1,965,212 | 1,552,343 | 1,397,290 | 606,481 | 531,178 |
| Total Taxation | 5,235,921 | 3,797,833 | 3,447,536 | 1,491,100 | 1,266,419 |
| Contributions from State Undertakings | 284,834 | 48,173 | 46,542 | 7,564 | 2,064 |
| Fees and Charges | 685,031 | 440,267 | 400,092 | 291,053 | 82,586 |
| Recoveries | 85,173 | 165,158 | 63,263 | 14,186 | 10,838 |
| Royalties | 404,658 | 279,393 | 247,265 | 106,250 | 75,299 |
| Commonwealth - | | | | | |
| General Purpose Payments | 8,788,282 | 6,526,928 | 6,070,494 | 2,017,510 | 1,917,739 |
| National Partnership Payments | 41,029 | 22,607 | 47,806 | 165 | 5,125 |
| Specific Purpose Payments | 236,393 | 176,904 | 173,672 | 58,705 | 59,781 |
| Total Commonwealth | 9,065,704 | 6,726,439 | 6,291,972 | 2,076,380 | 1,982,645 |
| Other Receipts | 376,531 | 330,528 | 201,634 | 130,917 | 91,157 |
| Total Receipts | 16,137,852 | 11,787,791 | 10,698,304 | 4,117,450 | 3,511,008 |
| FINANCING REQUIREMENT - | | | | | |
| Funds required from South Australian Government Financing Authority | 3,237,418 | 3,833,364 | 2,965,642 | 414,386 | 659,272 |
| Total Receipts and Borrowings | 19,375,270 | 15,621,155 | 13,663,946 | 4,531,836 | 4,170,280 |

*Statement of Payments on the Consolidated Account
Quarters and 9 Months Ended 31 March 2024 and 31 March 2023*

(Prepared on a Cash Basis)

| | Budget | - Nine months ended - | | - Quarter ended - | |
|--|-----------|-----------------------|-----------|-------------------|-----------|
| | | 31 March | 31 March | 31 March | 31 March |
| | | 2023-24 | 2024 | 2023 | 2024 |
| | \$ 000 | \$ 000 | \$ 000 | \$ 000 | \$ 000 |
| PAYMENTS - | | | | | |
| Administered Items for the Attorney-General's Department | 158,992 | 114,387 | 36,468 | 39,724 | 11,613 |
| Attorney-General's Department | 114,607 | 93,107 | 109,934 | 29,750 | 35,247 |
| Auditor-General's Department | 19,200 | 14,045 | 13,610 | 4,477 | 4,379 |
| Commission on Excellence and Innovation in Health | 6,766 | 5,205 | 5,319 | 1,823 | 1,496 |
| Courts Administration Authority | 93,617 | 73,817 | 70,455 | 30,911 | 27,256 |
| Defence SA | 19,179 | 15,679 | 11,099 | 5,250 | 3,600 |
| Department for Child Protection | 795,684 | 710,316 | 628,095 | 223,760 | 191,425 |
| Department for Correctional Services | 400,308 | 308,607 | 278,280 | 106,988 | 106,524 |
| Administered Items for the Department for Education | 428,355 | 416,523 | 179,275 | 17,505 | 17,306 |
| Department for Education | 3,631,281 | 2,805,907 | 2,731,556 | 980,871 | 916,992 |
| Department for Energy and Mining | 174,870 | 163,941 | 85,501 | 10,929 | 33,643 |
| Administered Items for the Department for Environment and Water | 30,363 | 21,087 | 21,882 | 1,793 | - |
| Department for Environment and Water | 152,073 | 119,000 | 132,789 | 30,000 | 49,789 |
| Department for Health and Wellbeing | 5,231,002 | 4,100,000 | 3,818,122 | 1,175,000 | 1,293,122 |
| Administered Items for the Department of Human Services | 303,685 | 270,000 | 202,249 | 65,000 | 30,000 |
| Department of Human Services | 963,281 | 910,000 | 930,288 | 250,000 | 230,288 |
| Administered Items for the Department for Industry, Innovation and Science | 10,891 | 8,169 | 8,021 | 2,723 | 2,674 |
| Department for Industry, Innovation and Science | 50,373 | 53,688 | 19,061 | 13,422 | 6,021 |
| Administered Items for the Department for Infrastructure and Transport | 7,863 | 5,772 | 4,647 | 1,882 | 1,518 |
| Department for Infrastructure and Transport | 1,107,742 | 827,585 | 788,924 | 257,688 | 230,195 |
| Administered Items for the Department of the Premier and Cabinet | 20,260 | 24,420 | 34,369 | 4,160 | - |
| Department of the Premier and Cabinet | 358,069 | 298,863 | 312,490 | 83,895 | 88,324 |
| Administered Items for the Department of Primary Industries and Regions | 4,516 | 3,033 | 2,948 | 1,011 | 983 |
| Department of Primary Industries and Regions | 132,612 | 111,772 | 79,589 | 37,466 | 23,426 |
| Administered Items for the Department for Trade and Investment | 1,375 | 1,035 | 538 | 345 | 206 |
| Department for Trade and Investment | 118,542 | 88,911 | 79,983 | 29,637 | 26,661 |
| Administered Items for the Department of Treasury and Finance | 3,557,414 | 2,908,739 | 1,933,893 | 748,159 | 479,597 |
| Department of Treasury and Finance | 175,788 | 172,904 | 166,517 | 25,404 | 19,017 |
| Administered Items for the Electoral Commission of South Australia | 532 | 532 | 510 | 269 | 184 |
| Electoral Commission of South Australia | 8,867 | 8,867 | 10,195 | 3,162 | - |
| House of Assembly | 8,430 | 6,375 | 6,261 | 2,295 | 2,247 |
| Administered Items for the Joint Parliamentary Services | 3,809 | 3,809 | 3,550 | - | - |
| Joint Parliamentary Services | 19,947 | 14,906 | 10,202 | 5,306 | 4,291 |
| Legislative Council | 6,050 | 4,504 | 4,491 | 1,624 | 1,617 |
| Minister for Tourism | - | - | 5,701 | - | - |
| Administered Items for the South Australia Police | 69 | - | - | - | - |
| South Australia Police | 1,006,195 | 777,963 | 738,663 | 283,443 | 269,688 |
| South Australian Country Fire Service | - | - | 500 | - | 250 |

*Statement of Payments on the Consolidated Account
Quarters and 9 Months Ended 31 March 2024 and 31 March 2023
(Prepared on a Cash Basis)*

| | - Nine months ended - | | | - Quarter ended - | |
|---|-----------------------|-------------------|-------------------|-------------------|------------------|
| | Budget | 31 March | 31 March | 31 March | 31 March |
| | 2023-24 | 2024 | 2023 | 2024 | 2023 |
| PAYMENTS - | \$ 000 | \$ 000 | \$ 000 | \$ 000 | \$ 000 |
| South Australian Fire Emergency Commission | 500 | 500 | - | - | - |
| South Australian Metropolitan Fire Service | 3,513 | 2,700 | 2,700 | 900 | 900 |
| South Australian State Emergency Service | 1,050 | 775 | 5,585 | 275 | 250 |
| South Australian Tourism Commission | 65,738 | 52,800 | 69,567 | 16,200 | 20,567 |
| State Governor's Establishment | 4,569 | 3,384 | 4,476 | 1,128 | - |
| Preventive Health SA | 25,884 | 19,914 | 16,117 | 6,972 | 5,639 |
| Payments for which specific appropriation is authorised in various Acts | 151,409 | 77,614 | 99,526 | 30,689 | 33,345 |
| TOTAL PAYMENTS | 19,375,270 | 15,621,155 | 13,663,946 | 4,531,836 | 4,170,280 |

Effective 26 February 2024, the title of Wellbeing SA was altered to Preventive Health SA.

*Commentary to the Statement of the Amounts Credited to and Issued from the Consolidated Account
for the Quarters Ended 31 March 2024 And 31 March 2023*

Receipts

Taxation

Gambling tax receipts in the March quarter 2024 were broadly in line with the corresponding prior year period. Gambling tax receipts in the nine months ended March 2024 were lower than the corresponding prior year period, largely reflecting lower collections from the Betting Operations Tax due to the collection of once-off revenue in the prior year period associated with compliance investigations.

Land tax receipts in the March quarter 2024 and nine months ended March 2024 were higher than the corresponding prior year periods mainly due to growth in private land tax liabilities.

Payroll tax receipts in the March quarter 2024 and nine months ended March 2024 were higher than the corresponding prior year periods primarily reflecting growth in taxable payrolls.

Stamp duty receipts in the March quarter 2024 and nine months ended March 2024 were higher than the corresponding prior year periods largely due to higher collections from conveyance duty, general insurance premiums and motor vehicle registration transfers.

Royalties

Royalty receipts for the March quarter 2024 and nine months ended March 2024 were higher than the corresponding prior year periods primarily reflecting strong commodity pricing and a softer Australian dollar.

Fees and Charges

Fees and Charges for the March quarter 2024 and nine months ended March 2024 were higher than the corresponding prior year periods primarily due to the timing of the collection of regulatory fees from Department for Trade and Investment.

Commonwealth—General Purpose Payments

Growth in general purpose grant receipts in 2023-24 compared to 2022-23 is not indicative of underlying movements in Goods and Services Tax (GST) revenue. This is because monthly grants are paid according to a payment schedule prepared by the Commonwealth Government rather than actual emerging monthly GST collections.

Based on the growth in the national GST pool and population estimates as well as South Australia's relativity in 2023-24, the Commonwealth Government estimated in its 2023-24 Mid-Year Economic and Fiscal Outlook that South Australia's GST entitlement grant will increase by 11.9 per cent in 2023-24.

Commonwealth—Specific Purpose Payments

Specific Purpose Payments received in the March quarter 2024 and nine months ended March 2024 were broadly in line with the corresponding prior year period.

Commonwealth—National Partnership Payments

National Partnership Payments received in the March quarter 2024 were lower than the corresponding prior year period mainly due to lower reimbursements for Commonwealth HomeBuilder grants that are being administered by the state on behalf of the Commonwealth Government.

National Partnership Payments in the nine months ended March 2024 were lower than the corresponding prior year period largely due to lower reimbursements for Commonwealth HomeBuilder grants that are being administered by the state on behalf of the Commonwealth Government and lower recoveries associated with COVID-19 Business Support Grant Payments. This was partially offset by the timing of payments for the National Disaster Relief and Recovery Arrangements.

Other Receipts

Other Receipts for the March quarter 2024 and nine months ended March 2024 were higher than the corresponding prior year periods primarily due to higher interest on investments. This is due to higher interest rates applied on the Treasurer's deposits placed with the South Australian Government Financing Authority.

Payments

Payments were made pursuant to the *Appropriation Act 2023* and in accordance with other Acts for which specific appropriation has been authorised. The timing of the payments is based on agreed agency drawdown schedules and may change from period to period based on specific agency requirements.

All appropriations were paid within approved limits established under the various Acts.

Note

The following points should be considered when reviewing the quarterly statement of Consolidated Account transactions:

- Unlike the State Budget which comprises transactions on an accrual basis, the information reflected in the quarterly statement is limited to cash transactions.
- The Consolidated Account does not capture all the transactions undertaken by the general government sector. In particular, it does not record receipts to, and payments from, Agency deposit and special deposit accounts.
- The timing of receipts and payments can fluctuate within a financial year and between financial years. As a result, apparently large movements between quarters or years may only be due to changes in the timing of receipts and payments and therefore may not have consequences for the underlying budget position.

Dated: 12 November 2024

HON. STEPHEN MULLIGHAN MP
Treasurer of South Australia

PUBLIC FINANCE AND AUDIT ACT 1987

TREASURER'S QUARTERLY STATEMENT

*Summary of the Statement on the Consolidated Account for the Quarters and
12 Months Ended 30 June 2024 and 30 June 2023*

(Prepared on a Cash Basis)

| - Twelve months ended - | | | - Quarter ended - | | |
|------------------------------------|-------------------|------------------|--------------------------|-------------------|------------------|
| 30 June | 30 June | Variation | 30 June | 30 June | Variation |
| 2024 | 2023 | | 2024 | 2023 | |
| \$ 000 | \$ 000 | \$ 000 | \$ 000 | \$ 000 | \$ 000 |
| RECEIPTS | | | | | |
| 17,843,802 | 15,811,849 | 2,031,953 | 6,056,011 | 5,113,545 | 942,466 |
| PAYMENTS | | | | | |
| 19,636,712 | 17,140,569 | 2,496,143 | 4,015,557 | 3,476,623 | 538,934 |
| FINANCING REQUIREMENT | | | | | |
| 1,792,910 | 1,328,720 | 464,190 | -2,040,454 | -1,636,922 | -403,532 |
| CONSOLIDATED ACCOUNT RESULT | | | | | |
| Deficit / - Surplus | | | | | |
| 1,792,910 | 1,328,720 | 464,190 | -2,040,454 | -1,636,922 | -403,532 |

*Statement of the Receipts and Borrowings on the Consolidated Account
Quarters and 12 Months Ended 30 June 2024 and 30 June 2023*

(Prepared on a Cash Basis)

| | Budget 2023-24 \$ 000 | - Twelve months ended - | | - Quarter ended - | |
|---|-----------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| | | 30 June 2024 \$ 000 | 30 June 2023 \$ 000 | 30 June 2024 \$ 000 | 30 June 2023 \$ 000 |
| RECEIPTS - | | | | | |
| Taxation - | | | | | |
| Commonwealth Places Mirror Tax | 36,863 | 38,475 | 34,956 | 12,206 | 11,171 |
| Gambling | 606,792 | 670,552 | 620,298 | 213,602 | 154,491 |
| Land Tax | 683,710 | 757,839 | 567,964 | 411,385 | 296,216 |
| Payroll Tax | 1,943,344 | 2,109,027 | 1,923,113 | 693,210 | 634,207 |
| Stamp Duties | 1,965,212 | 2,423,005 | 2,102,376 | 870,662 | 705,086 |
| Total Taxation | 5,235,921 | 5,998,898 | 5,248,707 | 2,201,065 | 1,801,171 |
| Contributions from State Undertakings | 284,834 | 433,091 | 175,612 | 384,918 | 129,070 |
| Fees and Charges | 685,031 | 736,912 | 651,568 | 296,645 | 251,476 |
| Recoveries | 91,173 | 570,746 | 727,630 | 400,308 | 642,367 |
| Royalties | 404,658 | 422,487 | 379,172 | 143,094 | 131,907 |
| Commonwealth - | | | | | |
| General Purpose Payments | 8,788,282 | 8,697,556 | 7,899,150 | 2,170,628 | 1,828,656 |
| National Partnership Payments | 41,029 | 64,775 | 53,586 | 42,168 | 5,780 |
| Specific Purpose Payments | 236,393 | 235,246 | 232,292 | 58,342 | 58,620 |
| Total Commonwealth | 9,065,704 | 8,997,577 | 8,185,028 | 2,271,138 | 1,893,056 |
| Other Receipts | 370,531 | 684,091 | 444,132 | 358,843 | 264,498 |
| Total Receipts | 16,137,852 | 17,843,802 | 15,811,849 | 6,056,011 | 5,113,545 |
| FINANCING REQUIREMENT - | | | | | |
| Funds required from South Australian Government Financing Authority | 3,237,418 | 1,792,910 | 1,328,720 | -2,040,454 | -1,636,922 |
| Total Receipts and Borrowings | 19,375,270 | 19,636,712 | 17,140,569 | 4,015,557 | 3,476,623 |

*Statement of Payments on the Consolidated Account
Quarters and 12 Months Ended 30 June 2024 and 30 June 2023*

(Prepared on a Cash Basis)

| | Budget | - Twelve months ended - | | - Quarter ended - | |
|--|-----------|-------------------------|-----------|-------------------|-----------|
| | | 30 June | 30 June | 30 June | 30 June |
| | | 2023-24 | 2024 | 2023 | 2024 |
| | \$ 000 | \$ 000 | \$ 000 | \$ 000 | \$ 000 |
| PAYMENTS - | | | | | |
| Administered Items for the Attorney-General's Department | 158,992 | 168,608 | 58,099 | 54,221 | 21,631 |
| Attorney-General's Department | 114,607 | 107,207 | 109,934 | 14,100 | - |
| Auditor-General's Department | 19,200 | 19,200 | 18,815 | 5,155 | 5,205 |
| Commission on Excellence and Innovation in Health | 6,766 | 6,764 | 6,566 | 1,559 | 1,247 |
| Courts Administration Authority | 93,617 | 94,536 | 93,843 | 20,719 | 23,388 |
| Defence SA | 19,179 | 17,457 | 13,055 | 1,778 | 1,956 |
| Department for Child Protection | 795,684 | 890,684 | 784,074 | 180,368 | 155,979 |
| Department for Correctional Services | 400,308 | 404,879 | 376,425 | 96,272 | 98,145 |
| Administered Items for the Department for Education | 428,355 | 437,839 | 194,967 | 21,316 | 15,692 |
| Department for Education | 3,631,281 | 3,615,960 | 3,573,878 | 810,053 | 842,322 |
| Department for Energy and Mining | 174,870 | 173,334 | 24,712 | 9,393 | -60,789 |
| Administered Items for the Department for Environment and Water | 30,363 | 21,199 | 21,882 | 112 | - |
| Department for Environment and Water | 152,073 | 164,625 | 180,028 | 45,625 | 47,239 |
| Department for Health and Wellbeing | 5,616,002 | 5,609,775 | 5,117,657 | 1,509,775 | 1,299,535 |
| Administered Items for the Department of Human Services | 303,685 | 334,178 | 232,870 | 64,178 | 30,621 |
| Department of Human Services | 963,281 | 981,178 | 989,151 | 71,178 | 58,863 |
| Administered Items for the Department for Industry, Innovation and Science | 10,891 | 10,891 | 10,692 | 2,722 | 2,671 |
| Department for Industry, Innovation and Science | 50,373 | 53,688 | 67,046 | - | 47,985 |
| Administered Items for the Department for Infrastructure and Transport | 7,863 | 7,877 | 7,047 | 2,104 | 2,400 |
| Department for Infrastructure and Transport | 1,107,742 | 1,106,311 | 1,093,112 | 278,726 | 304,188 |
| Administered Items for the Department of the Premier and Cabinet | 20,260 | 24,424 | 36,763 | 4 | 2,394 |
| Department of the Premier and Cabinet | 358,069 | 358,069 | 342,367 | 59,206 | 29,877 |
| Administered Items for the Department of Primary Industries and Regions | 4,516 | 4,516 | 4,393 | 1,483 | 1,445 |
| Department of Primary Industries and Regions | 132,612 | 131,612 | 119,849 | 19,840 | 40,260 |
| Administered Items for the Department for Trade and Investment | 1,375 | 1,375 | 7,983 | 340 | 7,445 |
| Department for Trade and Investment | 118,542 | 124,493 | 120,512 | 35,582 | 40,529 |
| Administered Items for the Department of Treasury and Finance | 3,172,414 | 3,298,171 | 2,092,101 | 389,432 | 158,208 |
| Department of Treasury and Finance | 175,788 | 178,795 | 168,062 | 5,891 | 1,545 |
| Administered Items for the Electoral Commission of South Australia | 532 | 655 | 510 | 123 | - |
| Electoral Commission of South Australia | 8,867 | 11,225 | 10,460 | 2,358 | 265 |
| House of Assembly | 8,430 | 8,430 | 8,260 | 2,055 | 1,999 |
| Administered Items for the Joint Parliamentary Services | 3,809 | 3,809 | 3,550 | - | - |
| Joint Parliamentary Services | 19,947 | 19,947 | 14,194 | 5,041 | 3,992 |
| Legislative Council | 6,050 | 6,050 | 5,926 | 1,546 | 1,435 |
| Minister for Tourism | - | - | 5,701 | - | - |
| Preventive Health SA | 25,884 | 25,880 | 20,952 | 5,966 | 4,835 |
| Administered Items for the South Australia Police | 69 | 69 | 67 | 69 | 67 |
| South Australia Police | 1,006,195 | 999,894 | 938,578 | 221,931 | 199,915 |

*Statement of Payments on the Consolidated Account
Quarters and 12 Months Ended 30 June 2024 and 30 June 2023
(Prepared on a Cash Basis)*

| | - Twelve months ended - | | | - Quarter ended - | |
|---|-------------------------|-------------------|-------------------|-------------------|------------------|
| | Budget | 30 June | 30 June | 30 June | 30 June |
| | 2023-24 | 2024 | 2023 | 2024 | 2023 |
| | \$ 000 | \$ 000 | \$ 000 | \$ 000 | \$ 000 |
| PAYMENTS - | | | | | |
| South Australian Country Fire Service | - | - | 6,690 | - | 6,190 |
| South Australian Fire Emergency Commission | 500 | 500 | - | - | - |
| South Australian Metropolitan Fire Service | 3,513 | 24,513 | 16,200 | 21,813 | 13,500 |
| South Australian State Emergency Service | 1,050 | 1,050 | 5,835 | 275 | 250 |
| South Australian Tourism Commission | 65,738 | 63,193 | 88,531 | 10,393 | 18,964 |
| State Governor's Establishment | 4,569 | 5,169 | 6,966 | 1,785 | 2,490 |
| Payments for which specific appropriation is authorised in various Acts | 151,409 | 118,683 | 142,266 | 41,070 | 42,740 |
| TOTAL PAYMENTS | 19,375,270 | 19,636,712 | 17,140,569 | 4,015,557 | 3,476,623 |

Effective 26 February 2024, the title of Wellbeing SA was altered to Preventive Health SA.

*Commentary to the Statement of the Amounts Credited to and Issued from the Consolidated Account
for the Quarters Ended 30 June 2024 and 30 June 2023*

Receipts

Taxation

Gambling tax receipts in the June quarter 2024 and twelve months ended June 2024 were higher than the corresponding prior year periods largely due to growth in net gambling revenue from gaming machines in hotels and clubs, and higher collections from lotteries. This was partially offset by lower collections from the Betting Operations Tax due to the collection of once-off revenue in the prior year period associated with compliance investigations.

Land tax receipts in the June quarter 2024 and twelve months ended June 2024 were higher than the corresponding prior year periods mainly due to growth in private land tax liabilities driven by strong growth in site values. This was partially offset by lower land tax collections from government entities due to the timing of receipts between years.

Payroll tax receipts in the June quarter 2024 and twelve months ended June 2024 were higher than the corresponding prior year periods primarily reflecting growth in taxable payrolls.

Stamp duty receipts in the June quarter 2024 and twelve months ended June 2024 were higher than the corresponding prior year periods, largely due to higher collections from conveyance duty, insurance duty and motor vehicle registration transfers.

Royalties

Royalty receipts for the June quarter 2024 and twelve months ended June 2024 were higher than the corresponding prior year periods primarily reflecting strong commodity pricing (particularly for copper and uranium) as well as higher production levels for petroleum.

Fees and Charges

Fees and Charges for the June quarter 2024 and twelve months ended June 2024 were higher than the corresponding prior year periods primarily due to the timing of the collection of regulatory fees from Department for Trade and Investment.

Commonwealth—General Purpose Payments

Growth in general purpose grant receipts in 2023-24 compared to 2022-23 is not indicative of underlying movements in Goods and Services Tax (GST) revenue. This is because monthly grants are paid according to a payment schedule prepared by the Commonwealth Government rather than actual emerging monthly GST collections.

Based on the growth in the national GST pool and population estimates as well as South Australia's relativity in 2023-24, the Commonwealth Government determined in its 2023-24 Final Budget Outcome that South Australia's GST entitlement grant grew by 13.0 per cent in 2023-24.

Commonwealth—Specific Purpose Payments

Specific Purpose Payments received in the June quarter 2024 and twelve months ended June 2024 were broadly in line with the corresponding prior year periods.

Commonwealth—National Partnership Payments

National Partnership Payments received in the June quarter 2024 and the twelve months ended June 2024 were higher than the corresponding prior year periods mainly reflecting higher payments under the Natural Disaster Relief and Recovery Arrangements, partially offset by lower reimbursements for the Commonwealth HomeBuilder grants that are being administered by the state on behalf of the Commonwealth Government.

Other Receipts

Other Receipts for the June quarter 2024 and twelve months ended June 2024 were higher than the corresponding prior year periods primarily due to higher interest on investments. This is due to higher interest rates applied on the Treasurer's deposits placed with the South Australian Government Financing Authority.

Payments

Payments were made pursuant to the *Appropriation Act 2023* and in accordance with other Acts for which specific appropriation has been authorised. The timing of the payments is based on agreed agency drawdown schedules and may change from period to period based on specific agency requirements.

All appropriations were paid within approved limits established under the various Acts.

Note

The following points should be considered when reviewing the quarterly statement of Consolidated Account transactions:

- Unlike the State Budget which comprises transactions on an accrual basis, the information reflected in the quarterly statement is limited to cash transactions.
- The Consolidated Account does not capture all the transactions undertaken by the general government sector. In particular, it does not record receipts to, and payments from, Agency deposit and special deposit accounts.

The timing of receipts and payments can fluctuate within a financial year and between financial years. As a result, apparently large movements between quarters or years may only be due to changes in the timing of receipts and payments and therefore may not have consequences for the underlying budget position.

Dated: 12 November 2024

HON. STEPHEN MULLIGHAN MP
Treasurer of South Australia

THE REMUNERATION TRIBUNAL

REPORT NO. 7 OF 2024

2024 Review of the Common Allowance for Members of the Parliament of South Australia

INTRODUCTION

1. The Remuneration Tribunal (**Tribunal**) has conducted a review of Determination 8 of 2023, which sets a common allowance for members of Parliament.
2. The common allowance is set under Section 4AA of the *Parliamentary Remuneration Act 1990* (SA) (**PR Act**) and must be reviewed at least once every 12 months as required by Section 4AA(3). It forms part of the basic salary of members of Parliament.
3. There are two components to the common allowance. The first is an amount of remuneration that reasonably compensates members of Parliament for the abolition of the annual travel allowance, metrocard special pass and subsidised or free interstate rail travel that applied prior to 2015. The second component is an amount payable to all members of Parliament for their service as ordinary members on parliamentary committees.
4. The aggregated amount of the two components cannot exceed \$42,000.
5. As explained in this report, the Tribunal has determined to increase the aggregated amount by 3.33%. The Tribunal has issued an accompanying determination, which applies from 1 December 2024.

THE REVIEW PROCESS

6. In accordance with Sections 10(2) and 10(4) of the *Remuneration Act 1990* (SA) (**Act**), on 22 October 2024 the Tribunal invited submissions in respect of this review from:
 - (a) the Honourable Premier of South Australia – as the Minister responsible for the Act who may make submissions or introduce evidence on any question relevant to the public interest;
 - (b) members of Parliament;
 - (c) the Treasurer; and
 - (d) the Independent Commissioner Against Corruption.
7. Submissions were due by 5 November 2024.
8. The Tribunal also advertised its intention to review this, and other determinations applicable to Members of Parliament, on its website from 22 October 2024. Submissions were also invited by 5 November 2024.
9. On 1 November 2024, the Premier's representative confirmed that no submission would be made.
10. On 4 November 2024, the Acting Independent Commissioner Against Corruption confirmed that no submission would be made. No other submissions were received in respect of this review.

BACKGROUND

11. The common allowance was established by the *Parliamentary Remuneration (Determination of Remuneration) Amendment Act 2015* (SA) (**Amending Act**) which amended the PR Act. That Amending Act established the criteria which the Tribunal is required to consider.
12. The common allowance is comprised of two monetary amounts. The first amount is provided as compensation for the loss of the annual travel allowance, metrocard special pass and subsidised or free interstate rail travel. The second amount is provided as compensation for the loss of payments for service as ordinary members of parliamentary committees. In these respects, the Amending Act confirms that the common allowance represents compensation to members of Parliament for the loss of specified entitlements that operated before 2015.
13. Section 4AB of the PR Act establishes that the common allowance forms part of the basic salary of a member of Parliament. This section states:

4AB—Basic salary

The basic salary payable to a member of Parliament is salary at a rate equal to the rate from time to time of the Commonwealth basic salary less \$42 000 plus the common allowance for the relevant year.

CONSIDERATION AND CONCLUSION

14. The Tribunal is not able to alter the basis of the common allowance or its component parts.
15. The current common allowance components comprise the following amounts:
 - (a) The amount of remuneration as reasonable compensation for the abolition of the annual travel allowance, metrocard special pass and subsidised or free interstate rail travel is \$19,867 per annum.
 - (b) The amount of remuneration payable to all members of Parliament for service as ordinary members on parliamentary committees is \$14,526 per annum.
16. These amounts total \$34,393 per annum.
17. In accordance with Section 4AA(3) of the PR Act the Tribunal may, if it considers it appropriate to do so, determine to increase an amount of remuneration payable by a specified amount.
18. Consistent with the previous approach of the Tribunal, the first component of the common allowance should be recognised on the basis of a reimbursement of the previous benefits that applied before 2015. Separately, the second component of the common allowance, is considered as being more directly related to normal remuneration payments.
19. The Tribunal has considered movements in the Consumer Price Index (All groups Adelaide), the Australian Bureau of Statistics Wage Price Index (Public Sector South Australia), statistics concerning transport and domestic holiday travel and accommodation and has determined to apply an overall increase of 3.33% to the aggregated amount. The Tribunal has provided differential calculations to the two components that constitute the common allowance. The breakdown of the two components is provided for in the accompanying determination.
20. This review therefore increases the total amount of the common allowance to \$35,537 per annum. The increase will apply from 1 December 2024.
21. The aggregated amount continues to move closer to the statutory limit of \$42,000. In the absence of any amending legislation, the Tribunal notes it will not be able to increase the common allowance amount.
22. As stated in Report 8 of 2023, The Tribunal understands from the second reading speech for the Amending Act that the statutory limit of \$42,000 was in 2015 the amount by which the Commonwealth basic salary exceeded the State basic salary. Consideration may need to be given to the statutory limit to ensure that future reviews of the Tribunal are not impacted.

Dated: 21 November 2024

MATTHEW O'CALLAGHAN
President
DONNY WALFORD
Member
MARK YOUNG
Member

THE REMUNERATION TRIBUNAL

DETERMINATION NO. 7 OF 2024

*Common Allowance for Members of the Parliament of South Australia***DETERMINATION**

1. Pursuant to Section 4AA of the *Parliamentary Remuneration Act 1990* (SA), the Remuneration Tribunal makes the following Determination:
 - (a) The amount of remuneration as reasonable compensation for the abolition of: annual travel allowance, metrocard special pass and subsidised or free interstate rail travel is \$20,503 per annum.
 - (b) The amount of remuneration payable to all members of Parliament for their service as ordinary members on parliamentary committees is \$15,034 per annum.

DATE OF OPERATION

2. This Determination operates from 1 December 2024. It supersedes Determination 8 of 2023.

Dated: 21 November 2024

MATTHEW O'CALLAGHAN
President
DONNY WALFORD
Member
MARK YOUNG
Member

RESIDENTIAL TENANCIES ACT 1995*Exemption*

Pursuant to Section 118 of the *Residential Tenancies Act 1995* ('the Act'), I, Andrea Michaels, Minister for Consumer and Business Affairs for the State of South Australia, do hereby grant the following exemption from the provisions of the Act.

This exemption applies only to designated rooming houses whose designated rooming house proprietors are a registered community housing provider, as defined in the Act, or a charity registered with the Australian Charities and Not-for-profits Commission ('registered charity'):

1. Sections 103C(2)(c) and 103D(1)(a) of the Act shall not apply, provided a registered community housing provider or registered charity to which this exemption applies, provides a valid registration number upon application for registration to carry on a business involving the provision of accommodation under designated rooming house agreements.

Dated: 26 November 2024

ANDREA MICHAELS MP
Minister for Consumer and Business Affairs

RETURN TO WORK ACT 2014

*Publication of Authority and Consent Form for the Employer and/or Return to Work Corporation of South Australia to be Present at Examination or Treatment of Worker**Preamble*

This Notice is given in accordance with the powers delegated to me, Michael Francis, Chief Executive Officer, by the Board of the Return to Work Corporation of South Australia ('the Corporation') under an Instrument of Delegations dated 2 February 2023.

Section 17A of the *Return to Work Act 2014* ('the Act') states that a worker's employer or the Corporation must not be present while a worker is:

- (a) being physically or clinically examined, or treated, by a health practitioner; or
- (b) undergoing any diagnostic examination or test required for the purposes of the worker's treatment by a health practitioner

unless the worker gives written agreement to their presence in the designated form.

Section 4(15) of the Act provides that a reference in a provision of the Act to a designated form is a reference to a form designated for the purposes of that provision by the Corporation from time to time by notice in the Gazette.

NOTICE

Designated Form

Pursuant to Section 17A(2)(a) of the Act, I give notice that from 1 December 2024, the *Authority and Consent Form for the Employer and/or Return to Work Corporation of South Australia to be Present at Examination or Treatment of Worker* at Attachment 1 is the 'form designated for the purposes of that provision by the Corporation'.

Confirmed as a true and accurate record of the decision of the Corporation.

Dated: 26 November 2024

MICHAEL FRANCIS
Chief Executive Officer

ATTACHMENT 1



www.rtwsa.com
13 18 55

AUTHORITY AND CONSENT FORM FOR THE EMPLOYER AND/OR RETURN TO WORK CORPORATION OF SOUTH AUSTRALIA TO BE PRESENT AT EXAMINATION OR TREATMENT OF WORKER

Completion of this form is optional

This form is only valid if it is printed and signed in wet ink (a photocopy of this form signed in wet ink is valid)

The purpose of this form is to record your voluntarily written consent for the representative(s) of your employer (including a third party agent acting on the employer's behalf) and/or ReturnToWorkSA (including its claims agents) named below to be present while you are being physically or clinically examined or treated by a health practitioner, or undergoing a diagnostic examination or test for the purposes of your treatment by a health practitioner.

You are not required to provide your consent. You have the right to decline any request by your employer (including its agent) or ReturnToWorkSA (including its claims agents) to be present whilst you are undergoing examination or testing by, or receiving treatment from, a health practitioner.

If you do provide your consent, your medical and health information will be treated as confidential and will be protected by sections 185 and 186 of the *Return to Work Act 2014* and only disclosed in limited permitted circumstances. You may revoke your consent at any time, either verbally or in writing, and either entirely or in relation to any particular examination, testing or treatment appointment.

If you do not provide your consent, your claim will not be adversely impacted in any way.

You should read the information overleaf prior to completing this form.

Injured Worker Details

| | |
|----------------|------------------|
| Surname: | Given names: |
| Date of birth: | Email: |
| Telephone: | Claim number(s): |
| Address: | Injury(ies): |

Employer Representative (insert name(s) as applicable)

| | |
|----------------------------------|-------------------|
| Employer: | Employer's Agent: |
| Employer representative name(s): | |

ReturnToWorkSA Representative (strikeout non-applicable)

| | | |
|-------------------------|--------------------------|-------------------|
| ReturnToWorkSA | Employers Mutual Limited | Gallagher Bassett |
| Representative name(s): | | |

Authority for representatives to be present during examination or treatment

I, _____, hereby consent for the Employer Representative(s) and/or ReturnToWorkSA Representative(s) named above to be present while I am being physically or clinically examined or treated by a health practitioner, or undergoing any diagnostic examination or test required for the purposes of being treated by a health practitioner, in relation to the abovementioned claim(s) and injury(ies).

I confirm this consent remains valid for 6 months from the date of my signature below.

Signature of injured worker: _____ Date: _____

Signature of injured worker's parent or guardian*: _____ Date: _____

*Required if the injured worker is under 18 years of age

Return to *work*.
Return to *life*.



Government of
South Australia

Employer or ReturnToWorkSA attendance at medical appointments – Notice

This Notice clarifies requirements relating to worker choice of health practitioners and employer and/or ReturnToWorkSA attendance at medical appointments

Legislation

The *Return to Work Act 2014* provides under section 17A that a worker's employer (including a third party agent acting on the employer's behalf) or ReturnToWorkSA (which includes its claims agents, being Employers Mutual Limited and Gallagher Basset) must not be present whilst the worker is:

- being physically or clinically examined, or treated, by a health practitioner; or
- undergoing any diagnostic examination or test for the purposes of their treatment by a health practitioner,

unless the worker has provided their written agreement in the prescribed form to their employer and/or ReturnToWorkSA being present during the examination, treatment or testing.

Health Practitioners

The following persons are health practitioners:

- a medical practitioner (being someone who practices medicine, such as a general practitioner doctor or specialist medical doctor);
- a dentist;
- a psychologist;
- an optician;
- a physiotherapist;
- a chiropractor;
- a podiatrist;
- an occupational therapist;
- an osteopath; and
- a speech pathologist.

Your Rights

When you require treatment for a work injury, you have the right to choose which individual health practitioners you receive treatment from.

Whilst an employer or ReturnToWorkSA may recommend a health practitioner to you, you have the right to choose your own treatment provider.

You have the right to privacy when you are being physically or clinically examined or treated by a health practitioner or undergoing any diagnostic examination or test.

You have the right to refuse a request from your employer or ReturnToWorkSA to be present when you are being physically or clinically examined or treated by a health practitioner, or undergoing any diagnostic examination or test.

There is no legal requirement for your employer or ReturnToWorkSA to be present whilst you are being examined or treated by a health practitioner.

Employer & ReturnToWorkSA involvement

Your employer has a legitimate interest in your health, safety and wellbeing as their employee and may well offer to assist you to seek immediate medical treatment following notification of a work injury occurring. Your employer and ReturnToWorkSA are interested in your capacity for work and your return to work options. By interacting with your treating health practitioners, your employer, ReturnToWorkSA and your treating health practitioner(s) are best placed to support to you to successfully recover from your injury and make a safe return to work.

There are alternative arrangements available for your employer and ReturnToWorkSA to engage with your treating health practitioners without the need to be present at your medical appointments (i.e. medical case conferences held after medical appointments either in person or by teleconference).

Privacy & Confidentiality

Information about your physical and mental condition and personal circumstances or affairs is confidential and protected from disclosure by sections 185 and 186 of the *Return to Work Act 2014*. This includes all information about your claim and injuries provided by you or your treating health practitioners to your employer and ReturnToWorkSA.

[REPUBLISHED]

The notice published in the *South Australian Government Gazette* No. 76, dated 21 November 2024, on page 4256, under the heading *Roads (Opening and Closing) Act 1991*, was published with incorrect information and should be replaced with the following:

ROADS (OPENING AND CLOSING) ACT 1991

SECTION 24

**NOTICE OF CONFIRMATION OF
ROAD PROCESS ORDER**

Road Closure—Walkway, Christies Beach

By Road Process Order made on 14 August 2024, the City of Onkaparinga ordered that:

1. Walkway, Christies Beach, situated adjoining Allotment 82 in Deposited Plan 7053, Hundred of Noarlunga, more particularly delineated and lettered 'A' in Preliminary Plan 23/0029 be closed.
2. Transfer the whole of the land subject to closure to Catholic Church Endowment Society Inc. in accordance with the Agreement for Transfer dated 14 August 2024 entered into between the City of Onkaparinga and Catholic Church Endowment Society Inc.
3. The following easement is to be granted over portion of the land subject to closure:
Grant to Distribution Lessor Corporation (subject to Lease 8890000) an easement for electricity supply purposes over the land marked 'A' in Deposited Plan 134647.

On 15 November 2024 that order was confirmed by the Minister for Planning conditionally upon the deposit by the Registrar-General of Deposited Plan 134647 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: 28 November 2024

B. J. SLAPE
Surveyor-General

2024/01860/01

SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL ACT 2014

South Australian Employment Tribunal Rules 2024

The President and a Deputy President of the South Australian Employment Tribunal after consultation with the Minister make the following Rules under the *South Australian Employment Tribunal Act 2014*.

PART 1—PRELIMINARY

1. Name

These rules are the *South Australian Employment Tribunal Rules 2024* (Rules).

2. Commencement

The Rules will commence operation on the date they are published in the *South Australian Government Gazette*.

3. Revocation and transitional provisions

- (1) Subject to this rule, the *South Australian Employment Tribunal Rules 2022* are revoked.
- (2) A proceeding commenced in the Tribunal under the *South Australian Employment Tribunal Rules 2022* prior to the commencement date of the Rules will, subject to contrary direction of the Tribunal, be subject to the Rules from the date on which they commence operation.
- (3) In any proceeding commenced in another jurisdiction prior to the commencement of the Rules which is transferred to the Tribunal, the Tribunal may:
 - (a) give directions to resolve any uncertainty about which rule applies to the proceeding or to a particular step in the proceeding;
 - (b) do anything else necessary to ensure smooth transition from one jurisdiction to another.

4. Overriding purpose and application of the Rules and identification of interest

- (1) The overriding purpose of the Rules, as they apply to proceedings in the Tribunal, is to facilitate the objectives of the Tribunal, and, in particular, to achieve the just, quick and cost-effective resolution of the real issues in proceedings.
- (2) The Tribunal must seek to give effect to the overriding purpose of the Rules when exercising any power given by the SAET Act or the Rules and when interpreting any rule in the Rules.
- (3) A party to a proceeding is under a duty to assist the Tribunal to achieve the overriding purpose of the Rules, to participate in the processes of the Tribunal in a constructive manner and to comply with directions and orders of the Tribunal.
- (4) A party, representative, witness or interpreter to or in a proceeding is under a duty to disclose any interest reasonably known or apprehended, personal or pecuniary, in or in relation to any matter or witness before the Tribunal.
- (5) Each of the following persons must not, by their conduct, cause a party to a proceeding to breach a duty identified in sub-rules (3) or (4):
 - (a) a solicitor or barrister representing a party in a proceeding;
 - (b) any person with a relevant interest in a proceeding commenced by the party.
- (6) The Tribunal may take into account a failure to comply with sub-rule (3), (4) or (5) in making or declining to make an order for costs.
- (7) For the purposes of this rule, a person has a relevant interest in a proceeding if they:
 - (a) provide financial assistance or other assistance to a party to the proceeding; and
 - (b) exercise direct or indirect control over, or influence, the conduct of the proceeding or the conduct of a party to the proceeding.

5. Overarching obligations, cost effectiveness and proportionality

- (1) A party or a person appearing before the Tribunal must, in relation to a proceeding:
 - (a) act honestly;
 - (b) not engage in misleading conduct;
 - (c) not take a step that is frivolous, vexatious or an abuse of process;
 - (d) not make an assertion or response to an assertion for which they do not, on the material available at the time, have a proper basis;
 - (e) not take a step unless they reasonably believe that it is necessary to facilitate the resolution or determination of the proceeding;
 - (f) cooperate with the other parties and with the Tribunal in relation to the conduct of the proceeding;
 - (g) use reasonable endeavours to resolve or narrow the scope of a disputed issue in the proceeding by agreement;
 - (h) comply with the Rules and orders made by the Tribunal;
 - (i) be prepared for and ready to proceed with a hearing, directions hearing, trial, conciliation conference, settlement conference or mediation at the appointed time; and
 - (j) use reasonable endeavours to act promptly and minimise delay.
- (2) Tribunal proceedings must be conducted efficiently, cost-effectively and by having regard to proportionality as defined in Rule 6.
- (3) Legal practitioners and other persons authorised to represent a party in a proceeding must use their best endeavours to facilitate the just, quick and cost effective resolution of the real issues in proceedings before the Tribunal.

6. Interpretation

- (1) In the Rules, unless a contrary intention appears:

words used have the same meaning as words used in the SAET Act or Regulations or a relevant Act or Regulations made under a relevant Act;

administrator means a person appointed as an administrator under an administration order as defined in the *Guardianship and Administration Act 1993*;

applicant has the meaning it has in the SAET Act;

approved form has the following meanings:

 - (a) a document is in **an approved form** if it is in the form of, or substantially similar to, a document approved by the President and published on the Tribunal website, or otherwise made available for use by the Tribunal, or otherwise approved by the Tribunal;
 - (b) a document is in **the approved form** if it is in the form of the document approved by the President and published on the Tribunal website, or otherwise made available for use by the Tribunal, or otherwise approved by the Tribunal;

Note—

A list of Tribunal forms is contained in Rule 12.

authorised representative means a person authorised to represent a party by a relevant Act and includes a solicitor, barrister or authorised officer of an industrial association where the context permits;

Commissioner means a person holding office as a Commissioner of the Tribunal;

company means a company as defined by Section 9 of the *Corporations Act 2001* (Cth);

contact details means an address, telephone number, mobile telephone number, pager number and email address (as far as each are known or relevant) that can be used by the Tribunal and other parties or persons to contact a party in relation to a proceeding (and in relation to an Australian company, includes the address of the registered office of the company);

contempt includes:

- (a) a contempt in the face of the Tribunal;
- (b) disruption of a proceeding in the Tribunal or of the Tribunal's processes;
- (c) obstruction or perversion of the course of justice:
 - (i) by intimidation of or interference with a witness; or
 - (ii) by making statements or publishing material that could prejudice the fair and impartial determination of a proceeding before the Tribunal; or
 - (iii) in any other way;
- (d) obstruction or interference with the proper performance of official duties by an officer of the Tribunal;
- (e) deliberate non-compliance with a judgment or order of the Tribunal;
- (f) an attempt to do anything that would, assuming the attempt had been carried successfully to conclusion, have constituted a contempt under any of the above paragraphs;

counter-application means an application filed in response to an initiating application through which a respondent may seek a remedy from an applicant, or a response to an application for internal review under Rule 22(2);

Court means the South Australian Employment Court however constituted and includes the Full Bench of the Court;

decision has the same meaning it has in the SAET Act;

Deputy President means a Deputy President of the Tribunal;

District Court means the District Court of South Australia;

Full Bench means a Full Bench of the Tribunal as described in Section 19(3) of the SAET Act;

guardian certificate means a certificate signed by a proposed litigation guardian certifying that:

- (a) the person for whom the proposed litigation guardian consents to act is a person under a legal incapacity, identifying that person's date of birth and, when applicable, details of their mental disability or illness rendering them incapable of managing their participation in a proceeding;
- (b) the proposed litigation guardian is eligible to be a litigation guardian for the person under a legal incapacity in the proceeding;
- (c) the proposed litigation guardian does not and would not have an interest in the proceeding adverse to the person under a legal incapacity;
- (d) the proposed litigation guardian understands the rights and obligations of a litigation guardian; and
- (e) the proposed litigation guardian consents to acting as litigation guardian for the person under a legal incapacity in the proceeding.

health practitioner has the same meaning it has in the *Return to Work Act 2014*;

initiating application means any document by which a proceeding is commenced in the Tribunal or by which the Tribunal's jurisdiction is otherwise invoked, and includes an internal review, an appeal and a referral made to, or claim brought before, the Tribunal under a relevant Act;

Magistrates Court means the Magistrates Court of South Australia;

person under a legal incapacity means a person:

- (a) under the age of 18 years; or
- (b) who, because of a mental disability or illness is not able to properly participate in a proceeding;

Practice Direction means a direction made by the President about practices and procedures used by the Tribunal;

President means the President of the Tribunal;

Presidential member means the President or a Deputy President of the Tribunal;

proceeding means any matter, action, dispute, application, hearing, review, trial, reference, case stated, appeal or other step whatsoever before the Tribunal however constituted pursuant to the SAET Act or in consequence of any jurisdiction vested in it or a Tribunal member by a relevant Act, whether at the interlocutory or hearing stage or otherwise;

proportionality means ensuring that legal and related costs are reasonably proportionate to the monetary amount in issue;

registered agent means a person who is named on the list of registered agents maintained under Section 26 of the *Fair Work Act 1994*;

registrar means the Registrar or a Deputy Registrar of the Tribunal;

Registry means the Tribunal registry;

Regulations means the *South Australian Employment Tribunal Regulations 2015*;

relevant Act means an Act which confers jurisdiction on the Tribunal;

respondent means a person or entity in relation to whom a decision of the Tribunal or some other form of relief is sought by an applicant;

response means a respondent's answer to an initiating application or any other application made to the Tribunal;

SAET Act means the *South Australian Employment Tribunal Act 2014*;

settlement conference is defined in Rule 53(1);

Supreme Court means the Supreme Court of South Australia;

the Registrar means the principal registrar of the Tribunal;

Tribunal means the South Australian Employment Tribunal however constituted and, where the context permits, includes the Tribunal in Court Session;

Tribunal in Court Session means the South Australian Employment Court;

Tribunal member means a Presidential member or a Commissioner;

Tribunal website means www.saet.sa.gov.au;

Uniform Civil Rules means the *Uniform Civil Rules 2020* as amended, varied, substituted, replaced and adopted by the District Court from time to time;

- (2) A reference in the Rules to any Act or statutory instrument means that Act or statutory instrument as amended or substituted from time to time and includes any instrument made under it or the substituted Act or statutory instrument.
- (3) The Rules are to be read as being subject to the SAET Act and Regulations and to any applicable provision of a relevant Act or Regulations made under a relevant Act.
- (4) The Rules comprise rules that apply generally to all proceedings and rules that apply to specific types of proceedings. To the extent that there is an inconsistency between a general rule and a rule dealing with a specific type of proceeding, the specific rule takes precedence over the general rule, subject to contrary order of a Presidential member.

7. Application of the Uniform Civil Rules

Subject to contrary order made by the Tribunal, where an issue or procedure is not provided for by the Rules, the SAET Act or a relevant Act, the Uniform Civil Rules apply, and relevant forms used by the District Court may be adopted and used with such modifications as the particular case may make necessary.

8. Directions, relief from time limits and dispensation with the Rules

- (1) The Tribunal may on application by a party or on its own initiative:
 - (a) give directions about the procedure adopted in a particular matter;
 - (b) extend or abridge a time limit for doing anything in connection with any proceedings, or in relation to commencing any proceedings;

- (c) vary any requirement in the Rules;
- (d) dispense with compliance by any person, or by the Tribunal, with any requirement in the Rules, either before or after the time for compliance arises, and in doing so, may impose any condition or give any direction appropriate.
- (2) Subject to sub-rules (3), (4) and (5) and to any contrary order by a Presidential member, an extension of time will automatically be granted to enable a proceeding to be conciliated.
- (3) Sub-rule (2) does not apply to a proceeding brought in the original decision-making jurisdiction of the Court described in Section 31A of the SAET Act.
- (4) Sub-rule (2) applies to monetary claims and unfair dismissal claims made under the *Fair Work Act 1994* but does not apply to any other proceeding under that Act.
- (5) Sub-rule (2) does not apply to a review under the *Public Sector Act 2009*.
- (6) A registrar of the Tribunal is expressly authorised to constitute the Tribunal for the purposes of this rule.

9. Seals of the Tribunal

- (1) The seals of the Tribunal will be applied to such documents as the President directs.
- (2) The seals of the Tribunal will be in the form that the President approves and placed in the custody of the Registrar.

10. Practice Directions and Guidelines

- (1) The President may make any Practice Direction contemplated by the Rules or considered necessary to regulate proceedings in the Tribunal.
- (2) The President may issue Guidelines with respect to particular classes of proceedings to assist the preparation and conduct of proceedings.

PART 2—ASSIGNMENT OF ADDITIONAL NON-CRIMINAL JURISDICTION OF THE COURT

11. Assignment of Acts or parts of Acts to the Court

- (1) Proceedings assigned to the Court by a relevant Act will be heard by the Court.
- (2) Subject to contrary order, in proceedings to which sub-rule (1) applies, conciliation or mediation in the part of the Tribunal that does not sit as the Court will take place before the proceeding is referred for hearing and determination.

PART 3—DOCUMENTS

12. Documents and forms

All documents filed with the Registry must:

- (a) be in English or, if not in English, be accompanied by a translation of the document into English either prepared by an accredited translator or as directed by a registrar; and
- (b) clearly identify the name of the party filing the document or on whose behalf the document is filed; and
- (c) include the case number of the proceeding.

Note—

On the date the Rules commenced operation the forms below were in use. Forms may be changed from time to time and parties should consult the Tribunal website for a list of all current forms:

A02—Application for Review (Return to Work)—Section 99 *Return to Work Act 2014*

A03—Application for Expedited Decision (Return to Work)—Section 113 *Return to Work Act 2014*

A04—Application for Suitable Employment (Return to Work)—Section 18 *Return to Work Act 2014*

A05—Seriously Injured Workers—Referral of Election to Receive Lump Sum Payment (Return to Work)—Section 56A *Return to Work Act 2014*

A06—Application for Payment of Wages—Section 19 *Return to Work Act 2014*

A10—Details of Additional Party

A18—Application Long Service Leave

A19—Application—General—(where no initiating application form is specified)

A20—Application—General Civil Action—employment contract disputes—Section 10(1) *Fair Work Act 1994*; recovery actions—Section 66 *Return to Work Act 2014*; damages claims—Part 5 *Return to Work Act 2014*

A21—Application—Dust Diseases Civil Action

A22—Statement of claim—Civil Action—(must accompany any form A20 or form A21)

A24—Application for Pre-Action Discovery

A25—Information and Summons—Section 6A SAET Act

A30—Application—Unfair Dismissal—Section 106 *Fair Work Act 1994*

A32—Application for Enterprise Agreement—Section 79 *Fair Work Act 1994*

A33—Application to Interpret, or Restrain, or Award Matters—Sections 8, 12 and 90 *Fair Work Act 1994*

A35—Application to Register Association—Section 120 *Fair Work Act 1994*

A35a—Register Association Statutory Declaration

A36—Application for Release from Agreement—Section 85 *Fair Work Act 1994*

A38—Application—Monetary Claim—Section 9 *Fair Work Act 1994*

A39—Application—Pecuniary Penalty—Section 546 *Fair Work Act 2009* (Cth)

A40—Application to Alter Rules or Change the Name of a Registered Association—Section 125 *Fair Work Act 1994*

A42—Application to Vary or Rescind Enterprise Agreement—Section 81 *Fair Work Act 1994*

- A44—Application to Vary or Rescind Enterprise Agreement (Transmission of Business)—Section 81 *Fair Work Act 1994*
- A45—Notification of an Industrial Dispute or Grievance—Section 17 *Fair Work Act 1994*
- A46—Application Regarding Best Endeavours Bargaining (Enterprise Agreement)—Section 76A(3) *Fair Work Act 1994*
- A47—Application for New Registered Agent
- A48—Application for Renewal Registered Agent
- A50—Application under the Work Health and Safety Act—Sections 112, 215, 229 and 255 *Work Health Safety Act 2012*
- A51—Application for Work Health and Safety Entry Permit—Section 131(1) *Work Health Safety Act 2012*
- A51a—Work Health and Safety Entry Permit Statutory Declaration—Section 131(2) *Work Health Safety Act 2012*
- A52—Application to Disqualify a Work Health and Safety Representative—Section 65(1) *Work Health Safety Act 2012*
- A53—Application to Revoke or Dispute WHS permit—Sections 138 and 142 *Work Health Safety Act 2012*
- A60—Application for External Review (Public Sector)—Section 62 *Public Sector Act 2009*
- A65—Application for Review (Education)—Section 124 *Education and Children’s Services Act 2019*
- A68—Application for Review (Police)—Sections 48 and 52 *Police Act 1998*
- A74—Suspension of Apprentice or Trainee—Section 64(1a)(a) *South Australian Skills Act 2008*
- A75—Disputes or Grievances (Apprentices or Trainees)—Section 65 *South Australian Skills Act 2008*
- A76—Application for Review of Compliance Notice (SA Skills Commission)—Section 63(3) *South Australian Skills Act 2008*
- A80—Application for Appeal Against Disciplinary Decision (Fire and Emergency Services)—Section 49(1) *Fire and Emergency Services Act 2005*
- A81—Application for Appeal Against Nomination (Fire and Emergency Services)—Section 29(2)(c) *Fire and Emergency Services Act 2005*
- A94—Application for Review of an Exercise of Administrative Power by a Registrar
- A95—Application for Internal Review—Section 66 SAET Act
- A96—Notice of Appeal—Section 67 SAET Act
- P01—Answer/Response
- P02—Application for Adjournment
- P03—Affidavit
- P04—Reply
- P05—Application for Directions
- P06—Notice of Party or Representative Details
- P07—Offer to Settle
- P08—Application to Withdraw
- P09—List of Documents
- P10—Request to Admit
- P12—Notice of Alternate Contentions
- P13—Statement of Issues and Contentions
- P14—Statement of Facts, Issues and Contentions
- P15—Application to Intervene
- P16—Application to Waive a Fee
- P20—Application for a Summons
- P30—Application to Enlarge Scope of Proceedings
- P32—Notice of Objection to Enlarge Scope of Proceedings
- P33—Application for Consent Orders
- P33a—Sample Consent Orders
- P36—Referral to an Independent Medical Adviser
- P38—Application to Extend Time for Reconsideration
- P39—Result of Reconsideration
- P40—Response to Varied Decision—*Return to Work Act 2014*
- P42—Notice to be Heard—*Return to Work Act 2014* and *Fair Work Act 1994*
- P50—Affidavit of Amount Payable—*Fair Work Act 1994*
- P55—Third Party Action
- P56—Defence (Civil Actions)
- P57—Pre-Action Claim (Civil Actions)
- P70—Notice of Objection (Associations)—*Fair Work Act 1994*
- P71—Application to Amend
- P71a—Amended Details of Application

13. Filing documents

- (1) Any document, including any approved form, affidavit or expert report, that a party intends to rely on in a proceeding, must be filed with the Registry.
- (2) Subject to sub-rule (3) and to exempted classes of documents, all documents must be filed with the Registry electronically by online lodgement facilities on the Tribunal website or by email if online lodgement facilities cannot be used.
- (3) Subject to any applicable Practice Direction, a person or party that is unable to file a document electronically may seek the approval of a registrar to file the document in a non-electronic form.
- (4) If a registrar grants approval under sub-rule (3) they may direct that a document be filed in paper form or some other form.
- (5) The Registrar may determine that all documents, or specified classes of documents filed by some or all persons, or specified classes of persons, must be filed electronically using the online lodgement facilities on the Tribunal website.
- (6) The Registrar may determine that specified classes of documents must be filed in paper form.
- (7) Failure to comply with this rule may result in a document not being filed.

14. Registrar may receive documents

Subject to Rule 15(2), a registrar may receive an application that does not comply with the Rules on terms and conditions thought appropriate.

15. Registrar may refuse to receive documents

- (1) A registrar may refuse to receive any application or document that does not comply with the Rules.
- (2) A registrar must refuse to receive an application or other document for filing if:
 - (a) it is not reasonably legible; or
 - (b) it is an application that is beyond the jurisdiction of the Tribunal and a Presidential member of the Tribunal has directed a registrar to refuse to receive or reject the application for filing; or
 - (c) the application or document is an abuse of the Tribunal's process or is scandalous, frivolous or vexatious and a Presidential member of the Tribunal has directed a registrar to refuse or reject the application or document for filing.
- (3) The Tribunal may dismiss an application commenced by a document that should have been refused under this rule.
- (4) The dismissal of an application under this rule does not prevent a further application that complies with the Rules, the SAET Act and any relevant Act from being made.

16. Provision of copies of documents to parties and other persons

- (1) Subject to the Rules, where an initiating application is filed with the Registry, a registrar must within 3 business days serve a copy of the application and any supporting documents on:
 - (a) each other party to the proceeding; and
 - (b) any other person not a party to the proceeding if required to by the Rules or an Act.
- (2) If an initiating application is filed with the Registry within 3 business days of the hearing of a proceeding the initiating application relates to, a registrar may:
 - (a) prior to the commencement of the hearing, give a copy of the application and any supporting documents to any person who should receive them under the Rules; or
 - (b) require the person filing the initiating application to serve within a specified time a copy of the application and any supporting documents on any person who should receive them under the Rules.
- (3) Subject to the Rules, to achieve a just outcome in a proceeding before the Tribunal or to achieve the objectives of the Tribunal in Section 8 of the SAET Act, a Presidential member may direct a registrar to serve a copy of any document or part of any document (including an application, response or other document filed, a summons, a notice issued during the course of a proceeding or any direction or order made by the Tribunal) on any person that has a legitimate interest in the proceeding.
- (4) A registrar may serve a notice or any other document on a party or other person by any means considered appropriate.
- (5) If a person refuses to accept service of a notice or document, it may be served on them by placing the document near them and describing the document to them.
- (6) A registrar is not obliged to serve a copy of any document on a person or entity if their whereabouts or contact details cannot be ascertained after making reasonable enquiry.

17. Power to order presumptive service

- (1) The Tribunal may, on an application for directions brought by a party, make an order for presumptive service of a document.
- (2) An order for presumptive service will, if the conditions of the order are complied with, presume that a copy of the document has been served on the relevant party or person.
- (3) Without limiting the nature of an order for presumptive service, an order may provide that service on one person will stand as service on another person who is not able to be served, or may provide that giving a notice by some means determined by the Tribunal will stand as service on a person.

Examples—

1. An order for presumptive service might provide for serving a copy of the document on a person who might reasonably be expected to bring the document to the attention of the person or party intended to be served.
2. An order for presumptive service might provide for the publication of notice of the document in a newspaper or newspapers or by sending it to a specified email address or some other electronic means.

18. Parties to serve copies of documents

- (1) Subject to the Rules, any document that is not an initiating application must be served by the filing party on all other parties to the proceeding, and on any other person if required by the Rules or an Act, within 7 days.

- (2) The Rules or a Practice Direction may require that a party serve a copy of a particular document on another party or person, in which case the copy must be served on the other party or person:
 - (a) on the same day as the filing, or as soon after as possible; or
 - (b) as directed by a registrar; and
 - (c) an affidavit of service of the document on the other party or person may be ordered.
- (3) A summons issued by the Tribunal under Section 33 of the SAET Act must be served on the person named in the summons at least 5 business days before the date specified for attendance, or as otherwise directed by a Tribunal member.
- (4) If an applicant serves a document initiating a proceeding on a party to the proceeding, the applicant must prove service of the document.
- (5) Service of a document may be proved by an affidavit of the person who served the document setting out:
 - (a) the date, time and place of service;
 - (b) how the person served with the document was identified; and
 - (c) how service was effected.
- (6) The Tribunal may provide directions about service in an individual case having regard to the circumstances of the case and may determine that a document has been served although sub-rule (5) has not been complied with.
- (7) Other than with documents which initiate a proceeding, where an Act does not prescribe a particular method of service of documents, service may be effected by email attaching the document to the usual email address of the party to be served.
- (8) For the purposes of sub-rule (7), the usual email address of a party may be ascertained from the contact details provided by the party to the Tribunal or such other email address approved by the Tribunal.

19. Service of documents on a partnership, trustees or an unincorporated association

- (1) For the purposes of the Rules but subject to sub-rule (3), if a proceeding is commenced against the members of an existing partnership in the name of the partnership, a document is taken to have been served on all members of the partnership if it is served on:
 - (a) any member of the partnership; or
 - (b) a person who apparently has the management or control of a business operated under the partnership.
- (2) For the purposes of the Rules but subject to sub-rule (3), if a proceeding is commenced against trustees of an existing trust in the trust name, a document is taken to have been served on all trustees if it is served on:
 - (a) any trustee; or
 - (b) a person who appears to manage or control a business operated under the trust.
- (3) If a partnership or trust has been dissolved, any former member of the partnership or trustee of the dissolved trust the party initiating the proceeding seeks to proceed against must be served personally with a copy of the relevant document.
- (4) For the purposes of the Rules, if a proceeding is commenced against an unincorporated association in the name of the association, a document is taken to have been served on the association if it is served on:
 - (a) any member of the committee of management of the association; or
 - (b) any person who holds property on trust for the purposes of the association; or
 - (c) a person who apparently manages or controls the business of the association.

PART 4—APPLICATIONS AND RESPONSES

20. Applications

- (1) Applications must be made in the approved form, set out the grounds of the application and the remedy sought and be accompanied by any prescribed fee or an application in the approved form to waive or reduce any prescribed fee.
- (2) All applications made after a proceeding has been filed, including applications for general directions, must be made in the approved form, and if there is none, in an approved form, and must:
 - (a) describe the nature of the application and, if relevant, the Act and Section/s under which the application is made; and
 - (b) set out the reasons why the application is made; and
 - (c) specify the orders, directions or remedy sought, including the amount sought if the application seeks a monetary amount.
- (3) Any extension of time required to bring an application must be sought in an initiating application and the reasons why an extension of time is required and should be granted must be given.
- (4) A person filing an application must provide details of any known requirement for:
 - (a) an interpreter;
 - (b) assistance with a disability;
 - (c) a cultural need or observance;
 - (d) the safety or security of a party or witness;
 - (e) any other reasonable requirement of a party or witness attending a conference or hearing which the Tribunal should be apprised of.

21. Commencement

An application is commenced on whichever is the later of:

- (a) the date and time when the application is filed with the Registry; or
- (b) if a fee is required to be paid under the Regulations in respect of the application, the date and time when the fee is paid; or
- (c) if a fee required to be paid under the Regulations is waived, the date and time when the fee is waived.

22. Counter-applications and third-party applications

- (1) If permitted by a relevant Act, a respondent to an initiating application brought under Part 3 of the SAET Act may, in a response, or separately, seek a remedy against the applicant (a counter-application), or seek a remedy against a party who is not yet a party to the proceeding (a third-party application) if the applicant or third party is responsible for all or some of the relief sought by the applicant.
- (2) A respondent to an application for internal review or an appeal who seeks to have the orders complained of set aside or varied for reasons different to those given by the Tribunal may, in responding to the application or separately, file a counter-application for internal review or a cross-appeal.
- (3) If a respondent contends that an application for internal review or an appeal should be dismissed for reasons different to those relied on in the decision under internal review or appeal, a Notice of Alternate Contentions in the prescribed form P12 which sets out the alternate grounds on which the decision should be upheld must be filed and served on the applicant or appellant within 14 days of service of the application for internal review or appeal.
- (4) A counter-application or third-party application must comply with any applicable rule.
- (5) A response to a counter-application or third-party application must comply with any applicable rule.
- (6) Subject to any time limit in a relevant Act, a counter-application or third-party application must be filed within 28 days of service of the originating application.
- (7) A party must pay any prescribed fee applicable to a counter-application or third-party application at the time of its filing unless the prescribed fee is waived.

23. Responses

- (1) Subject to the Rules, a response to an application must:
 - (a) be in the approved form P01; and
 - (b) answer and respond to the factual and legal assertions made in the application; and
 - (c) comply with any applicable rule.
- (2) A response must be filed with the Registry, and a copy served on all other parties, within 14 days of service or receipt of an application.
- (3) A response must:
 - (a) admit or deny, either with or without qualification, each statement of fact made in an application; and
 - (b) state whether the relief claimed is agreed to or opposed.
- (4) Unless otherwise ordered by the Tribunal, each claim set out in an application, and any liability of the respondent to pay any money claimed or give any other form of relief, will be taken to be admitted unless specifically denied in a response.
- (5) A person filing a response must provide details of any known requirement for:
 - (a) an interpreter; or
 - (b) assistance with a disability; or
 - (c) a cultural need or observance; or
 - (d) the safety or security of a party or witness; or
 - (e) any other need of a party or witness who attends a conference or hearing which the Tribunal should be apprised of.

24. Reply

A party which has brought an application may file a reply to the response to the application in the approved form P04 within 14 days of being served with the response.

25. Amendments

- (1) Subject to this rule, an application, response, counter-application or third-party application may be amended without permission of the Tribunal by filing and serving on all other parties an amended version of the document within 14 days of the date on which it was originally filed.
- (2) A party who has already amended a document under sub-rule (1) may not do so again without permission of the Tribunal.
- (3) Apart from sub-rule (1), a document filed with the Registry may only be amended with the permission of a Tribunal member.
- (4) A registrar is expressly authorised to constitute the Tribunal for the purposes of sub-rules (1) and (2).

26. Withdrawal and discontinuance

- (1) Subject to sub-rules (2), (3) and (6), a proceeding or part of a proceeding may be withdrawn without permission of the Tribunal by filing an Application to Withdraw in the approved form P08 and serving it on all other parties to the proceeding.
- (2) If a relevant Act requires leave of the Tribunal to withdraw a proceeding, an affidavit advising if the party knows what the attitude of any other party to the proceeding to the proposed withdrawal must be filed along with an Application to Withdraw in the approved form P08.
- (3) A proceeding brought in the Court's original decision making jurisdiction does not require leave of the Tribunal to be withdrawn or discontinued at any time and may be withdrawn or discontinued by filing an Application to Withdraw in the approved form P08 or a Notice of Discontinuance.
- (4) Subject to sub-rule (5), a registrar must serve an Application to Withdraw on any other party to a proceeding and on any person whom a Tribunal member directs.
- (5) Sub-rule (4) does not apply to proceedings brought under the *Dust Diseases Act 2005*, Division 10 of Part 4 of the *Return to Work Act 2014*, Division 4 of Part 5 of the *Return to Work Act 2014*, and Section 10 of the *Fair Work Act 1994*.
- (6) Subject to sub-rules (2), (3) and (7), if a final hearing has been set down, a party may only withdraw a proceeding with the consent of all other parties or the permission of the Tribunal.

- (7) An applicant claiming relief under Section 106 of the *Fair Work Act 1994* may file an Application to Withdraw at any time but will be subject to any costs order that the Tribunal may make under Section 110(2) of the *Fair Work Act 1994*.
- (8) The withdrawal of an application for internal review or an appeal does not affect the status of counter-applications or cross-appeals filed in the same proceeding.
- (9) Subject to the following exceptions, and subject to any applicable provision to the contrary in an Act, a party who withdraws a proceeding is not prevented from bringing a further proceeding based on the same or substantially the same claim.

Exceptions—

1. *If a party to the later proceeding is entitled to costs in relation to the earlier proceeding, the Tribunal may, on the application of that party, stay any proceeding based on the same or substantially the same claim until the costs have been paid.*
 2. *The Tribunal may order that the withdrawal of a proceeding is to have the same effect as a final judgment against the party withdrawing if the withdrawal is for the purpose of giving effect to a final settlement agreed between the parties.*
 3. *A further proceeding may not be brought if a relevant time limit has expired and the Tribunal has not granted an extension of time.*
- (10) Subject to any relevant Act, withdrawing or discontinuing a proceeding does not preclude the Tribunal from making orders in relation to costs of the proceeding.

27. Changes to contact details

- (1) A party whose contact details change during the course of a proceeding must, within 7 days of the change, file with the Registry a written notice in the approved form P06 setting out the new contact details.
- (2) When a party provides an email address to the Tribunal or another party, or sends an email to the Tribunal or another party, the email address provided or used will be taken to be the party's email address unless and until the party advises the Tribunal and all other parties of a change of email address in the approved form P06.

28. Oral applications

Notwithstanding anything to the contrary in the Rules, but subject to any provision in the SAET Act or a relevant Act, an application for any direction, interlocutory order or final order, and for any response, may be made orally or in such other manner as the Tribunal may determine subject to any condition thought appropriate, including requiring the party making the oral application to give notice to any other party.

PART 5—CRIMINAL JURISDICTION

29. Procedure and practice

- (1) The *Joint Criminal Rules 2022* apply to the procedure and practice of the Tribunal in relation to offences with such modifications that the circumstances of a particular case may make necessary.
- (2) The Tribunal may modify the application of the *Joint Criminal Rules 2022* to the Rules, including by Practice Direction, either generally or in a particular case.

PART 6—REVIEW JURISDICTION

30. Application of Part

This Part applies to applications for review made under Division 1 of Part 3 of the SAET Act.

31. Applications for review

- (1) An application for review of a decision must be filed with the Registry in the approved form.
- (2) An application for review must include or be accompanied by:
 - (a) a list of all relevant documents;
 - (b) sufficient details of the complaints made about the reviewable decision to enable the decision-maker to understand any basis of the review;
 - (c) if the reviewable decision to which the application relates was communicated to the applicant in writing, a copy; and
 - (d) if the reviewable decision was not communicated to the applicant in writing, sufficient detail to enable the Tribunal to identify the decision, the decision-maker and any legislation under which the decision was made.
- (3) If a registrar or Tribunal member considers that the detail provided in an application for review is insufficient, or necessary supporting documents have not been provided, the application for review may not be accepted by the Registry.
- (4) Subject to sub-rule (5), where a registrar or other Tribunal member refuses to accept an application for review under this rule, a party is entitled to file a further application for review which complies with the Rules and any relevant Act within 14 days of the refusal.
- (5) Where sub-rule (4) applies, the date of filing will be taken to be the date on which the original application for review was filed.
- (6) The reconsideration process described in Part 22C commences from the date on which the subsequent application for review which complies with the Rules is filed, not the date on which the original application for review was filed.

32. Section 28 statements, documents and things

- (1) For the purposes of Section 28 of the SAET Act, the written statement of the reasons for a decision under review and any document or thing in the decision-maker's possession or control that may be relevant to the review of the decision must be filed with the Registry in a Book of Documents within 21 days from the date on which the decision-maker receives notice of an application for review.
- (2) Subject to this rule and to any order of the Tribunal to the contrary, when a Book of Documents is filed with the Registry, the decision maker is to provide a copy of the Book of Documents to all other parties.

- (3) Documents which are the subject of a claim of privilege, public interest immunity, some other immunity or other proper basis for non-disclosure are not to be provided to other parties.
- (4) Where sub-rule (3) applies to a document, the decision-maker must provide a Book of Documents in separate parts or volumes of which:
 - (a) one part is clearly marked as containing materials which are only to be accessed by a Tribunal member and contains all documents to which sub-rule (3) applies along with a clear statement of the basis on which the claim for privilege or non-disclosure is made for each document; and
 - (b) the other part contains all other material required by Section 28 of the SAET Act and is provided to all other parties.
- (5) A decision made under the *Return to Work Act 2014* that complies with Regulation 20 of the *Return to Work Regulations 2015* will be taken to comply with Section 28(2)(a) of the SAET Act.

PART 7—ORIGINAL DECISION MAKING JURISDICTION

33. Application of Part

This Part applies to applications made:

- (a) under an Act where the Tribunal is the original decision maker and as otherwise provided by Section 31A of the SAET Act; and
- (b) at common law or in equity.

34. Applications in original jurisdiction

- (1) An initiating application in a proceeding where the Tribunal sitting as the Court is the original decision maker must be made in the approved form named in this rule.
- (2) The approved form A38 is used in a monetary claim under s 9 of the *Fair Work Act 1994*.
- (3) The approved form A20 is used in:
 - (a) employment contract disputes under Section 10(1) of the *Fair Work Act 1994*;
 - (b) recovery actions under Section 66 of the *Return to Work Act 2014*;
 - (c) damages and related claims under Part 5 of the *Return to Work Act 2014*.
- (4) The approved form A21 is used in civil proceedings brought under the *Dust Diseases Act 2005*.
- (5) In any other civil proceeding initiated in the Court, a form consistent with an equivalent form used by the District Court under the Uniform Civil Rules will be treated as being in the approved form.

35. Actions for damages etc. under the *Return to Work Act 2014*

- (1) Unless the Rules or a Practice Direction provide otherwise, in an action for damages, breach of statutory duty, breach of contract or recovery of contribution under Part 5 of the *Return to Work Act 2014*, the Uniform Civil Rules and the practice of the District Court of South Australia in its civil jurisdiction in force from time to time apply.
- (2) Any document filed in an action this rule applies to should be endorsed immediately below the case number the words "Damages Claim, Return to Work Act 2014".
- (3) If some other form of relief or remedy to that set out in sub-rule (1) is sought in a claim made under Part 5 of the *Return to Work Act 2014*, precise details of the nature of relief must be specifically pleaded and properly explained.

36. Actions under the *Dust Diseases Act 2005*

- (1) Unless the Rules or Practice Directions provide otherwise, in a proceeding to which the *Dust Diseases Act 2005* applies (Dust Disease actions), the Uniform Civil Rules and the general practice of the District Court of South Australia in its civil jurisdiction in force from time to time will apply.
- (2) Any document filed in a Dust Disease action should be endorsed immediately underneath the case number the words "Dust Diseases Act 2005".
- (3) Dust Disease actions will be placed into the Dust Diseases list and managed in accordance with this rule.
- (4) At the first pre-hearing conference, the proceeding will be assigned to one of the following categories based on the state of health of the applicant or such other matter as the Court considers relevant:

ordinary matter—a proceeding that is not urgent because the applicant has a non-life-threatening dust disease or the proceeding is brought by a relative or dependant of a person who has a dust disease or some other appropriate reason.

urgent matter—a proceeding brought by an applicant who is seriously ill and needs an expedited hearing or some other circumstance that gives rise to urgency.
- (5) If a party seeks to have a proceeding classified as an urgent matter, whether at the commencement of the proceeding or later, an interlocutory application seeking an urgent pre-hearing conference should be filed together with an affidavit which deals with, as fully as the circumstances permit, the following matters:
 - (a) the nature of the disease alleged;
 - (b) the state of the applicant's health and the degree of urgency required;
 - (c) details of any notification given to other parties to the proceeding and details of practitioners by whom other parties are represented;
 - (d) readiness for hearing;
 - (e) whether expert reports have been obtained and served on other parties;
 - (f) whether further medical examinations are required;
 - (g) a proposed expedited interlocutory timetable; and
 - (h) if an urgent hearing date is sought, details and availability of witnesses and where it is suggested that evidence be taken.
- (6) Any available medical report relevant to the applicant's state of health and longevity is to be exhibited to an affidavit filed under sub-rule (5).

- (7) On receipt of an application to treat a Dust Disease action as an urgent matter, the application will be listed for directions as soon as possible.
- (8) An urgent matter will be listed for hearing as soon as possible.

37. Actions for recovery of compensation under the *Return to Work Act 2014*

- (1) Subject to any other sub-rule, the Uniform Civil Rules and the practice of the District Court of South Australia in its civil jurisdiction as in force from time to time apply to proceedings seeking recovery of compensation under Division 10 of Part 4 of the *Return to Work Act 2014* (Recovery actions).
- (2) Any document filed in a Recovery action should be endorsed immediately below the case number “Recovery Action, Return to Work Act 2014”.
- (3) Subject to sub-rule (4), a Recovery action must be served by an applicant on each and every other party to the proceeding within 6 months of being filed.
- (4) An application for an extension of time to serve a Recovery action must be made by filing an interlocutory application and supporting affidavit which identifies:
 - (a) the ground on which the extension is sought and deposing to the facts relied on for an extension of time; and
 - (b) whether each other party has been informed of the institution of the proceeding and provided with a copy, and, if not, why not; and
 - (c) if the claimant is aware, whether the injured party has brought or intends to bring proceedings for damages in respect of the work injury/injuries which are the subject of the recovery action.
- (5) If a Recovery action remains in the Inactive Matters List for 6 months or longer, a Registrar may dismiss the proceeding.
- (6) The dismissal of a Recovery action under sub-rule (5) has the same effect as dismissing the proceeding for want of prosecution.
- (7) An applicant may apply to reinstate a recovery action dismissed under sub-rule (5) by filing an interlocutory application and supporting affidavit which:
 - (a) identifies the grounds on which the application is made;
 - (b) explains why the applicant allowed the claim to be dismissed;
 - (c) deposes to the facts relied on for reinstatement; and
 - (d) establishes an arguable basis for the claim.
- (8) In an application to reinstate a Recovery action under sub-rule (7) the Court may order that the interlocutory application and supporting affidavit be served on each other party to the proceeding.
- (9) If it is in the interests of justice to do so, the Court may reinstate a Recovery action dismissed under sub-rule (5) although the time for commencing the proceeding has expired.

Note—

To be satisfied that an order should be made under sub-rule (9) the Court will usually need to be satisfied that the applicant has a reasonable explanation for allowing the action to be dismissed, that there is an arguable basis for the proceeding and that reinstatement will not cause undue prejudice to the respondent/s.

- (10) After filing and serving a Recovery action an applicant may elect to place the proceeding under a moratorium by filing and serving an election in the same form as Form 15B under the Uniform Civil Rules and filing an affidavit of proof of service of the proceeding and the election forms.
- (11) While a Recovery action is under a moratorium:
 - (a) it is not liable to be placed in the Inactive Matters List or dismissed (but this does not affect the power of the Court to dismiss the proceeding on a different basis);
 - (b) other parties to the proceeding are not required to file a response or defence and the time for them to take any step in the proceeding against the applicant does not begin to run;
 - (c) the applicant is not entitled to seek default judgment; and
 - (d) no party is entitled to take any step in the proceeding (except applying to remove it from the moratorium) or filing an Application to Withdraw in the approved form P08 or Notice of Discontinuance.
- (12) A Recovery action will be removed from being under a moratorium when:
 - (a) the court receives proof that a party has given 2 weeks’ notice to the other party or parties that it seeks to have the moratorium removed; or
 - (b) all parties consent to the moratorium being removed.

PART 8—INTERLOCUTORY APPLICATIONS

38. Applications for specific or general directions

- (1) Before making an interlocutory application, a party must endeavour to resolve the issue raised by the proposed application with all relevant parties by agreement.
- (2) Subject to sub-rule (9) a party seeking general directions about the conduct of a proceeding under Section 37 of the SAET Act or a specific interlocutory or non-final order must do so by an application for directions in the approved form P05 supported by an affidavit.
- (3) Each application filed under this rule must:
 - (a) specify all orders which are sought; and
 - (b) refer to any provision/s of the SAET Act and/or a relevant Act which authorise the application; and
 - (c) provide any information required by an applicable Practice Direction.
- (4) An interlocutory application must be filed electronically if possible or otherwise in accordance with the Rules or any Practice Direction or Guideline.

- (5) Unless a registrar or Tribunal member determines otherwise, an interlocutory application must not be listed to be heard at a scheduled hearing unless it has been filed and served on all other parties, not less than 3 business days prior to the scheduled hearing.
- (6) As the Tribunal may deal with an interlocutory application on the papers, any submission, legal argument or fact asserted or relied on should be set out in the application or supporting affidavit.
- (7) The Tribunal may refuse to make an order on an interlocutory application if the supporting affidavit does not depose that the parties have conferred to try to resolve or refine the subject matter of the application.
- (8) The Tribunal may revoke or vary any order made or direction given in response to an interlocutory application on request made by a party or at its own initiative.
- (9) If general or specific directions are sought while a proceeding is still at conciliation, sub-rules (2) to (8) do not apply and a Commissioner may refer an interlocutory application to a Presidential member immediately or after conciliation has concluded.

39. Enlarging the scope of a proceeding under Section 65 of the SAET Act

- (1) An Application to Enlarge the Scope of a proceeding under Section 65 of the SAET Act must be made in the approved form P30 and a copy of the application and a notice of objection in the approved form P32 must be served on all other parties to the proceeding at least 14 days before the application is heard.
- (2) If all parties to a proceeding agree to enlarge the scope of the proceeding and confirm their agreement in writing, a Tribunal member may order that the scope of the proceeding be enlarged in the terms agreed.
- (3) If a Notice of Objection in the approved form P32 is not filed by any party within 14 days of being served with a copy of an application to enlarge the scope of a proceeding, all parties to the proceeding may be taken to have consented to the application.
- (4) To rely on sub-rule (3) the party that seeks to enlarge the scope of the proceeding must notify the Registry and all the other parties that in the absence of a Notice of Objection being filed, it seeks to have orders made in terms of the application.
- (5) A Tribunal member may refuse to enlarge the scope of a proceeding despite all parties to the proceeding consenting if the refusal is in the interests of justice or for other good reason.
- (6) A Presidential member may revoke an order made to enlarge the scope of a proceeding if the revocation is in the interests of justice or for other good reason.
- (7) If the Tribunal proposes to enlarge the scope of a proceeding at the request of one or more but not all parties, or of its own motion, it may hear from the parties as required by Section 65(1)(a) of the SAET Act in such manner it chooses to.
- (8) Where all parties to a proceeding submit or seek consent orders that involve the resolution of a question not presently in issue in the proceeding and have not expressly sought an order under Section 65 of the SAET Act on the face of the consent orders, an order under Section 65 will be deemed to have been sought and made and the consent of all relevant parties deemed to have been given.

40. Review under Section 82 of the SAET Act

- (1) An application to review a decision under Section 82 of the SAET Act because a person did not appear and was not represented at a relevant hearing must be filed by an application for directions within 28 days of the Tribunal's decision and must include:
 - (a) details of the proceeding and the decision; and
 - (b) details of when and how the applicant became aware of the decision; and
 - (c) an explanation why the applicant did not appear or was not represented at the relevant hearing.
- (2) A person may only make one application under Section 82 of the SAET Act in respect of the same proceeding without leave of the Tribunal.

41. Directions made by consent

If a party served with an interlocutory application does not wish to be heard or consents to the orders sought being made and advises the Tribunal accordingly in writing prior to the application being heard, they may be excused from attending the hearing.

PART 9—COMPULSORY CONCILIATION CONFERENCES AND OTHER CONFERENCES

42. Compulsory conferences generally

- (1) Subject to the SAET Act or a relevant Act, a compulsory conciliation conference under Section 43 of the SAET Act and any compulsory conference under a relevant Act will proceed as set out in this Part and in any applicable Practice Direction.
- (2) A compulsory conference in an industrial dispute will proceed in accordance with Sections 21 and 22 of the *Fair Work Act 1994* and the directions of the Tribunal member who presides over the conference.
- (3) Subject to contrary direction by a Presidential member, compulsory conferences will be conducted by a Commissioner.

43. Compulsory conciliation conferences

- (1) Subject to any contrary direction by a Presidential member, an initial directions hearing under Section 43(1) of the SAET Act will be conducted by a Commissioner.
- (2) An initial directions hearing is to be conducted within 21 days of an application being lodged.
- (3) An initial directions hearing may be conducted in person or by telephone or other means.
- (4) At the initial directions hearing the Commissioner will consider the following:
 - (a) the issues in dispute;
 - (b) whether any reconsideration of a decision under review required has been completed;
 - (c) the grounds of the application;
 - (d) the evidence on which the parties intend to rely;
 - (e) whether further evidence is needed to have an effective compulsory conciliation conference;
 - (f) the persons who may be required to attend a compulsory conciliation conference;
 - (g) whether the persons who will attend a compulsory conciliation conference have sufficient decision-making authority to fully participate in settlement discussions;
 - (h) any other issue that the Commissioner considers relevant.

- (5) The parties or their representatives must be prepared to address the matters outlined in sub-rule (4) at an initial directions hearing.
- (6) The Tribunal member conducting an initial directions hearing may direct that a compulsory conciliation conference proceed immediately following an initial directions hearing if there are good reasons for doing so.
- (7) A compulsory conciliation conference requiring the attendance of the parties must be scheduled as soon as the Commissioner or other Tribunal member conducting the conference is satisfied that it is appropriate to be scheduled.

44. Actions and powers of Commissioners generally

- (1) A Commissioner may exercise such powers and give such directions as are reasonably required to conduct a compulsory conciliation conference effectively.
- (2) A Commissioner may at any time contact a party, ask questions in relation to the issue in dispute and provide their view of the merits of the issue to be able to make suggestions about the form and content of the conference.
- (3) A Commissioner may at any time require a party or any other person, within a specified time, to:
 - (a) identify, clarify and narrow the issues in dispute;
 - (b) review the evidence;
 - (c) identify any issues affecting the parties' ability to negotiate;
 - (d) consider strategies and develop a plan for gathering information;
 - (e) deal with actual or anticipated developments that may affect the dispute;
 - (f) attempt to resolve the dispute or some of the issues in dispute;
 - (g) give particulars outlining the factual and legal basis underpinning their position;
 - (h) formulate the amount or type of compensation sought;
 - (i) submit to, or help facilitate, the referral of a medical question to an independent medical adviser under Section 121 of the *Return to Work Act 2014*;
 - (j) provide further material reasonably required to conciliate the dispute;
 - (k) subject to rules 56(8) and (9), exchange information, including documents, to assist to resolve the dispute or narrow the issues in dispute;
 - (l) comply with their obligations under Section 104(3) of the *Return to Work Act 2014* for disclosure to the Tribunal and access to evidentiary material;
 - (m) file a Book of Documents (or an index to a Book of Documents) and serve a copy on all other parties.

45. Requirement for parties and representatives to attend a compulsory conciliation conference

- (1) An authorised representative of a party must attend a compulsory conciliation conference with the party.
- (2) Any party and authorised representative who attends a compulsory conciliation conference is expected to participate in an active and constructive way and may be required to:
 - (a) detail the preparatory work undertaken and answer whether or not actions or steps the Commissioner requested or ordered be undertaken have been undertaken;
 - (b) meet with the Commissioner and produce evidentiary material, either at the compulsory conciliation conference or at some other time or place;
 - (c) answer questions put by the Commissioner;
 - (d) attend a compulsory conciliation conference when the other party or parties may not be present;
 - (e) disclose any offers of settlement that have been made to the other party or parties.

46. Adjournment of compulsory conciliation conferences

An application to adjourn a compulsory conciliation conference must be accompanied by any document (such as a medical report or certificate) which supports the basis of the adjournment.

47. Actions taken if a dispute is not resolved

- (1) If a dispute is not resolved at a compulsory conciliation conference conducted under Section 43 of the SAET Act and a pre-hearing conference is listed, a Commissioner will:
 - (a) have regard to what actions the parties must take so that they are properly prepared for a pre-hearing conference, and may:
 - (i) order that a Statement of Issues and Contentions or a Statement of Facts, Issues and Contentions be prepared by the parties;
 - (ii) ascertain what expert evidence (if any) each party intends to rely on, and whether reports have been sought from those experts, and if appropriate issue directions accordingly having regard to the time limit for seeking reports set out in the Rules;
 - (iii) make any other order or direction necessary to facilitate the expeditious resolution of the matter; and
 - (b) within the time allowed by any relevant Act, prepare and forward to the parties a memorandum which complies with Section 43(13) of the SAET Act and which contains a summary of the nature of each dispute, the matters remaining in issue, and the positions of the parties.
- (2) A written assessment of the merits made under Section 43(13) of the SAET Act must be kept confidential from the Tribunal member who hears and determines the proceeding and is not admissible in proceedings before the Tribunal, except at the conclusion of a proceeding in the following circumstances:
 - (a) in proceedings under the *Return to Work Act 2014*, to consider whether an adverse costs order should be made under s 106(3);
 - (b) to make any order permitted by the SAET Act, a relevant Act or the Rules.
- (3) Subject to sub-rules (6) and (7), a Tribunal member who conducts a compulsory conciliation conference or a settlement conference in a proceeding must not hear and determine the proceeding unless all parties consent.

- (4) A Tribunal member who conducts a review under the *Public Sector Act 2009* may commence the review by seeing whether a conciliated outcome can be achieved but must have any such discussion in the presence of all parties and/or representatives of all parties.
- (5) A Tribunal member who acts under sub-rule (4) is not precluded from conducting a review if a conciliated outcome is not achieved.
- (6) A Presidential member who conducts a pre-hearing conference or settlement conference may have regard to a written assessment of the merits of the case of each party under Section 43(13) of the SAET Act but must not then hear and determine the proceeding unless all parties consent to that course.
- (7) Sub-rule (3) does not preclude a Presidential member from making orders, giving directions and deciding interlocutory disputes prior to the hearing and determination of a proceeding.
- (8) A document containing a summary of the nature of each dispute, the subjects remaining in issue, and the positions of the parties, but which does not contain any assessment of the merits made under Section 43(13) of the SAET Act may be provided to and considered by a Presidential member providing it does not contain any recommendation made by the person who conducted the compulsory conciliation conference.

48. Consequences of failing to properly participate in conciliation

Where a party is not ready to proceed at an initial directions hearing or a compulsory conciliation conference without good reason (the party), the Commissioner with conduct of the hearing or conference may refer the proceeding to a Presidential member for directions, and before doing so, may order:

- (a) that some or all of the costs between the party's professional representative and his or her client be disallowed or that the professional representative repay to his or her client the whole or part of any money paid on account of costs;
- (b) that the party's representative pay to his or her client some or all of the costs which his or her client has been ordered to pay to any other party;
- (c) that the party's professional representative pay some or all of the costs of any other party other than his or her client.

49. Recording offers made to resolve a proceeding

- (1) If a party wishes to record an offer made to another party to resolve a proceeding, in part or whole, the offer must:
 - (a) be made in writing;
 - (b) be served on any party affected by the offer; and
 - (c) be filed with the Registry within 7 days of being served.
- (2) Any detail of an offer recorded under sub-rule (1) is not to be provided to the Tribunal member who hears and determines the proceeding prior to a decision being made in relation to the proceeding.
- (3) A party who has made an offer under sub-rule (1) and who seeks to make submissions in relation to the question of costs based upon the recorded offer may ask the Registry to provide a copy of the offer to the Tribunal member who decided the proceeding and advise that the party wishes to make submissions in relation to the award of costs that the party that the offer was made to should receive.
- (4) This rule does not prevent a party who has made a written offer to another party to a proceeding to resolve the proceeding in part or whole that has not been recorded under sub-rule (1) from making submissions about the award of costs that should be made in relation to the recipient of the written offer.

PART 10—DIRECTIONS

50. General directions

At any time during a proceeding a Presidential member may make such directions or orders necessary to achieve the fair and expeditious resolution of a proceeding, including but not limited to the following:

- (a) identifying and narrowing the issues in dispute by document or otherwise;
- (b) giving and responding to particulars;
- (c) detailing the manner and sufficiency of service;
- (d) discovery, inspection and production of documents;
- (e) joinder of parties;
- (f) enlarging the scope of the proceeding;
- (g) requiring the provision of a Statement of Issues and Contentions or a Statement of Facts, Issues and Contentions or pleadings if appropriate;
- (h) consolidating or splitting proceedings;
- (i) inspecting property, real or otherwise;
- (j) ordering that evidence be given by affidavit;
- (k) ordering that an affidavit or other document which is filed and contains scandalous material is to be removed from the file;
- (l) expert evidence and Tribunal experts;
- (m) discovery and exchange of expert reports;
- (n) ordering an expert to produce an expert report either to a party to the proceedings or to the Tribunal;
- (o) the number and order of expert witnesses;
- (p) requiring that the parties engage in settlement negotiations independently of the Tribunal;
- (q) the attendance of the parties, or any other person, at any conference;
- (r) referring a proceeding, or any aspect of or in a proceeding, to mediation;
- (s) providing for and limiting the extent of written submissions;

- (t) taking evidence and receiving submissions by such means as the Tribunal considers appropriate;
- (u) staying a proceeding;
- (v) dismissing or striking out a proceeding, or part of a proceeding;
- (w) adjourning a proceeding;
- (x) granting summary relief;
- (y) subject to the Rules and to any provision in a relevant Act, referring a proceeding to a Commissioner to be heard and determined, as a summary proceeding or otherwise;
- (z) placing a proceeding in the fast track stream;
- (aa) determining the place, date, time and mode of any hearing;
- (bb) determining costs, both as to liability and quantum;
- (cc) any other relevant consideration.

51. Directions at hearings and pre-hearing conferences

- (1) A Tribunal member may at any time by direction:
 - (a) make orders as to how evidence is adduced;
 - (b) limit the time for examining, cross-examining or re-examining a witness;
 - (c) limit the number of witnesses, including expert witnesses, that a party may call on a particular issue;
 - (d) limit the time taken in making any oral submission;
 - (e) limit the time taken by a party in presenting its case;
 - (f) limit the time taken to conduct a hearing;
 - (g) amend any prior direction or limitation.
- (2) In making a direction under this rule a Tribunal member shall have regard to the following:
 - (a) whether the time allowed for a hearing or part of a hearing is appropriate;
 - (b) the principle that each party is entitled to a fair hearing;
 - (c) the complexity or simplicity of the proceeding;
 - (d) the number of witnesses to be called by the parties;
 - (e) the volume and character of the evidence to be led;
 - (f) the state of the hearing lists;
 - (g) the amount of time the hearing is expected to take;
 - (h) the importance of the issues in the proceeding;
 - (i) any other relevant consideration.

52. Attendance in person

- (1) A Tribunal member who has conduct of a proceeding may determine, in relation to any hearing or conference, whether the parties and/or witnesses are to attend in person or participate by audio visual or telephonic means.
- (2) In the absence of a specific direction to the contrary, the parties to a proceeding are to attend any compulsory conciliation conference, settlement conference or mediation in person.

PART 11—ALTERNATIVE DISPUTE RESOLUTION

53. Settlement conferences

- (1) In this part:
 - settlement conference** means a meeting or series of meetings where the parties meet and attempt to:
 - (a) resolve a proceeding by consent; and/or
 - (b) agree the facts in dispute; and/or
 - (c) narrow the issues in dispute.
- (2) Under Section 47 of the SAET Act a Presidential member may order that the parties to a proceeding attend a settlement conference presided over by a Tribunal member at any time during a proceeding.
- (3) In presiding over a settlement conference a Tribunal member may make any determination, order or direction considered necessary to facilitate the fair and expeditious conduct of the settlement conference.
- (4) If a Tribunal member conducts a settlement conference and is advised of offers made to resolve the proceeding, the Tribunal member may not hear and determine the proceeding unless all parties consent or exceptional circumstances exist.
- (5) Unless the Tribunal orders otherwise, a party ordered to attend a settlement conference must attend:
 - (a) in person; or
 - (b) in the case of a corporation, by a representative with authority to resolve the dispute at the settlement conference; and with any legal or other representative recognised by the Tribunal.
- (6) Subject to sub-rule (7) evidence of:
 - (a) anything said or done;
 - (b) any communication, whether oral or in writing;

- (c) any admission made; or
- (d) any document prepared;

in the course of or for the purposes of a settlement conference must be kept confidential from the Tribunal member who hears and determines the proceeding and is not admissible as evidence in the proceeding before the Tribunal.

- (7) Sub-rule (6) does not affect the admissibility of evidence concerning a document produced in the course of or after a settlement conference if:
 - (a) all parties consent to the admission of the evidence or document; or
 - (b) there is a dispute about whether a proceeding or part of a proceeding was resolved by agreement at or after the settlement conference and the evidence or document is relevant to the issue; or
 - (c) there is a dispute about whether facts were agreed at or after a settlement conference and the evidence is relevant to the dispute;
 - (d) the substantive proceeding has been resolved and there is an issue about whether an adverse costs order should be made under Section 106(3) of the *Return to Work Act 2014*, or whether some other order permitted by the SAET Act, a relevant Act or the Rules should be made following resolution of the proceeding.

54. Mediation conducted outside the Tribunal

- (1) Where mediation conducted under Section 46 of the SAET Act by a person who is not a registrar or a Tribunal member, no later than 7 days prior to the commencement of the mediation, a registrar must give a notice to the person specified as the mediator by the Tribunal and the parties to the mediation stating:
 - (a) when, where and by whom the mediation is to be conducted; and
 - (b) the responsibilities of the mediator and the parties prior to, during and after the mediation.
- (2) A person who conducts mediation outside of the Tribunal must conduct it in accordance with recognised ethical and professional standards for mediators.
- (3) If a mediator is not a registrar or a Tribunal member, a party to the mediation may be directed by the Tribunal to pay or contribute to the costs of the mediation.

55. Mediation conducted by the Tribunal

Where mediation is conducted under Section 46 of the SAET Act by the Tribunal, the Tribunal will consult with the parties to make arrangements and establish protocols for the conduct of the mediation.

PART 12—DISCOVERY OF DOCUMENTS

56. Discovery and production of documents

- (1) In this Part and Part 10 the word 'discovery' means the requirement parties have in litigation to reveal the existence of documents and other materials to each other and not the requirement to disclose materials to the Tribunal in Section 28 of the SAET Act.
- (2) Unless a relevant Act provides otherwise, each party must discover the documents that are, or have been, in the party's possession, custody or power to produce and are directly relevant to any material issue in a proceeding.
- (3) Unless a relevant Act provides otherwise, the Tribunal may at any time order a party or any other person to provide a list of documents in the approved form P09 and produce to the Tribunal and any other party to the proceeding, any document which is or has been in the possession of the party that is directly relevant to a material issue in the proceeding.
- (4) Where a party or other person discovers documents which are not directly relevant to a material issue in a proceeding, an adverse order for costs, may be made against them that reflects the additional time and expense to which other parties have been put by the unnecessary discovery.
- (5) Subject to any other sub-rule, a party is required to produce any discovered document within 7 days of a request for production.
- (6) A party to a proceeding may decline to produce a document to which sub-rule (5) applies if:
 - (a) the document is privileged from production by operation of legal professional privilege;
 - (b) Section 104(4) of the *Return to Work Act 2014* applies to the document; or
 - (c) in the opinion of the Tribunal there is some other compelling reason why the document should not be produced.
- (7) If a party declines to produce a document during compulsory conciliation under sub-rule (6) the nature and basis of the objection to produce should be indicated in the index to the book of documents provided the party has provided a book of documents, or otherwise by a letter or in a list of documents.
- (8) Subject to sub-rule (9), in a proceeding under the *Return to Work Act 2014* a party is not required to discover or produce evidence of still or moving images of a claimant taken without their knowledge or consent (the Evidence) after the proceeding is referred to hearing and determination unless:
 - (a) discovery and production of the Evidence is made by consent; or
 - (b) the Evidence has previously been produced to a medical expert who is treating the worker; or
 - (c) the decision in issue in the proceeding relies on a medical opinion that is wholly or predominantly based on the Evidence; or
 - (d) the claimant is aware of the Evidence and seeks that it be discovered and produced and the Tribunal is satisfied that, in the interests of justice, there are good reasons that require discovery and production of the Evidence.
- (9) Regardless of any other sub-rule, in proceedings under the *Return to Work Act 2014* where a party possesses evidentiary material, the discovery of which could prejudice the investigation of a suspected offence (the material), the party possessing the material may make an ex parte application and seek exemption from complying with Section 104(3) of the *Return to Work Act 2014* from the Tribunal member with conduct of the proceeding at the time.
- (10) A Tribunal member who makes an order under sub-rule (8) may make any other order considered fair and appropriate in the circumstances, including orders designed to prevent the proceeding being prolonged unduly while a suspected offence is being investigated.

- (11) Where a Commissioner orders production of a document or other thing and internal review is sought, the order is stayed until internal review is completed.
- (12) The Tribunal may modify this rule in any way thought fit, including but not limited to, by use of the examples given in Rule 73.14(2) of the Uniform Civil Rules.

57. Non-party discovery and production of documents

- (1) On an application made by a party to a proceeding, if the Tribunal is satisfied that a person or body who is not a party to the proceeding (non-party) may be in possession of documents that appear to be relevant to a material issue in a proceeding, the Tribunal may order that the non-party:
 - (a) discover in the approved form P09, or some other form approved by a Tribunal member, whether it has or has had possession, custody or power of any documents that appear to be relevant to a material issue in a proceeding, and identify any such documents;
 - (b) produce any document discovered under sub-rule (1)(a) or that otherwise appears to be relevant to a material issue in a proceeding to the Tribunal;
 - (c) comply with Rule 56 as if the non-party was a party to the proceeding, with any modifications thought necessary; or
 - (d) verify the discovery made or production given by affidavit, or in person, and if in person, be questioned on the issue.
- (2) A non-party required to discover or produce documents under this rule is entitled, subject to contrary order, to reasonable compensation from the party seeking the discovery, for time and expense taken to comply with the order.
- (3) The amount of compensation payable under sub-rule (2) is to be agreed between the relevant parties or, failing agreement, adjudicated by the Tribunal.

58. Possession of documents

For the purposes of this Part, a person is taken to be in possession of a document if:

- (a) the document is in the person's custody or control; or
- (b) it lies within the person's power to obtain immediate possession of the document or to control its disposition (whether or not the power is one that would be recognised at law or in equity).

59. Pre-action discovery

- (1) This rule applies to actions to which Section 31A of the SAET Act and Part 7 of the Rules apply and where an applicant who may have a cause of action against a person whose description has been ascertained (the potential party) seeks:
 - (a) to commence proceedings against the potential party; or
 - (b) to take proceedings against the potential party in the course of an action to which the applicant is a party, but the applicant, after reasonable enquiries, has not been able to obtain sufficient information to enable a decision to be made as to whether to commence or take the proceedings.
- (2) If there are reasonable grounds for believing that the potential party had, has, or is likely to have had or to have, possession of documents that may assist in making the decision, the applicant may apply for an order under this rule.
- (3) An application made under this rule must be made in the approved form A24 supported by an affidavit.
- (4) A copy of an application and affidavit filed under this rule must be served on the potential party within 7 days of being filed.
- (5) The Tribunal may order the potential party to give discovery of all documents that are or have been in the potential party's possession and that may assist the applicant in making the decision.
- (6) If an applicant who has sought pre-action discovery does not commence a proceeding against a potential party, the applicant is liable to pay the reasonable costs of the potential party in responding to the application.
- (7) If an applicant who has sought pre-action discovery commences a proceeding against a potential party, the costs of the pre-action discovery application are costs in the cause.
- (8) A Tribunal member may reserve the question of costs of an application made under this rule until after any limitation period has expired.

PART 13—SUMMONSES

60. Form of summonses

- (1) A summons issued to a person to give evidence or produce evidentiary material under Section 33 of the SAET Act must be in the approved form P20.
- (2) A summons to produce documents or evidentiary material may be issued to a person or body not a party to a proceeding without permission provided there is a legitimate forensic purpose for issuing the summons.
- (3) If there is any conflict or inconsistency between a rule in this Part and a rule concerning a summons for medical records in a proceeding under the *Return to Work Act 2014* in Part 22E of the Rules, the latter prevails to the extent of the conflict or inconsistency.
- (4) A summons issued by the Tribunal is an order within the meaning of Section 91(2) of the SAET Act.

61. Complying with summonses

- (1) Subject to this Part, unless a person has a lawful excuse for not complying with a summons, they must comply with the summons and:
 - (a) in the case of a summons to attend and give evidence, must come to the Tribunal to give evidence on the date and at the time specified in the summons and remain in attendance until excused by the Tribunal;
 - (b) in the case of a summons to produce documents or evidentiary material, must comply with the terms of the specific order made and either:
 - (i) attend and produce the documents or evidentiary material to the Tribunal at the place and by the date and time specified in the summons; or
 - (ii) send the summons or a copy, and the documents or other things, to a registrar at the place specified in the summons so they arrive by the date specified in the summons, or no later than 14 days from receipt of the summons if no date for delivery is specified.

- (2) The date to answer a summons by attending the Tribunal or producing documents or things may be varied by a registrar, with or without consultation with the parties, to a later date by giving notice of the later date to the summonsed party.
- (3) A date varied under sub-rule (2) will be taken to be the date for compliance with a summons.
- (4) Unless a summons specifically requires the production of the original or a certified copy of a document, a copy of the document required by the summons, including an electronic copy, will satisfy the summons.

62. Objections to summonses

- (1) If a person to whom a summons is directed objects to complying with the summons, or if another person affected by the summons objects to the summons being complied with, the objector should try to resolve the objection with the party seeking the summonsed material before the date the summons must be complied with.
- (2) If the objector is unable to resolve an objection to a summons informally, the objector must, before the date by which the summons must be complied with:
 - (a) inform a registrar and the party who applied for the summons in writing of the basis of the objection; and
 - (b) unless directed otherwise by the Tribunal, attend the Tribunal on the date for compliance to explain the basis of the objection.
- (3) Objecting to a summons does not relieve the objector from complying with the summons.
- (4) Unless an objection to a summons is dealt with under sub-rule (2) before the date for compliance, any document subject to an objection to produce is to be provided to a registrar with the objection clearly set out in writing, or explained by the objector in person to a registrar if the document is delivered in person.
- (5) If an objection to producing a document cannot be resolved by agreement, the issue is to be referred to a Tribunal member to be decided.
- (6) A registrar is expressly authorised to constitute the Tribunal for the purposes of this rule.

63. Access to and use of documents and other things

- (1) In the case of a summons to produce documents or evidentiary material, if by the date for compliance with the summons no person has objected to any party having access to the summonsed materials, a registrar will make directions in relation to access.
- (2) Where sub-rule (1) applies, the Tribunal may order that parties have electronic access to the summonsed materials.
- (3) If any person or party believes there are grounds for objecting to a party or parties having access to the summonsed material, they may object to access being given, or may seek to have access to the summonsed material before any other party is given access (first access).
- (4) Without limiting the ambit of sub-rule (3), an objection to a party having access to summonsed materials may be based on privilege, confidentiality or other good reason.
- (5) If first access is given to a person or party, they must inspect the summonsed material and advise the Tribunal in writing within 7 days of being given first access if they object to any other party having access to the summonsed material.
- (6) A notice under sub-rule (5) must describe in sufficient detail the precise material to which access is opposed, the party or parties to whom access should not be given and the basis for opposing access.

64. Allowances and expenses of complying with summonses

- (1) A party who applies for a summons is liable to pay:
 - (a) the reasonable expenses incurred in complying with a summons by the person or body that responds to the summons; and
 - (b) if some other loss or expense is reasonably incurred in complying with a summons, a reasonable amount to cover that loss or expense.
- (2) If a summons to attend and give evidence is issued, the person named in the summons need not comply with the summons unless they are provided with a reasonable monetary amount to cover the cost of travel to and from the Tribunal.
- (3) The amount payable for an allowance, expense or loss under this rule is to be agreed between the party issuing the summons and the person or body summonsed or, failing agreement, ordered by the Tribunal.

PART 14—EXPERT EVIDENCE

65. Duty of experts and application of Part

- (1) An expert, other than a shadow expert as defined in Rule 71, is not an advocate for a party and has a paramount duty, which overrides any duty to a party to the proceeding or other person who retains the expert, to assist the Tribunal impartially on matters relevant to the expertise of the witness.
- (2) Subject to the rules concerning the evidence of independent medical advisers appointed under Section 118 of the *Return to Work Act 2014*, the provisions of this Part apply whenever a party proposes to provide evidence from an expert witness in a proceeding, including a report from a health practitioner as defined by the *Return to Work Act 2014*.
- (3) An expert report must include a declaration that the expert has made all the inquiries which the expert believes are desirable and appropriate (save for any matters identified explicitly in the report), and that no matters of significance which the expert regards as relevant have, to the knowledge of the expert, been withheld from the Court.
- (4) When an expert has provided to a party an expert report, and the expert subsequently changes their opinion on a material matter, the expert must as soon as practicable provide to the party a supplementary report that explains the nature and extent of the changed opinion and the reason for the change.
- (5) An expert report that complies with this Part will be taken to be the evidence of the expert without the expert needing to be called.
- (6) The author of an expert report may only be called to give oral evidence at a hearing by the party relying on the expert's evidence with the permission of the Tribunal.
- (7) A party is entitled to require the author of an expert report relied on by another party to be made available for cross-examination at a hearing.
- (8) Some examination in chief of the author of an expert report required for cross-examination may be permitted at the discretion of the Tribunal member hearing the proceeding if it does not give rise to procedural unfairness to another party.

66. Content of expert reports

If a party proposes to rely on expert evidence in a proceeding, the party shall seek a written report from the expert, which shall:

- (a) set out the expert's qualifications to make the report;
- (b) set out the facts and factual assumptions on which the report is based;
- (c) identify any documentary materials on which the report is based;
- (d) distinguish between objectively verifiable facts and matters of opinion that cannot be (or have not been) objectively verified;
- (e) set out the reasoning of the expert leading from the facts and assumptions to the expert's opinion on the questions asked;
- (f) set out the expert's opinion on the questions asked;
- (g) be provided on the understanding and acknowledgement that the expert's primary duty is to be truthful and accurate to the Tribunal rather than to serve the interests of a party or parties;
- (h) make reference to this rule; and
- (i) comply with any requirements imposed by any Practice Direction.

67. Filing and serving copies of expert reports

- (1) Subject to this rule, any expert report a party intends to rely on in a proceeding must be filed with the Registry, and a copy served on each other party along with a copy of the report's commissioning letter, within 7 days of the report being provided by the expert and not less than 14 days prior to the hearing and determination of the proceeding.
- (2) Each party to a proceeding is to seek to ensure that any expert report on which a party intends to rely in a proceeding is filed with the Registry, and a copy served on each other party, no less than 3 business days prior to any pre-hearing conference under Section 45 of the SAET Act.
- (3) Where a party proposes to obtain an updated report from an expert prior to the hearing and determination of the proceeding, the report must be provided to any other party prior to the pre-hearing compliance or readiness conference.

68. Special power in relation to expert evidence

The Tribunal may:

- (a) direct that the evidence of an expert witness be deferred until all (non-expert) factual evidence has been taken; and/or
- (b) ask an expert witness to review the (non-expert) factual evidence and to state, by affidavit or in oral evidence, whether the witness wishes to modify an opinion earlier expressed in the light of the evidence or a particular part of the evidence; and/or
- (c) arrange for an expert witness to give oral evidence, and permit each party to cross examine the expert, if a good reason exists why no party would call the expert and the evidence is likely to be relevant.

69. Conferences, etc. of experts

If two or more expert witnesses provide reports about the same or a similar question, the Tribunal may, on its own initiative or at the request of a party, give one or more of the following directions that:

- (a) expert witnesses confer with each other;
- (b) expert witnesses produce for use by the Tribunal a document identifying the matters and issues on which they:
 - (i) agree; and
 - (ii) differ;
- (c) an expert witness be asked to review the opinion of another expert and to state in a report whether the expert witness wishes to modify an earlier opinion they have provided in light of the opinion of another expert;
- (d) the evidence of two or more expert witnesses be taken in a particular sequence, or with the experts both present together and asked in turn to answer questions from a Tribunal member, the parties or both.

70. Limit on number of experts

- (1) Except with the permission of the Tribunal, a party may not rely on more than 3 experts of any kind in a proceeding or proceedings which are heard at the same time.
- (2) Except with the permission of the Tribunal, a party may not rely on more than 1 expert witness, including a health practitioner as defined by the *Return to Work Act 2014*, in the same field of expertise.
- (3) In the case of a health practitioner who is medically qualified, sub-rule (2) applies to experts qualified to practice in a particular area or speciality of medicine or surgery.

71. Shadow experts

- (1) A shadow expert is an expert who:
 - (a) is engaged to assist with the preparation or presentation of a party's case but not on the basis that the expert will, or may, give evidence at the trial; and
 - (b) has not previously been engaged in some other capacity to give advice or an opinion in relation to the party's case or any aspect of it.
- (2) An expert will not be regarded as a shadow expert unless, at or before the time when the shadow expert is engaged, they give a certificate certifying that:
 - (a) the shadow expert understands that it is not their role to give evidence at a hearing; and
 - (b) the shadow expert has not been previously engaged in any other capacity to give advice or an opinion in relation to any aspect of the party's case.
- (3) Evidence of a shadow expert is not admissible at a hearing unless the Tribunal determines that there are special reasons that justify admitting the evidence.

- (4) If a party engages a shadow expert, the party must:
 - (a) notify the other parties of:
 - (i) the engagement; and
 - (ii) the date of the engagement; and
 - (iii) the name, address and qualifications of the relevant shadow expert; and
 - (b) serve copies of the shadow expert's certificate under sub-rule (2) on the other parties.
- (5) Notification under sub-rule (4) must be given:
 - (a) if the engagement takes effect before the time for disclosing expert reports expires, before that time expires;
 - (b) in any other case, as soon as practicable after the engagement takes effect.

PART 15—SUPPLEMENTARY PANELS AND REFERRALS TO EXPERTS OR SPECIAL REFEREES

72. Supplementary panels and members

Where legislation permits the Tribunal to sit with supplementary panel members, the President may determine that the Tribunal will sit with supplementary members if requested to do so by one or more parties unless satisfied there is no advantage in doing so.

73. Experts and special referees

The remaining rules in this Part concern the referral of a question by the Tribunal to an expert under Section 35 of the SAET Act or to a special referee under Section 60 of the SAET Act.

74. Referral on Tribunal's initiative

If the Tribunal proposes to appoint an expert or special referee on its own initiative, the views of the parties about the proposal will first be obtained in writing or at a directions hearing.

75. Referral at request of the parties

- (1) If parties jointly seek the referral of a question to an expert or special referee, they must seek that consent orders be made in the approved form P33 or apply to have the order sought made.
- (2) An application for directions in the approved form P05 supported by an affidavit which seeks that an expert or special referee be appointed, whether made by consent or not, must contain:
 - (a) the name of the proposed expert or special referee, details of their expertise, and confirmation that they have agreed to accept the referral;
 - (b) the questions to be considered or determined, or the task to be performed, by the expert or special referee;
 - (c) the date by which any documents (which must be clearly identified in the application) are to be provided to the expert or special referee and by whom they are to be provided; and
 - (d) the date by which the expert or special referee is to complete any report or determination.
- (3) Following receipt of an application for directions that satisfies sub-rule (2), the Tribunal may make an order referring a question or function to an expert or special referee or may seek written submissions from the parties or schedule argument in relation to the issue.
- (4) The Tribunal may decline to refer a question to an expert or special referee if the terms of the referral appear to be outside the proposed expert or special referee's expertise or for other good reason.

PART 16—COSTS

A. COSTS GENERALLY

76. Awarding and assessing costs

- (1) In any proceeding where there is an adjudication of the amount of costs a party is entitled to receive from another party, the following principles apply:
 - (a) parties are required to consolidate and expedite proceedings to avoid multiple hearings;
 - (b) the reasonableness of a claim for costs will be measured by reference to how a prudent and properly advised, but not overly cautious litigant, would act;
 - (c) any costs payable to an officer or employee of an industrial association will be assessed as the Tribunal considers appropriate.
- (2) A registrar is authorised to constitute the Tribunal for the purposes of this Part.

77. Record required to be kept and file produced

- (1) A party to a proceeding in the Tribunal who seeks costs must maintain an adequate record of their costs in accordance with the Higher Courts civil costs scale in the Uniform Civil Rules.
- (2) A costs record must enable the party to formulate a claim for costs in accordance with Rules 79, 81, 86(2) and 86(3).
- (3) A lawyer acting for a party must maintain an adequate record of the party's costs on the party's behalf and is not entitled to charge a fee for doing so.
- (4) If the Tribunal requires a lawyer to produce a file and supporting documents in connection with an adjudication of costs, the lawyer must produce the file and all supporting documents with the Registry or a costs adjudicator on request.
- (5) If a lawyer retains an electronic file only, and the Tribunal requires a copy, the lawyer must produce an electronic copy of the file in a format that can be conveniently downloaded and accessed, but not by universal serial bus (USB).

78. Consequences of not keeping a record of costs or producing a file

If a party fails to maintain an adequate record of the party's costs or produce a file after a request to do so, the Tribunal may:

- (a) decline to award costs in favour of the party or reduce the costs awarded by such amount thought fit; or
- (b) decline to adjudicate the quantum of costs awarded in favour of the party or reduce an award of costs by such amount as thought fit.

79. The relevant costs scale

The relevant scale of costs for the purpose of an adjudication of costs in the Tribunal is the Higher Courts costs scale as adjusted from time to time.

80. Costs may be ordered at any stage

- (1) The Tribunal may make an order for costs in favour of or against a party or non-party at any stage of a proceeding including after the final determination of the proceeding.
- (2) If the Tribunal does not have jurisdiction to hear a proceeding it may nonetheless order that a party pay or receive costs in relation to the proceeding.

81. Costs orders

Where not precluded by a relevant Act, the Tribunal may order that:

- (a) costs be awarded on a party/party basis, a solicitor/client basis or some other basis;
- (b) interest be payable on an award of costs in respect of a time before a decision is entered for the costs;
- (c) costs, including any interest, be awarded on a lump sum or a partial lump sum basis.
- (d) an award of costs to a party be set-off against any liability that the party may have, including a liability for costs.

82. Presumptive costs

- (1) Costs reserved but not otherwise the subject of a specific order will be treated as being part of any final costs order made.
- (2) The quantum of costs ordered is to be adjudicated if not agreed.
- (3) Costs are not able to be adjudicated, and do not become payable, until after a proceeding is finalised and final costs orders are made.

83. General costs principles

- (1) Any rule relating to costs is subject to the overriding discretion of the Tribunal in relation to costs.
- (2) Any presumption in Rule 82 is subject to contrary order of the Tribunal.

84. Discretionary factors

- (1) In exercising discretion as to costs the Tribunal may have regard to any factors considered relevant.
- (2) Factors relevant to exercising discretion as to costs include:
 - (a) any misconduct or unreasonable conduct by a party or a representative of a party in connection with a proceeding;
 - (b) any breach of the Rules or an order of the Tribunal by a party;
 - (c) whether an offer was made to resolve a proceeding;
 - (d) any response to an offer made to resolve a proceeding;
 - (e) the value and importance of the relief sought and/or obtained.

85. Pre-adjudication steps

- (1) Before seeking an adjudication of costs, a party must make a genuine offer to the party liable to pay costs (the liable party) and attempt to agree the costs payable.
- (2) A genuine offer must:
 - (a) be in writing;
 - (b) state the amounts claimed for any solicitor costs;
 - (c) state the amounts claimed for any counsel fees;
 - (d) state the amounts claimed for any external disbursements; and
 - (e) make an offer of a fixed sum for the total amount of the costs, counsel fees and external disbursements which remains open for acceptance for 21 days.
- (3) A party that receives a genuine offer must respond to it within 14 days by:
 - (a) accepting the offer; or
 - (b) making a counter-offer of a fixed sum for the total amount of costs, counsel fees and external disbursements; or
 - (c) offering to meet within 14 days to negotiate the amount of costs payable.

86. Seeking an adjudication of costs

- (1) If no response to a genuine offer is made within 21 days, or a claim for costs remains unresolved after offers made by both parties, the party claiming costs may file and serve on the liable party a claim for costs that complies with sub-rule (2) or sub-rule (3).
- (2) A claim for costs must:
 - (a) be in a schedule in either Microsoft Word or Microsoft Excel format unless a registrar or Tribunal member permits otherwise;
 - (b) attach invoices for counsel fees and all external disbursements.
- (3) In the alternative to sub-rule (2), a party may seek an adjudication of costs by filing and serving on the liable party an application for directions in the approved form P05 and a supporting affidavit which contains sufficient detail to enable the Tribunal to conduct an adjudication of costs.

87. Response to a claim for costs

- (1) The liable party must, within 28 days of service on it of a claim for costs under Rule 86, file and serve a response which reproduces the formal claim for costs in a schedule in Microsoft Word or Microsoft Excel format and must:
 - (a) complete the response liability column in the schedule for each item by:
 - (i) admitting the liability; or

- (ii) admitting the liability to a specified extent; or
 - (iii) denying the liability and identify the reason for the denial; and
- (b) if liability for an item claimed is accepted, complete the response quantum column in the schedule by:
 - (i) admitting the quantum claimed; or
 - (ii) identifying what the recoverable quantum should be and identify why.
- (2) If the liable party does not respond to a particular item of costs in the schedule as required by sub-rule (1)(a), the item will be taken to be admitted in full.
- (3) If the liable party fails to file and serve a response as required by sub-rule (1), the party seeking costs may seek that a costs judgment be entered for the total amount claimed for costs, counsel fees and external disbursements by filing an application for directions in the approved form P05 and an affidavit proving service of the claim for costs on the liable party.
- (4) A party may request an interim costs award for the total amount admitted or taken to be admitted by the liable party in its response by filing an application in an approved form.
- (5) The Registrar or Tribunal member presiding over an adjudication of costs may enter an administrative costs award for the appropriate amount on the filing of a request by a party under sub-rule (3) or (4) if satisfied it is appropriate to do so.

88. Reference for adjudication

- (1) A Tribunal member assigned to adjudicate costs may convene a hearing to make orders or give directions about adjudication.
- (2) Parties are to confer before an adjudication and attempt to resolve, limit or clarify the items in dispute.

89. General costs adjudication principles

- (1) If the same law firm represents multiple parties in a proceeding, unless special circumstances exist, costs will not be allowed separately for each party but on the basis of the work necessary and reasonable to represent the parties collectively.
- (2) At an adjudication of costs, the party seeking costs must:
 - (a) at the request of the liable party, produce for inspection any documents which the party seeking relies; and
 - (b) if ordered by the Tribunal, identify any documents relevant to the claim that are not produced because of a claim of privilege which is not waived.
- (3) A representative of a party shall not charge excessive costs.
- (4) Costs charged at greater than the Higher Courts scale, as adjusted from time to time, shall, unless there are exceptional circumstances, be regarded as excessive.
- (5) If a representative of a party proposes to charge for work performed in a proceeding before the Tribunal at a rate in excess of the Higher Courts costs scale, an ex parte application for directions in the appropriate form P05 supported by an affidavit seeking dispensation from sub-rule (3) and explaining what the exceptional circumstances are, must be filed with the Registry.
- (6) If an adjudication of costs is adjourned as a result of the default of a:
 - (a) party, the party should bear the costs; or
 - (b) lawyer, the lawyer should bear the costs.

90. Delay

If a party unduly delays bringing a claim for costs and the liable party suffers prejudice as a result, the Tribunal may:

- (a) not allow interest on the claim for costs, in whole or in part;
- (b) disallow the claim for costs in whole or in part;
- (c) assess compensation for the delay in favour of the liable party and reduce the costs awarded by that amount; or
- (d) reduce the amount allowed to which the party would have been entitled if there had been no delay.

Note—

Ordinarily a period of more than three months from the date of order relating to costs will be treated as undue delay. However, particular circumstances including the institution of an appeal or other proceedings, which are interrelated, may constitute a good reason why there has not been undue delay.

91. Counsel fees

- (1) The counsel fee indicator of the South Australian Supreme and District Courts indicator on counsel fees may be used as a guide to counsel fees.
- (2) The counsel fee indicator is a guide and does not fetter the discretion of the Tribunal in relation to the award made in a particular case.

92. Powers at an adjudication of costs

- (1) When adjudicating costs an adjudicator has the same powers the Tribunal has in relation to a proceeding in the Tribunal.
- (2) An adjudicator may order or take evidence (on affidavit or orally), require the production of documents, require the attendance of witnesses or make orders about the participation of persons interested in the adjudication.
- (3) An adjudicator is not bound by the rules of evidence and may decide questions by estimation or any other expedient means.
- (4) Without affecting the generality of sub-rule (1), an adjudicator may:
 - (a) require a party to produce its record of costs and disbursements and any other material relevant to the adjudication (subject to any claim for privilege);
 - (b) require a party to provide details of any item the subject of a claim for costs;
 - (c) make interim orders;
 - (d) order repayment of any overpayment of costs; or
 - (e) make any orders that might be made on a directions hearing in a proceeding.

93. Methods of adjudication

- (1) An adjudicator may use any one or more of the following methods to conduct an adjudication:
 - (a) a lump sum assessment, or otherwise determination of the amount of costs to be awarded in a wholesale manner;
 - (b) an item by item assessment;
 - (c) assessments in successive stages;
 - (d) separate assessments of different components of the costs claimed; or
 - (e) any other method.
- (2) An adjudicator may:
 - (a) accept an undisputed item of costs without enquiry;
 - (b) determine an issue in dispute;
 - (c) refer an issue in dispute to mediation or arbitration;
 - (d) refer an issue in dispute to an expert for enquiry and report;
 - (e) order that an item by item adjudication be undertaken on a future occasion and that the parties take steps in preparation for the adjudication; or
 - (f) make any order or further order that the adjudicator thinks fit.
- (3) If an item by item adjudication is ordered, the liable party must file and serve an updated response to a claim for costs in an approved form which:
 - (a) substitutes the heading "amount disallowed" for the heading "offer" in the relevant column of the schedule; and
 - (b) adds any additional columns or particulars ordered by the adjudicator.

94. Orders

- (1) During or after an adjudication, an adjudicator may make a provisional order:
 - (a) determining a specific issue in dispute;
 - (b) allowing or disallowing a specific item;
 - (c) fixing the amount of costs, or a specified component of costs, to which the party is entitled; or
 - (d) that interest be payable on an award of costs in respect of a period before a costs decision is entered for the costs.
- (2) During or after an adjudication an adjudicator may make a non-provisional order:
 - (a) determining a specific issue in dispute;
 - (b) allowing or disallowing a specific item;
 - (c) fixing the amount of costs or a specified component of costs, to which the claimant is entitled; or
 - (d) that interest be payable on an award of costs in respect of a period before a costs decision is entered for the costs.

95. Costs of adjudication

- (1) Subject to sub-rule (2), in a proceeding where a party is entitled to an award of costs, that party will ordinarily be entitled to the reasonable costs of an adjudication of costs.
- (2) The Tribunal may make any order it thinks fit concerning payment of the costs of an adjudication, and in making such an order, may take the following matters into consideration:
 - (a) the overall result of the adjudication;
 - (b) a comparison between the result of the adjudication and the parties' respective positions prior to the adjudication;
 - (c) a comparison between the result of the adjudication and any offer made by a party in relation to costs prior to finalising the adjudication process;
 - (d) the relative success or failure of the parties in relation to disputed items; or
 - (e) the relative number of items, and their respective quantum, in respect of which the amount claimed was disallowed.

96. Review of provisional order

- (1) If an adjudicator makes a provisional order under Rule 94(1), a party to the adjudication may, within 14 days after the date of the provisional order, request a review of the provisional order by filing and serving an application to the Registrar.
- (2) If no party seeks review of a provisional order within 14 days of it being made, the provisional order becomes a non-provisional order.
- (3) If a party requests a review of a provisional order within 14 days of it being made, the adjudicator will convene a hearing and give notice of the hearing to all parties to the proceeding.
- (4) An adjudicator shall conduct a review under this rule and will consider any provisional order which is the subject of the review.
- (5) An adjudicator conducting a review under this rule may confirm or vary a provisional order, which then becomes a non-provisional order.

97. Entry of decision

A non-provisional order and a provisional order that becomes a non-provisional order are decisions of the Tribunal.

B. COSTS IN PROCEEDINGS UNDER THE *RETURN TO WORK ACT 2014***98. Limit on costs able to be charged by a representative**

- (1) In a proceeding under the *Return to Work Act 2014* a representative of a party shall not charge excessive costs.
- (2) For the purpose of this rule, costs charged at greater than the Higher Courts costs scale as varied from time to time shall, unless there are exceptional circumstances, be regarded as excessive.

- (3) If a representative of a party proposes to charge for work performed in a proceeding under the *Return to Work Act 2014* at a rate greater than the Higher Courts costs scale, an ex parte application for directions in the approved form P05 supported by an affidavit seeking dispensation from sub-rule (2) and explaining the exceptional circumstances must be filed with the Registry.
- (4) A representative of a worker or registered employer must provide their client copies of this rule and of Section 107 of the *Return to Work Act 2014* within 7 days of commencing to act in respect of any proceeding under that Act.
- (5) If a party to a proceeding under the *Return to Work Act 2014* believes that their representative has caused costs:
 - (a) to be incurred improperly or without reasonable cause; or
 - (b) to be wasted by undue delay, negligence or by other misconduct or default;
 the party is to advise a registrar of the complaint in writing and they shall then refer the matter to a Presidential member to deal with the complaint in accordance with Section 107 of the *Return to Work Act 2014*.
- (6) A registrar is authorised to inform parties generally of this rule and of the actions they may take if they believe that the amount of costs being charged is excessive or that an order under Section 107 of the *Return to Work Act 2014* should be made.
- (7) A proceeding under Section 107 of the *Return to Work Act 2014* may be initiated by a party or by the Tribunal.
- (8) The requirements of sub-rules (3), (4), (5) and (6) do not apply to a proceeding commenced before 1 July 2015.
- (9) If a party believes that their representative has caused costs payable under Section 107(2) of the *Return to Work Act 2014* to be:
 - (a) incurred improperly or without reasonable cause; or
 - (b) wasted by undue delay, negligence or by other misconduct or default;
 the party is to advise the Registrar in writing and the Registrar shall then refer the matter to a Presidential member to deal with in accordance with Section 107 of the *Return to Work Act 2014*.
- (10) The Tribunal may, of its own motion, address circumstances that appear to come within the ambit of Section 107 of the *Return to Work Act 2014*.

PART 17—PARTIES, REPRESENTATION AND ASSISTANCE TO OTHER PERSONS

99. Trusts

- (1) A trustee may bring or defend a proceeding in the name of the trust.
- (2) A proceeding to which this rule applies will be taken to have been commenced by or against all the trustees of the trust.
- (3) A trustee that brings an action in the name of the trust must have the authorisation of all trustees to bring the action and must file with the Registry, with the initiating application, a list of the trustees at the time when the cause of action is alleged to have arisen.
- (4) A trustee that defends a proceeding in the name of the trust must, on taking the first step in defending the action, file with the Registry a list setting out the names and addresses of the trustees of the trust at the time when the cause of action is alleged to have arisen.

100. Procedure for joinder or disjoinder of a party

- (1) The Tribunal may order that a person or entity be joined or removed as a party to a proceeding if satisfied that it is in the interests of the administration of justice to make the order after all parties have had an opportunity to be heard.
- (2) An application to join a person as a party to a proceeding must be made in the approved form A10.
- (3) The Tribunal may make an order to join or remove a person as a party to a proceeding:
 - (a) on its own initiative or on an application by any person; and
 - (b) without notice to the person to whom the order relates.

101. Intervention in a proceeding

- (1) Where a person other than the Attorney-General seeks to intervene in a proceeding under Section 50 of the SAET Act or a provision of an Act which confers a right to intervene, an Application to Intervene in the approved form P15 must be filed and a copy served on all other parties to the proceeding within 3 business days of filing.
- (2) Subject to Section 50 of the SAET Act or a provision of an Act which confers a right to intervene, the Tribunal may grant leave to intervene on such terms considered just and appropriate and may vary or revoke leave to intervene at any time.
- (3) An oral application for leave to intervene may be made at any time during a proceeding, subject to the right of any party that asserts they are disadvantaged by the application to have an opportunity to be heard.
- (4) The Tribunal may continue to hear a proceeding while considering an application to intervene.

102. Representation of a company or the Crown

- (1) The Tribunal may, on application made on behalf of a company, give permission for the company to be represented by a director or officer of the company providing that the Tribunal is satisfied that the person who is to represent the company has power to bind the company in relation to the conduct of the proceeding.
- (2) The Tribunal may, on application made on behalf of the Crown or an agency or instrumentality of the Crown, give permission for the entity to appear at a compulsory conciliation conference, settlement conference or mediation by a duly authorised employee or officer of the entity who is familiar with the issues and who has the authority to bind the entity to any agreement.

103. Ceasing to represent a party

- (1) Subject to sub-rule (2), an authorised representative whose instructions to act for a party in a proceeding have been terminated, or who wishes to cease acting for a party in a proceeding, may file a notice of ceasing to act in the prescribed form P06 within 7 days of ceasing to be instructed to act or advising a party they will no longer act for the party.
- (2) If a trial or hearing is pending when a party terminates the instructions of an authorised representative or an authorised representative advises a party that they will cease to act for the party, leave of the Tribunal is required and the party or authorised representative must file and serve an affidavit with the prescribed form P06.
- (3) A Tribunal member may hear from the parties about any relevant matter before granting leave under sub-rule (2).

104. Leave for a person other than legal counsel to represent a party

- (1) In considering an application under Section 51(1)(c) of the SAET Act for someone other than legal counsel to represent a party to proceedings (the proposed representative) the Tribunal will have regard to:
 - (a) whether the proposed representative has sufficient knowledge of the applicable law and the issues in dispute to enable them to represent the party effectively; and
 - (b) whether the proposed representative will deal fairly and honestly with the Registry and other persons involved in the proceeding; and
 - (c) depending on the identity of the proposed representative or their relationship to the party, whether they have the consent of the party to represent the party and sufficient authority to bind the party; and
 - (d) whether the proposed representative may be a witness in the proceeding; and
 - (e) any other circumstance considered relevant.
- (2) In granting leave under Section 51(1)(c) of the SAET Act the Tribunal may impose such conditions on representation as thought appropriate.
- (3) A Presidential member is required to grant leave under Section 51(1)(c) of the SAET Act if the proposed representative has:
 - (a) been found guilty of professional misconduct (however described), or some other breach of a professional or occupational standard in a disciplinary proceeding under a law of a State or Territory or the Commonwealth of Australia, or under the rules of a professional or occupational association or other body relevant to the person; or
 - (b) been declared for the purposes of Section 39 the *Supreme Court Act 1935* to have persistently instituted vexatious proceedings; or
 - (c) committed contempt of the Tribunal or of some other court and has not purged the contempt.
- (4) The Tribunal may revoke a grant of leave under Section 51(1)(c) of the SAET Act if:
 - (a) the party no longer wants the representative to represent them; or
 - (b) the representative does not have the qualities described in this rule or fails to meet the requirements of this rule in acting as a representative; or
 - (c) the party is or has become incapable of instructing the representative; or
 - (d) some other good reason exists to revoke the grant of leave.

105. Application for assistance by a friend

- (1) An application under Section 51(2) of the SAET Act for a person appearing before the Tribunal (the Person) to be assisted by another person as a friend (the Assistant) must be made by an application for directions in the appropriate form P05.
- (2) In dealing with an application under Section 51(2) of the SAET Act a Tribunal member will have regard to:
 - (a) whether assistance may promote the interests of the Person; and
 - (b) whether assistance may facilitate the just, quick and efficient resolution of the real issues in the proceeding;
 - (c) whether the Assistant will deal fairly and honestly with the Tribunal and others involved in the proceeding;
 - (d) any disability or other factor that impedes the Person's capacity to fully participate in the hearing;
 - (e) the nature and seriousness of the interests of the Person that will be affected by the proceeding;
 - (f) any other circumstance the Tribunal considers relevant.
- (3) The Tribunal may impose any conditions on assistance considered appropriate.
- (4) A Presidential member is required to grant permission under Section 51(2) of the SAET Act for a proposed Assistant to appear if they have:
 - (a) been found guilty of professional misconduct (however described), or of some other breach of a professional or occupational standard, in a disciplinary proceeding under a law of a State or Territory or the Commonwealth of Australia, or under the rules of a professional or occupational association or other body relevant to the person); or
 - (b) been declared for the purposes of Section 39 the *Supreme Court Act 1935* to have persistently instituted vexatious proceedings; or
 - (c) committed contempt of the Tribunal or some other court and has not purged the contempt.
- (5) The Tribunal may revoke permission to act as an Assistant at any time if satisfied there are good reasons to do so.

106. Representation

Where a party to a proceeding under the *Return to Work Act 2014* seeks to be represented by an officer or employee of an industrial association acting in the course of employment with that industrial association, the Tribunal may request proof of the representative's standing including:

- (a) a copy of the constitution of the industrial association;
- (b) a copy of the contract of employment or other document which describes the legal relationship between the representative and the industrial association;
- (c) any other document or thing reasonably required to assist the Tribunal to determine whether the representative comes within Section 105 of the *Return to Work Act 2014*.

107. Eligibility to be a litigation guardian

- (1) Subject to sub-rule (2), the following persons are eligible to be a litigation guardian for a person under a legal incapacity:
 - (a) a parent or guardian of the person under a legal incapacity;
 - (b) a person who holds an enduring power of attorney authorising them to act on behalf of the person under a legal incapacity;

- (c) the Public Trustee of South Australia or an equivalent Public or State Trustee of another State or Territory or a licensed trustee company within the meaning of Part 5D of the *Corporations Act 2001* having authority to manage the affairs of the person under a legal incapacity that extends to acting as litigation guarding in the proceeding; or
 - (d) a person approved by the Tribunal.
- (2) A person is not eligible to be a litigation guardian if:
- (a) they are under a legal incapacity;
 - (b) unless the Tribunal otherwise orders, they have or would have an interest in the proceeding adverse to that of the person under a legal incapacity; or
 - (c) the Tribunal so orders.

108. Failure to appoint a litigation guardian

- (1) A failure to appoint a litigation guardian does not invalidate a proceeding brought by or against a person under a legal incapacity.
- (2) On becoming aware that a party is a person under a legal incapacity, the Tribunal may make such orders concerning steps already taken in the proceeding, as it thinks fit, on such conditions as it thinks fit, including, without limitation, setting aside or varying any:
 - (a) step taken in the proceeding; or
 - (b) order made or judgment granted in the proceeding.

109. Proceedings involving litigation guardians

- (1) Unless the Tribunal orders otherwise, any proceeding sought to be brought by a person under a legal incapacity must be brought by an eligible person as litigation guardian for the person under a legal incapacity.
- (2) An eligible person may bring an action or appeal as litigation guardian for a person under a legal incapacity if a guardian certificate is filed by the person immediately after filing the originating process.
- (3) Subject to sub-rule (4), a proceeding may only be instituted against a person under a legal incapacity by naming both the person and a litigation guardian for the person as a respondent or interested party and filing a guardian certificate at the same time.
- (4) A proceeding may be instituted against a person under a legal incapacity without naming a litigation guardian but no further steps may be taken against, or in respect of, the person unless and until a litigation guardian is appointed.
- (5) The Tribunal may at any stage appoint a person who signs a guardian certificate as a litigation guardian for a party to a proceeding, including in addition to or instead of any existing litigation guardian, and may remove any litigation guardian on such conditions and with such consequential or transitional orders as thought fit.
- (6) A person under a legal incapacity is treated as the substantive party to the proceeding and the litigation guardian is treated as a quasi-attorney for the person under a legal incapacity.
- (7) Unless the Tribunal orders otherwise, a litigation guardian may take any step in a proceeding that could be taken by the person under a legal incapacity as if the person had capacity to act in their own right.
- (8) Unless the Tribunal orders otherwise, any right or liability to receive or pay costs in a proceeding vests in the person under a legal incapacity and not in the litigation guardian.
- (9) This rule does not affect the question whether a litigation guardian is entitled to be indemnified out of the assets of a person under a legal incapacity.
- (10) In all other respects, the roles and responsibilities of litigation guardians are to be in accordance with the practice and procedure of the District Court under the Uniform Civil Rules as governed by general legal principles.

110. Proceedings involving persons under a legal incapacity

- (1) The resolution of a proceeding in which a litigation guardian or person under a legal incapacity is a party is not binding unless the Tribunal approves the terms of the proposed orders.
- (2) Where orders are sought by consent in a proceeding in which a litigation guardian or a person under a legal incapacity is a party, the orders must include:
 - (a) specific details of who is to receive any settlement funds;
 - (b) an explanation why that person is an appropriate recipient; and
 - (c) whether an administrator has been appointed on behalf of the person under a legal incapacity.
- (3) In considering whether to grant the orders sought the Tribunal may make such enquiries and seek such further information as thought fit.
- (4) Any money to which a person under a legal incapacity is entitled under an agreement for the resolution of a proceeding approved by the Tribunal must be dealt with and disbursed in keeping with orders of the Tribunal from time to time.
- (5) Where counsel has acted on the instructions of a litigation guardian in settlement discussions, alternative counsel should be engaged to provide advice about the terms of the resolution reached unless otherwise ordered.

PART 18—HEARINGS

111. Evidence

- (1) The Tribunal will determine the way in which evidence will be given.
- (2) Where a party is represented, the non-expert evidence-in-chief they rely on will usually be given by affidavit filed with the Registry and served on other parties.
- (3) If it is not possible to file and serve a sworn or affirmed affidavit prior to a non-expert witness giving evidence, the Tribunal may allow an unsworn or unaffirmed document to be admitted into evidence if the representative of the party seeking to admit the document into evidence deposes or attests:
 - (a) to why it was not possible for an affidavit to be sworn or affirmed;
 - (b) that the document is based on the express instructions of the witness;

- (c) that the witness has advised the representative that they have read the document and agrees that it accurately reflects their evidence; and
 - (d) that the witness has given an assurance to the representative that they will swear to or affirm the contents of the document at a hearing.
- (4) Subject to contrary order, where a party is represented and seeks that a witness give evidence-in-chief other than by affidavit, an application for directions in the approved form P05 and supporting affidavit explaining how and why such evidence should be given must be filed and served on all other parties.
- (5) In determining how expert evidence is given the Tribunal will have regard to Part 14 of the Rules.

112. Statements of Issues and Contentions

- (1) To ensure that parties properly understand the issues in a proceeding, a Presidential member may order that a Statement of Issues and Contentions (SOIC) or a Statement of Facts, Issues and Contentions (SOFIC) be filed and served on all other parties to the proceeding.
- (2) In general, a SOIC will be ordered where the facts are in issue and a SOIC will be ordered where the facts are not contentious or materially important.
- (3) A SOIC will not generally exceed 4 A4 pages and a SOFIC will not generally exceed 7 A4 pages.
- (4) SOICs and SOFICs are to be set out in numbered paragraphs and contain a clear and cogent articulation of the issues in the proceeding, a succinct statement of the party's contentions in relation to each issue identified and, in a SOFIC, a cogent summary of facts material to the issues in dispute.
- (5) The issues Section of a SOIC or SOFIC is to be presented in neutral terms without describing the party's contentions in relation to any issue.
- (6) SOICs and SOFICs are to respond to any fact, issue or contention raised by any other party in a previously filed SOIC or SOFIC.
- (7) Where at a hearing a party seeks to raise an issue or make a contention that has not been identified properly or at all in a SOIC or SOFIC, or that is materially different to the issues and contentions that have been identified, the Tribunal member hearing the matter may refuse to allow the issue or contention to be raised or made.

PART 19—FAIR WORK ACT

A. MONETARY CLAIMS AND EMPLOYMENT CONTRACT CLAIMS

113. Attendance at conciliation or mediation

- (1) All parties to a claim made under Section 9 or 10 of the *Fair Work Act 1994* must attend a compulsory conference or, if ordered by a Presidential member, mediation.
- (2) Sub-rule (1) does not apply if a monetary claim is made on behalf of multiple applicants in which case one applicant representative and at least 1 applicant must attend the compulsory conference or mediation.
- (3) In deciding whether to order mediation rather than a compulsory conference the Court will have regard to the number of applicants, the amount of the claim or claims advanced and the legal and factual complexity of the matter.
- (4) If an applicant fails to attend a compulsory conference or mediation as required by sub-rule (1), or a subsequent hearing in person or by representative, the Tribunal may, if satisfied that the applicant had reasonable notice and a reasonable opportunity to be heard, dismiss the application.

B. INDUSTRIAL APPLICATIONS

114. Service of monetary claims and employment contract matters

- (1) In any proceeding under Section 9 of the *Fair Work Act 1994* and Section 545 or 546 of the *Fair Work Act 2009* (Cth), the Tribunal is to serve the proceeding on any respondent.
- (2) In any proceeding under Section 10 of the *Fair Work Act 1994*, the applicant is to serve the proceeding on any respondent.

115. Advertisement of industrial applications

- (1) The Tribunal may satisfy itself as it sees fit that reasonable notice of the substance of an application has been given under Section 18(1) of the *Fair Work Act 1994*.
- (2) In advertising or communicating notice of the substance of an application and when it will be heard to all persons likely to be affected under Section 18(2) of the *Fair Work Act 1994*, the Tribunal may use one or more of the following means:
 - (a) a notice placed in a metropolitan weekday newspaper;
 - (b) a notice placed on a notice board at a workplace;
 - (c) an email sent to employees of an employer, members of a trade union or members of an employer body;
 - (d) any other means considered to be effective in the circumstances.
- (3) The Tribunal member with conduct of a proceeding to which this rule applies may consult with the parties to determine how and to whom notice of an application is communicated.
- (4) If notice is not given under Section 18 of the *Fair Work Act 1994* immediately upon a proceeding being commenced, the Tribunal may nonetheless take steps to notify persons likely to be affected by the application.

C. OTHER INDUSTRIAL PROCEEDINGS

116. Enterprise Agreements

- (1) Parties seeking approval of an enterprise agreement are to file an electronic copy of the agreement in Microsoft word format, an electronic copy executed by or on behalf of all parties to the agreement, and an application in the approved form A32.
- (2) Where the Tribunal considers that the enterprise agreement is capable of being approved without a hearing, a notice will be issued to the parties and any representatives to that effect and will be published on the Tribunal website.
- (3) Where notice is issued under sub-rule (2) and an eligible person wishes to be heard, they must advise the Tribunal and the parties in writing within the period specified in the notice under sub-rule (2).

- (4) Except in the case of a provisional enterprise agreement, an affected employer must on receipt of a copy of any notice issued by the Tribunal under sub-rule (2), display the notice in accordance with this rule on a noticeboard or equivalent at the relevant workplace/s and circulate the notice by email to all affected employees.

117. Applications to interpret an award or agreement

- (1) An application for interpretation of an award or agreement is to be made in the approved form A33 by any party bound by or claiming to have an interest in or a benefit from, the award or agreement.
- (2) An application under sub-rule (1) must set out:
 - (a) the relevant facts relating to each clause of the award or agreement in relation to which an interpretation is sought and the reasons for seeking the interpretation; and
 - (b) the particulars of all other parties who have or who may have an interest in the application.

118. Award proceedings

- (1) The Tribunal may make orders regarding service and/or publication of any application for variation or rescission of an award or an application for a new award.
- (2) A registrar must settle all minutes of awards (including variations, rescissions and any orders affecting awards) made by any Tribunal member.
- (3) Subject to any contrary order of a Tribunal member, a registrar must give all interested parties reasonable notice of the date of the proposed settlement of the minutes of an award and hear submissions from any parties relating to the award.
- (4) Before final settlement of an award, a registrar must if requested by a party, or may on their own initiative, refer the proceeding to the Tribunal member who heard and determined the proceeding for advice about the form the award should take.
- (5) A registrar must publish a notice on the Tribunal website to advise that a determination has been made in an award proceeding within 7 days of the determination being made.

119. Outworker remuneration claims

A claim by an outworker for an amount payable by an apparent responsible contractor under Section 99G of the *Fair Work Act 1994* and a claim by an apparent responsible contractor against a related employer for recovery of an amount paid to an outworker under Section 99H of that Act will be made and dealt with for the purposes of the Rules as if it was a monetary claim under Section 9 of that Act.

120. Unfair dismissal proceedings

- (1) The parties to an unfair dismissal proceeding under the *Fair Work Act 1994* must attend a compulsory conciliation conference under Section 43 of the SAET Act.
- (2) If an applicant fails to attend a compulsory conciliation conference or a subsequent hearing in person or by representative, the Tribunal may, if satisfied that the applicant had reasonable notice and a reasonable opportunity to be heard, dismiss the application.
- (3) If an applicant files an application under Section 106 of the *Fair Work Act 1994* and in response to any clarification sought by the Tribunal regarding their intention to proceed, does not confirm such an intention within 10 days, the application may be deemed to be discontinued without further notice.
- (4) Where an adjudicating authority under Section 106 of the *Fair Work Act 1994* or other relevant Act purports to refer an application to the Tribunal pursuant to Section 106 of the *Fair Work Act 1994*, the proceeding will be commenced by the adjudicating authority filing a statement which sets out the nature of the application made and the parties said to be involved.

121. Industrial disputes

- (1) Where a party seeks the assistance of the Tribunal to resolve an alleged industrial dispute the party must notify the Tribunal in the approved form A45.
- (2) A party may make an oral request for the assistance of the Tribunal under this rule if the matter is urgent and if so, the party must provide a registrar with the detail required by the approved form A45 and submit the form within 2 business days of making the oral application.
- (3) Immediately after giving notice under sub-rule (1) or (2), the party seeking the Tribunal's assistance must serve the approved form A45 on all other parties to the dispute.
- (4) Subject to Section 19 of the *Fair Work Act 1994*, the Tribunal may order whether an industrial dispute proceeds by way of conciliation, mediation, arbitration or determination and may vary such order from time to time.

D. REGISTERED AGENTS**122. Application for Registration**

An application for registration as a registered agent under Section 26 of the *Fair Work Act 1994* must be made in the approved form A47 or A48. (Form A47 is to be used by a new registered agent and form A48 is to be used to renew the registration of a registered agent).

E. REGISTRATION OF ASSOCIATIONS—LOCALLY BASED ASSOCIATIONS**123. Application for Registration**

- (1) An association wishing to obtain registration under Chapter 4, Part 2 of the *Fair Work Act 1994* must file with the Registry an application in the approved form A35 together with a certified copy of the rules of the association and a statutory declaration by the president or secretary of the association in the approved form A35a.
- (2) The members of the applicant association must have subscribed to, or otherwise have agreed to be bound by, written rules constituting the association and regulating its affairs.
- (3) A majority of the members present and voting at a meeting of the association specially called under this rule must have resolved by simple majority that an application be made for registration of the association under the *Fair Work Act 1994*.

- (4) Regardless of any rule of the association to the contrary, 14 days' notice in writing must be given by the committee of management of the association by prepaid post to all members at their last known address or by advertisement or other means approved by the Tribunal.
- (5) Not less than 5% of the total number of the members entitled to attend and vote at a general meeting of the association under its rules will constitute a quorum.
- (6) To comply with the requirements of Section 124 of the *Fair Work Act 1994*, the rules of an association must:
 - (a) specify the:
 - (i) name of the association;
 - (ii) nature of its membership;
 - (iii) purpose for which it is formed; and
 - (b) provide for the following matters in relation to the administration of the association:
 - (i) the mode by which and terms on which members may be admitted or their membership will cease or be terminated;
 - (ii) the automatic termination of the membership of any member who ceases to be a person eligible for membership of the association;
 - (iii) the maintenance of a register of current members;
 - (iv) the constitution of a committee of management and the election, appointment and removal of its members;
 - (v) the powers and duties of the Committee of Management and the control of it by the members either in general meeting, or in district meetings or by a general governing body or otherwise;
 - (vi) the election and removal of officers and their respective powers and duties;
 - (vii) the maintenance of a register of officers;
 - (viii) the maintenance of a registered office and the hours during which it will be open to the public;
 - (ix) the control of the property and investment of the funds of the association, and the mode by which funds may be disbursed whether for ordinary and extraordinary purposes;
 - (x) the mode by which rules of the association may be rescinded, varied or added to;
 - (xi) the mode by which the association may be dissolved;
 - (xii) the calling of and procedure at general meetings;
 - (xiii) the appointment of a registered company auditor who is not an officer or employee of the association.
- (7) The conditions set out in sub-rules (2), (3), (4), (5) and (6) are the prescribed conditions for the purposes of Section 122(1) of the *Fair Work Act 1994* and must be met unless waived in accordance with sub-rule (8).
- (8) The following provisions apply to an application for waiver of a condition:
 - (a) An association seeking waiver of a condition must apply in writing to the Tribunal specifying any prescribed condition for which waiver is sought.
 - (b) The Tribunal will exercise its power to waive any prescribed condition on such terms and conditions considered appropriate.
 - (c) The Tribunal will sign and issue a written determination if waiver is granted under this sub-rule.
 - (d) Compliance by an association with a written determination made under sub-rule (8)(c) will constitute compliance with the prescribed conditions.
- (9) The rules of an association may provide for any other matter not contrary to law.

124. Alteration to Rules of a registered association

- (1) An application to register an addition or alteration to or a rescission of the rules of an association must be in the approved form A40.
- (2) On receipt of an application for alteration of the rules of an association, the Tribunal may cause a notice of the application to be published on the Tribunal website.
- (3) If the Tribunal is satisfied that it is impracticable for an association to alter its rules in accordance with its rules of association, the Tribunal may approve an alteration on such terms it considers appropriate on an application made to it by the association.

125. Objections to Alteration to Rules of a registered association

- (1) An objection to a proposed alteration to the rules of an association will be made, heard and determined as if it were an objection to registration under the Rules, with such modifications as may be necessary.
- (2) An objection under this rule must be made within 21 days of the publication of the notice required by Section 125 of the *Fair Work Act 1994*.

126. Change of Name

- (1) An application for a change of name of an association under Section 125(2) of the *Fair Work Act 1994* must be made in the approved form A40.
- (2) The application must have the existing Certificate of Registration of the association attached to it unless the Tribunal waives such requirement on an application made in writing for waiver.

127. Compliance with Rules

An application under Section 127(1) of the *Fair Work Act 1994* by a member of a registered association, or by a person who has been expelled from membership of a registered association, must be made in an approved form.

128. Accounting Records

For the purposes of Section 128 of the *Fair Work Act 1994*, an association must keep such accounting records as are required to correctly record and explain the transactions of the association and the financial position of the association.

129. Amalgamation of Associations

- (1) An application to register a body comprised of amalgamating associations as a registered association under Section 129 of the *Fair Work Act 1994* must:
 - (a) be in an approved form;
 - (b) be accompanied by a copy of the applicant body's rules certified by its President; and
 - (c) include a statutory declaration of the applicant body's President verifying due compliance with the procedure prescribed by Section 129.
- (2) A request for the Registrar to conduct a ballot under Section 129(4) of the *Fair Work Act 1994* must be made in writing, addressed to the Registrar and signed by the requisite number of members.
- (3) A registered association must, at the request of the Registrar, furnish the Registrar with an up to date list of the members of the association with their most recent or last known address.
- (4) The Registrar will conduct a ballot using such forms and procedures as the Registrar sees fit.

130. Deregistration of Associations

An application for deregistration of an association is to be made in an approved form.

F. REGISTRATION OF ASSOCIATIONS—FEDERALLY BASED ASSOCIATIONS**131. Application for Registration**

An association seeking registration under Part 3 of Chapter 4 of the *Fair Work Act 1994* must file with the Registry:

- (a) an application in the approved form A35;
- (b) a copy of the rules of the association registered under the *Fair Work (Registered Organisations) Act 2009* certified by its president or secretary to be the current rules, and, in the case of an association with a South Australian branch or where a branch of an association registered under that Act seeks registration, proof that its rules comply with Section 131(2) or 131(3) of the *Fair Work Act 1994*;
- (c) a statutory declaration, in the approved form A35a, by the president or secretary of the association stating:
 - (i) that a resolution was duly passed by the committee of management of the applicant association authorising the making of an application for registration under Part 3 of Chapter 4 of the *Fair Work Act 1994*, and the date on which the resolution was passed;
 - (ii) the full names, addresses and occupations of the officers of the association and the offices held by each of them.

132. Change of Name

- (1) Where an association registered under Section 134 of the *Fair Work Act 1994* changes its name, the secretary of the association must notify the Registrar of the change in writing, and provide evidence of the change, within 21 days.
- (2) On receipt of the notification, a registrar will cause all relevant records to be altered accordingly.

133. Deregistration of Associations

An application for deregistration of an organisation or a branch of an organisation registered under Rule 131 must be made in an approved form.

G. REGISTRATION OF ASSOCIATIONS-GENERAL**134. Objections to Registration**

- (1) An objection under Section 121 or 133 of the *Fair Work Act 1994* must be in the approved form P70 and be filed with the Registry within 21 days of the publication of the notice required by Section 120(2)(a) or 132(2)(a) of the *Fair Work Act 1994*.
- (2) An objection filed under sub-rule (1) must be accompanied by a written statement setting out briefly the facts relied on in respect of each ground of objection.
- (3) An objector will be restricted to the grounds specified in the notice of objection unless the Tribunal permits otherwise in a further application made by the objector that sets out the objector's further grounds.
- (4) Within 7 days of a notice of objection being filed with the Registry, the objector must serve a copy of the notice and of the written statement accompanying it on the association applying for registration.
- (5) The Tribunal will proceed to hear and determine the application and all objections to it, without limit to its power to adjourn the proceeding from time to time.

135. Certificate of Registration

When an association is registered by the Tribunal under Chapter 4, Part 2 or Part 3 of the *Fair Work Act 1994*, and when the rules of a locally based association are altered by the Tribunal under Chapter 4, Part 2, Division 3 of that Act, a registrar must make an entry in a register book, or electronically, or both.

136. Change of Address

- (1) Where an association changes the address of its registered office, the secretary of the association must, within 14 days of such change, notify a registrar in writing of the new address.
- (2) On receipt of the notification, a registrar will cause all relevant records to be altered.

H. ASSOCIATIONS—CONSCIENTIOUS OBJECTION**137. Conscientious Objection**

Any certificate granted pursuant to Section 118 of the *Fair Work Act 1994* must be in a form approved by the Registrar.

PART 20—FIRE AND EMERGENCY SERVICES ACT

138. Notice to Chief Officer

A registrar must serve a copy of any initiating application made under the *Fire and Emergency Services Act 2005* on the Chief Officer of the South Australian Metropolitan Fire Service if the Chief Officer is not named on the application as a party.

PART 21—PUBLIC SECTOR ACT

139. Procedure

- (1) A review under the *Public Sector Act 2009* must be conducted quickly and with as little formality as proper consideration of the subject matter of the review allows.
- (2) A Tribunal member may dispense with a compulsory conciliation conference and/or a pre-hearing conference in a review under the *Public Sector Act 2009*.

PART 22—RETURN TO WORK ACT

A. SPECIAL JURISDICTION TO EXPEDITE DECISIONS**140. Procedure to be followed**

- (1) An applicant who believes there has been undue delay in deciding a claim or other matter must complete and file with the Registry an application to expedite a decision under Section 113 of the *Return to Work Act 2014* in the approved form A03.
- (2) An application to expedite a decision must be accompanied by a copy of any relevant documents, including any correspondence from the applicant making a request for the claim to be determined.
- (3) An application to expedite a decision must be referred to a Commissioner within 2 business days of being filed, and will be listed for hearing within 21 days of being filed, unless a Tribunal member orders otherwise.
- (4) On receipt of an application to expedite a decision, a Tribunal member may contact the parties prior to any hearing to seek such details or materials considered necessary to understand or resolve the application.
- (5) Where sub-rule (4) applies, a party who provides details or materials to the Tribunal must provide a copy of any such materials to all other parties.

B. CERTAIN APPLICATIONS FOR REVIEW**141. Average weekly earnings and reviews of weekly payments**

- (1) Where an application for review complains about a decision which set average weekly earnings by reference to Section 5 of the *Return to Work Act 2014*, and a review or reviews of weekly payments has or have been undertaken under Sections 46, 47 or 60 of the *Return to Work Act 2014*, any such review will be taken to be subject to and covered by the application for review.
- (2) In a proceeding to which sub-rule (1) applies, only one award of costs may be made if an application or applications for review have been brought in relation to Sections 46, 47 and 60 reviews of weekly payments.

C. RECONSIDERATION—SECTION 102 RETURN TO WORK ACT**142. Confirmation of a decision under review**

- (1) If a compensating authority confirms a decision under review pursuant to Section 102 of the *Return to Work Act 2014* it must file with the Registry a Result of Reconsideration in the approved form P39.
- (2) A filed Result of Reconsideration which confirms a decision under review is a response for the purposes of the Rules.

143. Variation of a decision under review

- (1) If a decision under review is varied or set aside, the compensating authority must file with the Registry a Result of Reconsideration in the approved form P39 which complies with Section 102(3)(b) of the *Return to Work Act 2014*.
- (2) A filed Result of Reconsideration which varies a decision under review is a response for the purposes of the Rules.
- (3) If a filed Result of Reconsideration varies a decision under review, the compensating authority must serve the document on all affected parties regardless of whether a Notice of Representative Details has been filed by them.
- (4) Any party that receives a filed Result of Reconsideration which varies a decision under review must file with the Registry a Response to Varied Decision in the approved form P40 within 14 days.
- (5) If no party files a Response to Varied Decision under sub-rule (4) within 14 days, an order will be made confirming the variation made to the decision under review.
- (6) If more than 14 days have elapsed from the date a disputed decision is varied and the Tribunal has made an order confirming the variation of the disputed decision, any party that wishes to set aside that order must make an application to do so supported by an affidavit which explains the delay and must serve the application on any other party within 3 business days.

144. Procedure when a varied decision is accepted

If the party seeking review of a decision accepts the decision after reconsideration they must file a Response to Varied Decision in the approved form P40.

145. Procedure when a varied decision is not accepted

- (1) If the party seeking review of a decision does not accept the decision after reconsideration, they must file a Response to Varied Decision in the approved form P40 explaining why the varied decision is not accepted.
- (2) If another party does not accept the decision after reconsideration, they must file a Response to Varied Decision in the approved form P40 explaining why the varied decision is not accepted.

146. Extension of time for reconsideration

- (1) Where a compensating authority seeks an extension of time in which to reconsider a decision under review it must apply to the Tribunal in the approved form P38 at least 2 business days before the date on which the reconsideration is due.
- (2) An application for an extension of time under sub-rule (1) may, at the discretion of a registrar, be determined either with or without consultation with the parties.
- (3) If an extension of time sought under sub-rule (1) is granted, the amended date on which the reconsideration is due is the date on which a response is due under the Rules.

147. Effect of a failure to reconsider a decision under review

If a compensating authority fails to complete reconsideration of a decision under review within the time prescribed by Section 102 of the *Return to Work Act 2014*, or within such further time as ordered by a registrar, the decision under review will be taken to have been confirmed.

D. INDEPENDENT MEDICAL ADVISERS**148. IMA Guidelines**

The referral of a medical question to an independent medical advisor (IMA) must be consistent with the IMA Guidelines published by the Tribunal in relation to the following procedures or subjects:

- (a) the procedure to adopt when making a referral to an IMA;
- (b) the conduct of any medical examination by an IMA;
- (c) the provision of a medical report or reports by an IMA;
- (d) payment for a medical report produced by an IMA;
- (e) making arrangements for an IMA to give oral evidence at a hearing.

E. SUMMONSES FOR MEDICAL RECORDS**149. Procedure to be followed where medical records are summonsed**

- (1) In a proceeding under the *Return to Work Act 2014*, other than an action for recovery of compensation under Sections 66(5) or 66(6), a party must not issue a summons for production of a person's medical notes, imaging, reports or other documents (medical records) without permission of the Tribunal.
- (2) If the Tribunal grants permission to issue a summons for medical records under this rule the application for the summons must be accompanied by evidence of payment of \$100 or such other amount as may be prescribed from time to time to the recipient of the summons.
- (3) When summonsed medical records are provided to the Registry, a registrar must give the person to whom the medical records relate 7 days, or such lesser time ordered by a Tribunal member, to consider the records before they are released to the party issuing the summons and any other party to the proceeding.
- (4) A person whose medical notes are summonsed may apply to the Tribunal to limit the extent of the medical notes released or to have part of the medical notes redacted if they are not relevant to the proceeding.
- (5) All parties to a proceeding must be advised of an application made under sub-rule (4) but the application may be made ex parte and need not be served on any other party unless the Tribunal orders otherwise.
- (6) In considering an application made under sub-rule (4) a Tribunal member may have regard to all medical records produced in response to a summons and may order the non-release or redaction of such part of the medical notes that are not relevant to a proceeding.

F. APPROVAL OF CERTAIN SETTLEMENTS**150. Procedure where approval of a settlement is required**

- (1) Subject to Section 47(3) of the SAET Act and Section 191 of the *Return to Work Act 2014*, where the parties to a proceeding seek an order of the Tribunal which requires the consent of the Return to Work Corporation of South Australia under Section 191 of the *Return to Work Act 2014*, the parties must advise the relevant Tribunal member that such consent is required or has been given.
- (2) In a proceeding to which sub-rule (1) applies, a Tribunal member must not make the order sought unless a Presidential member has approved the order.
- (3) A Presidential member acting under sub-rule (2) may order that an application for directions in the approved form P05 and a supporting affidavit be filed and may issue such directions and adopt such procedures considered appropriate to deal with the issue.

151. Infants and persons under a legal disability

- (1) Where a proceeding under the *Return to Work Act 2014* concerns the rights or obligations of an infant or a person under a legal disability, any settlement must be approved by a Presidential member.
- (2) In a proceeding to which sub-rule (1) applies, a Presidential member may issue such directions and adopt such procedures they consider appropriate, including giving a direction that an opinion about the suitability of the settlement be obtained from independent legal counsel.

G. SUITABLE EMPLOYMENT APPLICATIONS AND NOTICES**152. Applications for suitable employment under Section 18**

An application for suitable employment under Section 18 of the *Return to Work Act 2014* will proceed to an initial directions hearing under Section 43(1) of the SAET Act at which a date for a compulsory conciliation conference will be given unless a Tribunal member orders otherwise.

153. Written notices under Section 18

An application seeking an order for the provision of suitable employment under Section 18(5) of the *Return to Work Act 2014* must be made by the approved form A04 and must be accompanied by the following documents:

- (a) a copy of the written notice given to the pre-injury employer under Section 18(3) of the *Return to Work Act 2014*;
- (b) any supporting evidence of the worker's capacity for work required by Section 18(4) of the *Return to Work Act 2014*;
- (c) a copy of the written notice provided by the pre-injury employer under Section 18(4b) of the *Return to Work Act 2014*, and if there is none, written confirmation that no written notice has been provided.

H. MISCELLANEOUS APPLICATIONS AND NOTICES**154. Payment of wages for alternative or modified duties**

An application for payment of wages or salary for alternative or modified duties under s 19 of the *Return to Work Act 2014* must be made in the approved form A06.

155. Applications under Section 48(18)

An application made by an employer under Section 48(18) of the *Return to Work Act 2014* to direct the Corporation to carry out or expedite a review of weekly payments to a worker must be made by an application for directions in the approved form P05 supported by affidavit.

156. Schedule 1 Workers Rehabilitation and Compensation Act 1986 disputes

Any proceeding which involves the application of Clauses 2, 4 or 5 of Schedule 1 of the repealed *Workers Rehabilitation and Compensation Act 1986* will immediately be referred to a Presidential member to make such orders and directions thought necessary having regard to the nature of the proceeding.

157. Notice to be heard

- (1) The employer from whose employment a work injury arose or is alleged to have arisen is a party to a proceeding under the *Return to Work Act 2014* by virtue of Section 96(d) of the *Return to Work Act 2014* and Section 48(1)(f) of the SAET Act.
- (2) If the employer from whose employment a work injury arose or is alleged to have arisen, or another party entitled to participate in a proceeding under the *Return to Work Act 2014*, wishes to participate in a proceeding but has not lodged and does not wish to lodge an application for review, they must file a Notice to be Heard in the approved form P42.
- (3) The Tribunal will serve a Notice to be Heard on all other parties to a proceeding.
- (4) If a party who has filed a Notice to be Heard fails to attend a conference or hearing without good cause and without providing an explanation for not attending prior to commencement of the conference or hearing, a Tribunal member may proceed with the conference or hearing as if a Notice to be Heard had not been filed.
- (5) If a party fails to attend 2 or more conferences or hearings after filing a Notice to be Heard, a Tribunal member may order that the notice be dismissed and proceed with a conference or hearing in the absence of the party.
- (6) The Tribunal may permit a party who has filed a Notice to be Heard to cease being involved with a proceeding and/or dismiss the Notice to be Heard and make any consequential order necessary or appropriate in the circumstances.

I. FAST TRACK STREAM**158. Eligibility of proceedings to enter the Fast Track Stream**

Proceedings which are non-complex or of narrow compass and able to proceed to a hearing in a relatively short time may be placed in the Fast Track Stream (FTS).

159. Objects of the Fast Track Stream

The objects of the FTS are to:

- (a) resolve proceedings under the *Return to Work Act 2014* that are not complex or have a narrow compass in an expeditious way;
- (b) have proceedings in the FTS available to replace proceedings that are listed for hearing but which resolve or adjourn prior to the hearing date;
- (c) simplify and expedite the hearing of proceedings suitable for the FTS.

160. Referral

- (1) At any time after a proceeding is referred to Hearing and Determination, an application may be made by a party to the proceeding to place the proceeding in the FTS, or the Tribunal may place the proceeding in the FTS of its own motion.
- (2) At any time after a proceeding has been placed in the FTS a party to the proceeding may apply to have the proceeding removed from the FTS, or the Tribunal may remove the proceeding from the FTS of its own motion.

161. Criteria

In determining whether a proceeding should be placed in the FTS, the Tribunal will have regard to the following matters:

- (a) whether all parties to the proceeding consent to the placement;
- (b) the complexity of the issues in dispute;
- (c) whether it would be unfair to a party to proceed in the FTS;
- (d) whether the credibility of any witness is in issue;
- (e) advantages and disadvantages of placing the proceeding in the FTS;
- (f) whether the proceeding is likely to be concluded in a day;
- (g) whether there is a need for oral evidence;
- (h) the number of witnesses required to give oral evidence;
- (i) the anticipated time taken for each witness to give evidence;
- (j) any other matter the Tribunal considers relevant.

162. Entry into and records of the Fast Track Stream

- (1) The Registrar will maintain a record of all proceedings placed in or removed from the FTS.
- (2) In a proceeding that has been placed in the FTS, all documents subsequently filed should indicate in the case heading, immediately above the case number, that the proceeding is in the FTS.

163. Consultation with other parties

A party seeking to place a proceeding in the FTS must have regard to the objects and criteria of the FTS.

164. Form of application to enter the Fast Track Stream

- (1) A party to a proceeding may, by application for directions in the approved form P05, apply to place a proceeding in, or remove a proceeding from, the FTS.
- (2) The application for directions referred to in sub-rule (1) is to be filed and served on each party to the proceeding.
- (3) An application for directions filed under sub-rule (1) must set out why the proceeding should be placed in, or removed from, the FTS.
- (4) An application for directions filed under sub-rule (1) is not required to be supported by an affidavit but the Tribunal may, on application by another party or of its own motion, require that an affidavit be filed.

165. Preliminary hearing

Issues which may be considered at a pre-hearing conference in a FTS matter include, but are not limited to:

- (a) the likelihood of settlement occurring without a hearing;
- (b) identification of the issues in dispute;
- (c) what directions and orders should be made;
- (d) when the matter should be heard;
- (e) if oral evidence will be given, which expert and non-expert witnesses will give oral evidence, how long that will take, and whether a witness is required to attend in person or provide evidence in some other way.

166. Interlocutory applications

- (1) Before making an interlocutory application in a FTS proceeding, a party is required to endeavour to resolve the issue by agreement.
- (2) An interlocutory application in a FTS proceeding is to identify concisely, but with sufficient detail, the orders sought and the grounds relied on.
- (3) A supporting affidavit is not to be filed with an interlocutory application but may be ordered if the Tribunal considers it necessary.

167. Interlocutory hearings

Interlocutory applications and arguments in the FTS will be conducted informally and may be conducted by teleconference or videoconference.

168. Conduct of hearings

- (1) Parties to a FTS proceeding, and their representatives, have a duty to the Tribunal to take all reasonable steps to ensure that hearings proceed as expeditiously and efficiently as possible.
- (2) A Presidential member hearing a FTS proceeding may have the parties identify the issues in dispute, the evidence relevant to the issues in dispute and the parties' respective contentions.
- (3) A Presidential member hearing a FTS proceeding may give directions about the:
 - (a) issues on which the Tribunal requires evidence;
 - (b) nature of the evidence required to decide those issues;
 - (c) way in which evidence is to be placed before the Tribunal;
 - (d) number of witnesses or the amount of evidence that a party may call or introduce on a particular issue.
- (4) By way of illustration, under sub-rule (3) a Presidential member may:
 - (a) direct where multiple expert opinions have been received by a party on a particular issue that only one expert give oral evidence and that the opinion of the other experts be received by way of written report as untested evidence;
 - (b) give directions as to the order in which the witnesses give evidence, regardless of which party is calling the witness;
 - (c) enquire into and determine what are the issues in dispute;
 - (d) direct that witnesses give evidence on different topics and different times during the hearing;
 - (e) direct that submissions be heard on different topics at different times during the hearing or otherwise depart from the usual order in which submissions are made;
 - (f) limit the time spent on the whole or any part of evidence or submissions;
 - (g) direct that oral evidence be received in such manner as the Tribunal thinks fit including by teleconference or videoconference;
 - (h) determine whether submissions are made orally or in writing.

169. Non-expert evidence

The Tribunal will determine the extent of evidence and the way in which evidence given in FTS proceedings, including by reference to Rule 111, if appropriate.

170. Reasons for decision

The content of reasons for a decision in a FTS proceeding will depend on the complexity of the issues in dispute.

171. Hearing loss

Subject to contrary order of a Presidential member, a proceeding concerning a claim for noise induced hearing loss will proceed in the FTS.

J. INACTIVE MATTERS LIST**172. Eligibility of a proceeding to be treated as an inactive matter**

A proceeding under the *Return to Work Act 2014* may be placed in a list of inactive matters (Inactive Matters List) if a Presidential member is satisfied that the proceeding is not able to be progressed for any of the following reasons:

- (a) the applicant is unable to progress the proceeding by reason of illness, infirmity, absence from Australia or other good reason;
- (b) a party to the proceeding is not able to obtain evidence from a witness, or potential witness, or arrange for a witness to attend a hearing for a period of not less than 3 months;
- (c) surgery is required by a worker which will not take place for a period of at least 3 months and having the surgery, or the opinion of a medical expert or experts following the surgery, is material to the proceeding;
- (d) the proceeding is a permanent impairment matter and the injury has not stabilised as defined in Section 4(18) of the *Return to Work Act 2014*;
- (e) other good reason why a proceeding cannot be progressed for a period of not less than 3 months.

173. Removal of a proceeding from the Inactive Matters List

- (1) If a Presidential member considers that a proceeding should not remain in the Inactive Matters List, the proceeding may be removed and directions given to expedite its resolution.
- (2) A party may seek to have a proceeding removed from the Inactive Matters List by filing and serving an application for directions in the approved form P05 with a supporting affidavit which explains why it is appropriate to re-activate the proceeding.

PART 23—SOUTH AUSTRALIAN SKILLS ACT

174. Suspension under Section 64

- (1) Where an employer suspends an apprentice or trainee from employment under Section 64 of the *South Australian Skills Act 2008*, the employer must notify the Tribunal as soon as reasonably practicable that the matter has been referred to the South Australian Skills Commission (the Commission) for mediation by filing the approved form A74 with the Registry.
- (2) If a matter is unable to be resolved by mediation at the Commission, the employer must refer it to the Tribunal under this rule within 3 business days of the conclusion of mediation by filing the approved form A75 with the Registry which states:
 - (a) the name, date of birth and the training contract identity number of the apprentice/trainee suspended and their contact details including mobile telephone number and email address where available;
 - (b) the employer's legal name as stated on the training contract, trading name and the name and details of a contact person including telephone numbers and email addresses;
 - (c) a summary of the nature of the wilful and serious misconduct alleged; and
 - (d) the date and time of the suspension.
- (3) Unless otherwise directed by the President, a registrar will provide the apprentice or trainee and the Commission with a copy of the form filed under this rule.
- (4) Where an employer fails to attend the conference or any subsequent hearing in person or by a representative, the Tribunal may, if satisfied that the employer had reasonable notice and a reasonable opportunity to be heard, revoke the suspension and order that the employer pay any remuneration or compensation to which the apprentice/trainee would, but for the suspension, have been entitled.

175. Disputes and grievances

- (1) An application under Section 65 of the *South Australian Skills Act 2008* is to be made in the approved form A75.
- (2) The parties to an application under sub-rule (1) must attend a compulsory conciliation conference conducted under Section 43 of the SAET Act.
- (3) If an applicant fails to attend a conference under sub-rule (2) or a subsequent hearing in person or by a representative, the Tribunal may dismiss the application if it is satisfied that reasonable notice of the conference and a reasonable opportunity to be heard were given to the applicant.
- (4) Where an applicant files an application under sub-rule (1), and does not confirm their intention to proceed with it in response to any clarification sought by the Registrar or a Tribunal member within 10 days, the Registrar may deem that the application has been discontinued without further notice.

PART 24—WORK HEALTH AND SAFETY ACT

176. Form of entry permit

A registrar will determine the form of a WHS entry permit as defined in Section 4 of the *Work Health and Safety Act 2012*.

177. Register of entry permit holders

- (1) For the purposes of Section 151 of the *Work Health and Safety Act 2012*, a registrar will publish a register of entry permit holders on the Tribunal website.
- (2) The register will contain the name of the permit holder and the union that an entry permit holder represents, commencement and expiry dates (including suspension dates, if any), any conditions on the permit, and the date the register was last updated.

178. Application to revoke an entry permit and disputes about right of entry

- (1) Applications under Section 138 of the *Work Health and Safety Act 2012* to revoke an entry permit and proceedings under Section 142 to deal with a dispute about a right of entry (including disputes under Section 128 about whether a request about entry is reasonable), must be filed with the Registry in the approved form A53.
- (2) As soon as practicable after filing an application under sub-rule (1), the applicant must provide a copy to the other parties nominated on the application form or their representatives.
- (3) The President will assign applications under sub-rule (1) to a Tribunal member.
- (4) Practice Directions may be issued to outline the steps to be taken and procedures to be adopted in a right of entry dispute.

179. Surrender of entry permits

- (1) The person to whom an entry permit is issued must return the permit to a registrar within 14 days of any of the following events taking place:
 - (a) the permit is revoked or suspended;
 - (b) the permit expires; or
 - (c) a condition is imposed on the permit.
- (2) A registrar may issue a replacement permit, including a permit which has had a condition imposed on it.

180. Work health and safety disputes

- (1) Terms defined in Part 5, Division 7A of the *Work Health and Safety Act 2012* have that meaning in this Part.
- (2) Written notice of a dispute about a WHS matter given to the Tribunal under s 102B(2) of the *Work Health and Safety Act 2012* must be in the approved form A54.
- (3) Written notice given under sub-rule (2) must be served by the applicant on all named parties to the dispute.
- (4) The Tribunal may direct that written notice given under sub-rule (2) be served on a person or body that is not a party to the dispute.
- (5) On receipt of written notice given under sub-rule (2) the Tribunal may deal with the dispute as thought appropriate, including by conciliation, mediation, or arbitration, and may make any order necessary to achieve prompt resolution of the dispute.
- (6) The Tribunal website is prescribed for the purpose of s 102B(4) of the *Work Health and Safety Act 2012*.

181. Probationary declarations

- (1) An application for a probationary declaration under Section 143A of the *Work Health and Safety Act 2012* must be made in an approved form.
- (2) An application made under sub-rule (1) will be referred to a Presidential member and will be conducted as considered appropriate after hearing from all affected parties.

PART 25—INDUSTRIAL REFERRAL AGREEMENTS

182. Application of Part

- (1) This Part applies to referral agreements entered into after its commencement.
- (2) Referral agreements entered into prior to the commencement of this Part will be dealt with by the Tribunal as if the *Industrial Proceeding Rules 2010* were still in operation with such modifications as may be necessary.

183. Form and filing of a Referral Agreement

Parties may file a copy of a referral agreement with the Registry along with a written request that the document be received as a referral agreement between the parties for the period of its duration.

184. Seeking the assistance of the Tribunal

- (1) A request for the assistance of the Tribunal must be in an approved form and be accompanied by a copy of the referral agreement unless one has already been filed under this Part.
- (2) In the event that a request for assistance is not signed by each party to the relevant referral agreement, the party making the request must serve a copy of it on each party to the referral agreement with an interest in the subject matter of the request for assistance.

185. Conduct of dispute resolution

- (1) Subject to any term to the contrary in a referral agreement:
 - (a) conciliation and mediation will be conducted in private;
 - (b) arbitration may be conducted in public or in private;
 - (c) the dispute resolution proceedings will not be published in the Tribunal case list;
 - (d) any determination will not be published on the Tribunal website or distributed to subscribers;
 - (e) the parties are entitled to be represented in conciliation, mediation or arbitration;
 - (f) information or documents provided during the course of dispute resolution must not be used or disclosed other than for the purpose of conducting dispute resolution;
 - (g) evidence of anything said or done during the dispute resolution is not admissible in related proceedings unless the parties agree; and
 - (h) the Tribunal will exercise such powers as may be expedient to resolve the dispute, including (with such modifications as may be necessary or determined by the Tribunal) the powers of the Tribunal during the conduct of conciliation conferences, mediation and arbitration and to make directions.
- (2) If the Tribunal resolves some or all of the issues in dispute, a memorandum of the terms of settlement or partial settlement will be drafted by the parties.
- (3) A memorandum under sub-rule (2) may be filed with the Registry or may remain confidential and between the parties.

186. Notices to parties

- (1) If a Tribunal member dealing with a request for assistance takes the view that no action should be taken or that action should be suspended or discontinued, before making a determination to that effect the Tribunal member will:
 - (a) advise the parties in writing of their view; and
 - (b) provide the parties with a reasonable opportunity to be heard by oral or written submissions on the issue.
- (2) After receiving any submissions made under sub-rule (1), the parties will be provided with a written determination setting out the reasons.

PART 26—APPLICATIONS FOR INTERNAL REVIEW—SECTION 66 SAET ACT

187. Internal review of a decision of the Tribunal

- (1) To seek internal review of a Tribunal decision under Section 66 of the SAET Act, an application for internal review in the approved form A95 which satisfies Section 66 and sub-rules (2) and (3) must be filed within 1 month of the decision to which the application relates.
- (2) An application made under sub-rule (1) must attach a copy of the decision under review and any other relevant document, set out the grounds of review and identify which parts of the decision are complained of.
- (3) If a stay of the operation of a decision being reviewed is sought, the application for internal review should make that clear and explain why a stay should be ordered.

PART 27—APPEALS

188. Application of Part

This Part applies to an appeal to the Full Bench of the Court brought under Section 67 of the SAET Act.

189. Procedure for appeals

- (1) An appellant must file and serve a Notice of Appeal in the approved form A96 within 28 days of the date of the orders appealed from unless a relevant Act or a rule in the Rules concerning a relevant Act provides otherwise.
- (2) A Notice of Appeal must be certified as having been settled by counsel, or where an appellant is not legally represented, by the appellant.
- (3) Any cross appeal or notice of alternate contentions must be filed and served by a respondent to an appeal within 28 days of service of the Notice of Appeal.
- (4) Not less than 35 days before an appeal is heard, the appellant shall file with the Registry copies of one Appeal Book for each Presidential member and serve a copy of the Appeal Book on each respondent.
- (5) Not less than 28 days before an appeal is to be heard an appellant shall file with the Registry and serve on all other parties a summary of the appellant's argument.
- (6) Not less than 21 days before an appeal is to be heard, any other party who supports the position of the appellant shall file with the Registry and serve on all other parties a summary of that party's argument.
- (7) Not less than 14 days before an appeal is to be heard, each respondent to the appeal shall file with the Registry and serve on all other parties a summary of its argument.
- (8) Not less than 7 days before an appeal is to be heard, any other party who supports the position of a respondent shall file with the Registry and serve on all other parties a summary of the party's argument.
- (9) Not less than 21 days before an Appeal Book is filed the appellant is to file with the Registry and serve on all other parties a proposed index to the Appeal Book.
- (10) Not less than 3 working days before an appeal is to be heard, each respondent is to file copies of any additional transcript or exhibits (if any) on which it relies, and to serve a copy on the appellant and any other respondent(s).
- (11) Any Notice of Appeal, Cross Appeal, Notice of Alternate Contentions, Appeal Book, Statement of Issues and Contentions, written submission or summary of argument is to be served on any other party to the appeal within 2 business days of being filed unless a relevant Act or the Rules provide otherwise.

190. Service and content of Appeal Books

- (1) An Appeal Book shall contain copies of:
 - (a) the Notice of Appeal;
 - (b) the decision appealed from;
 - (c) relevant portions of the transcript of evidence and relevant exhibits; and
 - (d) any other document or material admitted into evidence and relevant to the appeal grounds, cross appeal grounds or Notice of Alternate Contentions.
- (2) Appeal Books must:
 - (a) have a title page;
 - (b) be indexed and paginated;
 - (c) use both sides of good quality A4 sized bond paper;
 - (d) be clear and legible; and
 - (e) be bound by spiral binding not staples or bulldog clips, and not in folders.
- (3) The index to an Appeal Book is to:
 - (a) be located immediately after the title page;
 - (b) contain columns which show the item number of the document, a short description of the document, the date of the document and the page number the document appears at;
 - (c) describe the exhibit or MFI number of any document, including exhibits to affidavits; and
 - (d) number documents consecutively in the item number column.
- (4) To control the size of Appeal Books, parties should as far as practicable:
 - (a) exclude all documents or parts of documents not relevant to the issues on appeal;
 - (b) avoid duplication of documents; and
 - (c) include, when necessary, a concise summary of excluded parts of the evidence at first instance for the purpose of clarity.
- (5) Practice Directions may be issued from time to time in relation to requirements for the lodgement and contents of Appeal Books.

191. Form and content of a summary of argument

- (1) A summary of argument is to be as brief as possible and, without prior permission of the Tribunal, is not to exceed 10 A4 pages.
- (2) A summary of argument must:
 - (a) contain a summary of facts in the decision under appeal;
 - (b) identify and summarise the errors complained of by reference to the grounds of appeal;
 - (c) outline the steps in the reasoning of the argument presented on each issue;
 - (d) contain a succinct statement of each contention advanced by the party followed by references to authorities, (giving paragraph or page numbers), legislation (giving Section numbers), relevant passages of the evidence and exhibits and/or the reasons for the judgment under appeal;
 - (e) identify any ground of appeal not being pursued.
- (3) Except where necessary to identify an error made at first instance, a summary of argument should not set out passages from the reasons for decision of a judgment under appeal, or the evidence, or the authorities relied on, but instead should be a guide to these materials.
- (4) A summary of argument must include any citations from cases or other authority relied on, including details of particular paragraphs or pages to which reference is made.

192. Statements of Issues and Contentions in appeals

- (1) Prior to an appeal being heard a Presidential member may order that a party file and serve a Statement of Issues and Contentions (SOIC).
- (2) A SOIC will usually be ordered in relation to an appeal where a party or parties are not represented or where there is ambiguity or disagreement about the issues.
- (3) An order made under this rule may adopt Rule 112.

193. Written Submissions

- (1) A Presidential member may, at an appeal pre-hearing conference or any other time, order a party to provide written submissions in lieu of oral submissions in relation to an appeal.
- (2) Written submissions are not to exceed 20 A4 pages without prior permission of the Tribunal.
- (3) Written submissions must:
 - (a) in respect of each ground of appeal or issue: set out succinctly each proposition advanced by the party together with references to the reasons for decision, evidence, legislation or authority;
 - (b) in respect of each proposition of law challenged, identify the proposition challenged, state why it is erroneous, provide a correct statement of law and cite any authority relied on in support; and
 - (c) to the extent that reasoning is challenged, explain why the reasoning is erroneous and state what the reasoning should be.
- (4) Written submissions should not, other than in exceptional circumstances, set out passages from the reasons for judgment, evidence, legislation or authorities but rather identify or make reference to them.

194. Compliance with Practice Directions

- (1) The Tribunal may decline to hear an appeal at the time listed if there is non-compliance with a relevant Practice Direction.
- (2) The Tribunal may award the costs of any adjournment due to a failure of a party to comply with a Practice Direction against the party in default.

PART 28—RULES RELATING TO THE USE OF INTERPRETERS

A. INTERPRETERS GENERALLY**195. Main purposes**

The main purposes of this Part are:

- (a) to ensure that the Tribunal has control over the use of interpreters for the interpretation or translation of other languages into English during conferences, mediations, pre-hearing conferences and hearings;
- (b) to recognise the role of an interpreter in the administration of justice by declaring the duties of an interpreter in relation to the Tribunal and the parties to any proceeding which requires interpretation or translation.

196. Interpretation

In this Part:

accurately, in relation to interpreting or translating, means optimally and completely transferring the meaning of another language into English and of English into the other language, preserving the content and intent of the other language or English (as the case may be) without omission or distortion and including details that may be considered inappropriate or offensive;

certified interpreter, in relation to a language other than English, means an interpreter who is accredited, registered or recognised by a recognised agency or the Tribunal as an interpreter for a language other than English;

code of conduct for interpreters means the code of conduct for interpreters set out in this Part and is referred to as the Code in this Part;

interpret means the process by which spoken or signed language is conveyed from one language (the source language) into another (the target language) orally.

interpreter means a person who interprets, translates, or sight translates;

other language means a spoken or signed language other than English.

recognised agency means:

- (a) the National Accreditation Authority for Translators and Interpreters (NAATI); or
- (b) any other organisation approved by the President of the Tribunal to be a recognised agency for the purposes of this Part;

sight translate means the process by which an interpreter or translator presents a spoken interpretation of a written text;

translate means the process by which written language is conveyed from one language (the source language) to another (the target language) in written form.

197. Overarching role of Tribunal members

The rules that follow are subject to any direction made by a Tribunal member in relation to the conduct of a proceeding.

198. Proceedings to be conducted in English

Subject to this Part, proceedings in the Tribunal are to be conducted in English.

199. When an interpreter may be engaged

- (1) If the Tribunal is satisfied that a witness cannot understand and speak the English language sufficiently to enable the witness to understand and make an adequate reply to questions that may be put to the witness, then the witness may give:
 - (a) oral evidence in another language that is interpreted into English by an interpreter who meets the standards and requirements set out in this Part; or
 - (b) evidence by affidavit or statement approved by the Tribunal in English that has been sight translated to the witness by an interpreter who meets the standards and requirements set out in this Part.
- (2) The party calling a witness who requires an interpreter is responsible for informing the Tribunal, sufficiently in advance of any conference or hearing that:
 - (a) the use of an interpreter is required;
 - (b) the language and dialect to be interpreted; and
 - (c) any other relevant matter that would enable the Tribunal to arrange for an appropriately qualified interpreter to be present.
- (3) If the Tribunal is satisfied that a party cannot understand and speak English sufficiently to enable them to understand and participate in the proceeding, the party may be permitted to use an interpreter who meets the standards and requirements set out in this Part to communicate with the Registry (but for no other purpose).

200. Persons who may act as an interpreter

- (1) A person must not act as an interpreter in a proceeding or a proposed proceeding unless the person:
 - (a) is currently a certified interpreter of the language concerned or otherwise satisfies the Tribunal that the person is qualified to act as an interpreter;
 - (b) has read and agreed to comply with the Code; and
 - (c) where required by the Tribunal, takes an oath or makes an affirmation to interpret accurately to the best of the person's ability.
- (2) A person must not act as an interpreter if the person:
 - (a) is or may become a party to, or a witness in, the proceedings or proposed proceedings (other than as the interpreter); or
 - (b) is related to, or has a close personal relationship with, a party or a member of the party's family, or with a witness or potential witness; or
 - (c) has or may have a financial or other interest of any other kind in the outcome of the proceedings or proposed proceedings (other than an entitlement to a reasonable fee for the services provided by the interpreter in the course of the person's engagement or appointment); or
 - (d) is or may be unable to fulfil the person's duty of accuracy or impartiality under the Code for any reason including, without limitation, personal or religious beliefs, cultural or other circumstances.
- (3) A person acting as an interpreter must, if they become aware of a matter referred to in sub-rule (2) during a hearing:
 - (a) immediately disclose the issue to the Tribunal; and
 - (b) cease acting as an interpreter in the proceeding unless the Tribunal advises otherwise.
- (4) Where it is in the interests of justice, the Tribunal may allow a person to act or continue to act as an interpreter despite them not complying with all the requirements in sub-rules (1), (2) and (3) if:
 - (a) the Tribunal is satisfied that, because of the person's specialised knowledge based on their training, study or experience, the person is able to interpret and, if necessary, sight translate accurately to a satisfactory level both to and from another language and English; and
 - (b) the person takes an oath or makes an affirmation to interpret accurately to the best of their ability; and
 - (c) the Tribunal is satisfied that the person understands and accepts that, in acting as an interpreter, they:
 - (i) are not the agent, assistant or advocate of the witness or the party for which the person is to act as an interpreter; and
 - (ii) owe a paramount duty to the Tribunal to be impartial and accurate to the best of their ability; and
 - (d) for the purposes of any trial, the Tribunal directs that the evidence and interpretation be sound recorded for spoken languages and video recorded for sign languages; and
 - (e) the person is over the age of 18 years.

201. Function of interpreters

Unless the Tribunal otherwise orders an interpreter may not assist a party or a party's legal representatives in their conduct of a proceeding or proposed proceeding (including a hearing) except by:

- (a) translating the questions and other spoken or signed communications in connection with the proceedings or proposed proceedings from English into the other language and from the other language into English; or
- (b) sight translating the documents in connection with the proceedings or proposed proceedings from English into the other language and from the other language into English.

202. Interpreted evidence

- (1) Unless the Tribunal orders otherwise, a sight translated affidavit or statement of a witness must be accompanied by an affidavit from an interpreter deposing that:
 - (a) before sight translating the affidavit or statement to the witness, the interpreter:
 - (i) read the Code and agreed to be bound by it; and
 - (ii) had been given an adequate opportunity to prepare to sight translate the affidavit or statement.
 - (b) the interpreter sight translated the entire affidavit or statement to the witness.
 - (c) the witness, through the interpreter, informed the person who prepared the affidavit or statement that the witness:
 - (i) understood the interpreter; and
 - (ii) agreed with the contents of the affidavit or statement; and swore or affirmed the affidavit or signed the statement in the presence of the interpreter.
- (2) Unless the Tribunal otherwise orders, an interpreter who sight translates an affidavit or statement of a witness as described in sub-rule (1) may, but is not required to, interpret the evidence of the witness in any hearing of the proceeding.
- (3) The Tribunal may at any time, of its own motion or on the application of a party, request that an interpreter correct, clarify, qualify or explain their interpretation of evidence or sight translation of a document.

203. Tribunal may give directions concerning interpreters

Without limiting the Tribunal's powers to control its own procedures, the Tribunal may at any time give directions concerning any or all of the following matters having regard to the nature of the proceedings (including the type of allegations made and the characteristics of the parties and witnesses):

- (a) any particular attributes required or not required for an interpreter including, without limitation, gender, age or ethnic, cultural or social background so as to accommodate any cultural or other reasonable concerns of a party or the witness;
- (b) the number of interpreters required in any proceedings and whether relay interpreting should be used;
- (c) establishing the expertise of an interpreter;
- (d) the steps to be taken before an order is made concerning an interpreter;
- (e) what information concerning the proceedings (including, without limitation, pleadings, affidavits, lists of witnesses and other documents) may be provided to a person in advance of any hearing to assist that person to prepare to act as an interpreter at that hearing;
- (f) when, in what circumstances and under what (if any) conditions the information referred to in (e) may be provided;
- (g) whether an interpreter is to interpret the witness's evidence consecutively, simultaneously or in some other way;
- (h) other resources such as dictionaries or other reference works that an interpreter may require to consult in the course of acting as an interpreter;
- (i) the length of time for which an interpreter should interpret during a hearing without a break;
- (j) security for an interpreter including, where necessary, arrangements to preserve the anonymity of the interpreter;
- (k) practical matters concerning an interpreter such as seating for and the location of the interpreter;
- (l) the disqualification, removal or withdrawal of an interpreter, including on the application of the interpreter or any party to the proceedings or by the Tribunal of its own motion.

B. CODE OF CONDUCT FOR INTERPRETERS**204. Application of the code of conduct for interpreters**

The Code applies to any person who, whether or not for fee or any other reward, is engaged, appointed, volunteers or otherwise becomes involved in proceedings or proposed proceedings to act as an interpreter by interpreting or sight translating from any spoken or signed language (the other language) into English and from English into the other language for any reason.

205. Compliance with the code of conduct for interpreters

- (1) An interpreter must comply with the Code.
- (2) Unless otherwise ordered, an interpreter is to have read the Code before interpreting in a Tribunal proceeding.
- (3) Unless otherwise ordered, a witness may not give evidence using an interpreter unless the Tribunal is satisfied that the interpreter has read the Code and has agreed to be bound by it.
- (4) This rule is subject to Rule 197.

206. General duty to the Tribunal

- (1) An interpreter owes a paramount duty to the Tribunal to be impartial and accurate to the best of their ability.
- (2) The duty to the Tribunal overrides any duty the person may have to a party.
- (3) An interpreter must interpret, translate or sight translate impartially.
- (4) An interpreter is not to act in any way as an advocate, agent or assistant for a party or witness.

- (5) Unless the Tribunal orders otherwise, an interpreter must:
 - (a) interpret questions and all other spoken communications in the conference or hearing of the proceedings from English into the other language and from the other language into English; and
 - (b) subject to sub-rule (4), sight translate documents shown to the witness, whether before or during the course of the witness' statement in the course of a conference or evidence at a hearing.
- (6) An interpreter may refuse to sight translate if:
 - (a) the interpreter considers that they are not competent to do so; or
 - (b) the task is too onerous or difficult by reason of the length or complexity of the task.

207. Duty to comply with directions

An interpreter must comply with any directions made by the Tribunal.

208. Duty of accuracy

- (1) An interpreter must at all times during a proceeding use judgement to interpret, translate or sight translate as accurately as possible.
- (2) An interpreter must optimally and completely transfer the meaning of the language being interpreted, so as to preserve the content and intent of the other language or English (as the case may be) without omission or distortion, including by accurately interpreting matters that may be considered inappropriate or offensive.
- (3) If an interpreter considers that their interpretation or sight translation is or could be in any way inaccurate or incomplete, or may require qualification or explanation (including where the other language is ambiguous or otherwise unclear for any reason), then the interpreter must:
 - (a) immediately inform the party who engaged them in relation to any pre-trial matter and advise the Tribunal and provide the necessary correction, qualification or explanation to that party or the Tribunal (as the case may be); and
 - (b) if evidence is being given in a hearing, immediately inform the Tribunal and provide the necessary correction, qualification or explanation to the presiding Tribunal member; and
 - (c) if in a conference, mediation or directions hearing, immediately inform the presiding Tribunal member and provide the necessary correction, qualification or explanation to the presiding Tribunal member.

209. Duty of impartiality

An Interpreter must at all times act impartially so as to be without bias in favour of or against any person, including but not limited to:

- (a) the witness whose evidence the Interpreter is engaged to interpret, translate or sight translate;
- (b) in circumstances of pre-action or pre-trial engagement by a party, the party who has engaged or is remunerating the Interpreter.

210. Interpreters are not to assist a party or person involved in proceedings

- (1) An interpreter must not provide any other assistance, service or advice (including by way of elaboration) to:
 - (a) the party, legal representative or other person who has engaged them; or
 - (b) any witness or potential witness, in relation to the proceeding or proposed proceeding.
- (2) In any proceeding when the Tribunal sits as the Court an interpreter must not provide any service or assistance to a party or witness outside of the hearing without the approval of the Presidential member conducting the hearing.

211. Duty of competence

An interpreter must only undertake interpreting work that they are competent to perform in the languages for which the interpreter is qualified by reason of the Interpreter's training, qualifications or experience.

212. Confidentiality

Subject to compulsion of law, an interpreter must keep confidential any information that they acquire in the course of an engagement or appointment as an interpreter unless:

- (a) the information is in, or comes into, the public domain other than an interpreter breaching their duty of confidentiality; or
- (b) the beneficiary of any legal professional privilege has waived that privilege.

PART 29—CONTEMPT OF THE TRIBUNAL**213. Contempt committed in the face of the Tribunal**

- (1) If a contempt is committed in the face of the Tribunal and needs to be dealt with urgently, the Tribunal sitting as the Court may:
 - (a) if the person alleged to have committed the contempt (the Accused) is within the precincts of the Tribunal, order that the Accused be taken into custody; or
 - (b) issue a warrant to have the Accused arrested and brought before the Tribunal to be dealt with on a charge of contempt.
- (2) The Tribunal must formulate a written charge containing reasonable details of the alleged contempt and have the charge served on the Accused when, or as soon as practicable after, the Accused is taken into custody.

214. Tribunal initiated proceedings for contempt—other cases

- (1) If the Tribunal decides on its own initiative to deal with a contempt of the Tribunal, a registrar may be required to formulate a written charge containing reasonable details of the alleged contempt.
- (2) A registrar will then issue a summons requiring the Accused to appear before the Tribunal at a nominated time and place to answer the charge.
- (3) The Tribunal may issue a warrant to have the Accused arrested and brought before it to answer the charge if:
 - (a) there is reason to believe that the Accused will not comply with a summons; or
 - (b) a summons has been issued and served but the Accused has failed to appear in compliance with it.

215. Contempt proceedings by a party to proceedings

- (1) A party to a proceeding who claims to have been prejudiced by a contempt of the Tribunal committed by another party or a witness or another person in relation to the proceeding may apply to the Tribunal to have the Accused charged with contempt.
- (2) An application under sub-rule (1) must:
 - (a) be made as an interlocutory application supported by affidavit; and
 - (b) include details of the alleged contempt.
- (3) An application under sub-rule (1) may be made without notice to the Accused or other parties but the Tribunal may direct the applicant give notice of the application to the Accused or the parties or both.
- (4) If a Presidential member of the Tribunal is satisfied on an application under sub-rule (1) that there are reasonable grounds to suspect the Accused of the alleged contempt, the Tribunal may require a registrar to formulate a written charge containing reasonable details of the alleged contempt.
- (5) The Registrar will then issue a summons requiring the Accused to appear before the Tribunal at a nominated time and place to answer the charge.
- (6) The Tribunal may issue a warrant to have the Accused arrested and brought before it to answer the charge if:
 - (a) there is reason to believe that the Accused will not comply with a summons; or
 - (b) a summons has been issued and served but the Accused has failed to appear in compliance with it.

216. Hearing a charge of contempt

- (1) A charge of contempt is to be dealt with by the Tribunal sitting as the Court constituted by a single Presidential member except if the contempt is a contempt of the Full Tribunal in which case the Full Tribunal may itself deal with the charge.
- (2) The Registrar will have the carriage of prosecuting a charge of contempt and may retain solicitors and counsel for that purpose.
- (3) In relation to proceedings for contempt initiated by an application made under rule 215(1), the Tribunal may direct the applicant to indemnify the Registrar in respect of the costs incurred by the Registrar or ordered to be paid by the Registrar and this right of cost recovery is additional to that contained in Rule 217(4).
- (4) The Tribunal will deal with a charge of contempt as follows:
 - (a) the Tribunal will hear relevant evidence for and against the charge from the prosecutor and the Accused;
 - (b) the Tribunal may, on its own initiative, call witnesses who may be able to give relevant evidence;
 - (c) at the conclusion of the evidence, the Tribunal will allow the prosecutor and the Accused a reasonable opportunity to address it on the question whether the charge has been established;
 - (d) if, after hearing the evidence and representations from the prosecutor and the Accused, the Tribunal is satisfied beyond reasonable doubt that the charge has been established, the Tribunal will find the Accused guilty of the contempt;
 - (e) the Tribunal will, if it finds the Accused guilty of the contempt, allow the prosecutor and the Accused a reasonable opportunity to make submissions on penalty;
 - (f) the Tribunal will then determine and impose a penalty.
- (5) A witness called by the Tribunal may be cross-examined by the prosecutor and the Accused.

217. Punishment of contempt

- (1) This rule applies to the Tribunal sitting as the Court.
- (2) The Tribunal may punish a contempt by a fine or imprisonment or both.
- (3) If the Tribunal imposes a fine, it may fix:
 - (a) the time for payment of the fine; and
 - (b) a term of imprisonment in default of payment of the fine.
- (4) The Tribunal may order a person who has been found guilty of a contempt to pay the costs of the contempt proceedings.
- (5) The Tribunal may release a person who has been found guilty of a contempt on the person entering into an undertaking to observe conditions determined by the Tribunal.
- (6) The Tribunal may, on its own initiative or on application by an interested person, cancel or reduce a penalty imposed for a contempt.
- (7) An order for the imposition of a penalty for a contempt, or for the cancellation of a penalty imposed for a contempt may be:
 - (a) made on conditions the Tribunal considers appropriate; and
 - (b) suspended on conditions the Tribunal considers appropriate.
- (8) The Tribunal may, on its own initiative or on application by the Registrar:
 - (a) cancel the release of a person who has been released under sub-rule (5) for breach of a condition of the undertaking; and
 - (b) issue a warrant to have the person arrested and brought before the Tribunal to be dealt with for the original contempt.
- (9) If directed to do so by the Tribunal, the Registrar must give effect to an order made or warrant issued under sub-rule (8).

PART 30—MISCELLANEOUS

218. Transfer of proceedings

An application to transfer a proceeding to another tribunal or court under Section 83A(1) of the SAET Act must be made by filing an application for directions in the approved form P05 and a supporting affidavit which explains why it is more appropriate or expeditious that the matter be dealt with by that tribunal or court.

219. Notice of hearing

Before an application is heard, a registrar must give notice of the time and place of the hearing to the applicant and any other party who has been served with the application.

220. Location of hearing

- (1) If a party wishes a proceeding, or part of a proceeding, to be heard at a place other than the Tribunal's principal location in Adelaide, an application to have a hearing in a specified place should be made and reasons given for the request.
- (2) An application made under sub-rule (1) will be determined by the Tribunal member who is to hear the proceeding.

221. Provision of consent orders

- (1) For the purposes of this rule, settlement occurs in a proceeding when all parties agree they are bound by the terms which resolve the issues in dispute.
- (2) Parties are to advise the Tribunal in writing within 7 days of settlement occurring in a proceeding.
- (3) A Commissioner or Presidential member may record when settlement is reached and may require the parties to set out the terms of settlement orally or in writing.
- (4) The Tribunal may cancel any conference, attendance or hearing scheduled in a proceeding after settlement has been reached.
- (5) Subject to contrary order, draft consent orders in the approved form P33 along with evidence of consent by all parties are to be provided within 28 days of settlement.
- (6) For the purposes of this rule, in a proceeding where an order for costs can be made, agreement about whether a party is entitled to receive costs or pay costs is required before settlement occurs, but agreement of the amount payable to or by any party is not required for settlement to occur.

222. Procedure for identifying and dealing with a summary proceeding

- (1) Subject to the SAET Act, any relevant Act, the Rules and any Practice Direction, a Presidential member may direct that a proceeding, or a type or class of proceeding identified by a Practice Direction, be heard and determined as a summary proceeding.
- (2) A summary proceeding may be heard by such Tribunal member as a Presidential member directs.
- (3) A summary proceeding may be heard with little or no delay.
- (4) Without limiting the ambit of a direction which may be made in relation to a summary proceeding, the Tribunal may direct that:
 - (a) a hearing proceed based on available documentary evidence only;
 - (b) the evidence of any witness be reduced to writing;
 - (c) some or all witnesses not be required for cross-examination;
 - (d) the parties agree the facts, or some of them;
 - (e) the parties reduce their contentions, and the factual and legal findings they say should be made, to writing.
 - (f) the time for each party to present its case be limited to a specified time.

223. Disrupting Tribunal proceedings

- (1) If a Tribunal member considers that a person may have committed a contempt of the Tribunal as defined in Section 91(1) of the SAET Act, a referral may be made to the President or a Presidential member to whom the President has delegated the power to deal with the contempt.
- (2) A Presidential member who receives a referral under sub-rule (1) will consider what action should be taken, including whether a charge of contempt should be laid against the person who has potentially committed a contempt.
- (3) Without limiting the generality of what order or orders may be made under this rule, a Presidential member may, after giving an opportunity to all affected parties to be heard, stay or strike out a proceeding or order that the proceeding continue subject to terms and conditions.

224. Application to attend an examination by a health practitioner

- (1) Subject to this rule, in any proceeding before the Tribunal in which the physical or mental condition of a person is a relevant issue and the person seeks a benefit or payment to which medical evidence may be relevant, another party may make an application to the Tribunal under this rule seeking an order that the person submit to examination by a specified health practitioner at a specified time and place.
- (2) A party making an application under this rule must organise the examination, provide the person to be examined with reasonable notice of the examination and be responsible for any fee or charge associated with the examination.
- (3) A party making an application under this rule must, if requested by the person or their representative, pay to or on behalf of the person travel and/or parking costs of a person attending the medical examination.
- (4) Where a person opposes an application made under this rule or attends the examination but does not do or answer all things reasonably requested by the health practitioner to facilitate the examination, the Tribunal may on application by another party, stay the proceedings or make such other order or direction as is appropriate.

225. Former Commissioners appearing in the Tribunal

- (1) A legal practitioner who is a former Commissioner is not permitted to accept or retain a brief or instructions to appear in the Tribunal in the jurisdiction(s) to which they were previously assigned for a period of 2 years after ceasing to be a Commissioner.
- (2) Sub-rule (1) does not apply to a legal practitioner who was a Commissioner for one year or less.

226. Fees may be published

- (1) The Registrar may from time to time by notice published in the SA Government Gazette, specify the amount of any fee payable for:
 - (a) filing any proceeding or document;
 - (b) being provided with transcript of any proceeding, whether electronically or in paper form;
 - (c) the use of an interpreter in a proceeding;

- (d) undertaking a search of any record held by the Tribunal;
 - (e) copying documents;
 - (f) summoning any document, person or thing.
- (2) A registrar may direct that the whole or any part of fees otherwise payable under this rule will not be charged in a proceeding or, if charged and paid, be returned.

227. Paying money into the Tribunal

- (1) Money paid into the Tribunal is to be paid into the SAET Fund established by the Registrar.
- (2) Money is to be paid out of the SAET Fund either:
 - (a) by order of a Presidential member; or
 - (b) on the direction of the Registrar.
- (3) The SAET Fund and any income it produces are to be invested by the Registrar as a common fund under Section 21 of the *Public Finance and Audit Act 1987*.
- (4) As soon as practicable after the last days of June and December in each year, the Registrar is to fix the rate of interest payable in respect of funds in the Tribunal for the preceding half-year and credit interest to the common fund or any special fund at those times.
- (5) When money is paid out during any half-yearly period the rate of interest applicable to the previous half-year will apply unless the Registrar directs otherwise.
- (6) Interest accrues from day to day up to the date when payment out is made.

228. Review of exercise of administrative power by a registrar—Section 72 SAET Act

- (1) An application for review of the exercise of an administrative power by a registrar in relation to a proceeding before the Tribunal must be filed within 14 days of the administrative power being exercised.
- (2) An application under sub-rule (1) must be made in the approved form A94, set out the grounds of review and describe the relief sought.
- (3) A Tribunal member may make orders in relation to whether any party or non-party to a proceeding is served with an application brought under this rule.

229. Delegation

- (1) With the permission of the President, the Registrar may delegate to a member of the staff of the Tribunal a function of a registrar under the Rules.
- (2) A delegation under sub-rule (1):
 - (a) must be in writing; and
 - (b) may be conditional; and
 - (c) must not derogate from the ability of the Registrar to act in any matter; and
 is revocable at will by the Registrar.

Dated: 18 November 2024

THE HONOURABLE JUSTICE STEVEN DOLPHIN
President of the Tribunal
HIS HONOUR JUDGE MARK CALLIGEROS
Deputy President of the Tribunal

 RULES HISTORY

| Title | Commenced | Revoked |
|--|---|---|
| <i>South Australian Employment Tribunal Rules 2015</i> | 1 July 2015 SA Government Gazette : 18 June 2015 (No. 37, page 2918) | 1 July 2017 |
| <i>South Australian Employment Tribunal Rules 2017</i> | 1 July 2017 SA Government Gazette : 27 June 2017 (No. 42, page 2652) | 3 February 2022 |
| <i>South Australian Employment Tribunal Rules 2017</i> | Amendment No. 1 SA Government Gazette : 6 February 2018 (No. 8, page 669) | Rule 11 revoked and substituted Rule 22(3) revoked and substituted Rule 55(7) amended |
| <i>South Australian Employment Tribunal Rules 2022</i> | 3 February 2022 SA Government Gazette : 3 February 2022 (No. 7, page 230) | |
| <i>South Australian Employment Tribunal Rules 2022</i> | Amendment No. 1 SA Government Gazette : 21 August 2024 (No. 58, page 2519) | |
| <i>South Australian Employment Tribunal Rules 2024</i> | | |

SUMMARY OFFENCES ACT 1953

DECLARED PUBLIC PRECINCTS

Ministerial Declaration

I, Kyam Joseph Maher, Attorney-General in the State of South Australia, being the Minister responsible for the administration of Part 14B—Declared Public Precincts of the *Summary Offences Act 1953*, **DO HEREBY DECLARE** pursuant to the provisions of Section 66N of the said Act that the area, comprised of more than one public place, within the following boundaries:

- Northern boundary of North Terrace to western boundary of Montefiore Road
- Western boundary of Montefiore Road to the southern bank of the River Torrens
- Southern bank of the River Torrens to eastern boundary of King William Road (adjacent to the King William Road Bridge)
- Eastern boundary of King William Road to the northern boundary of North Terrace
- Northern boundary of North Terrace to the eastern boundary of Pulteney Street
- Eastern boundary of Pulteney Street to the southern boundary of Grenfell Street
- Southern boundary of Grenfell Street and Currie Street to the western boundary of West Terrace
- Western boundary of West Terrace to northern boundary of North Terrace;

will be a declared public precinct for a period of 8 hours from 10:00pm on Tuesday, 31 December 2024 to 6:00am Wednesday, 1 January 2025.

This Declaration period combined with the current Declaration made 10 July 2024 combines a total of 20 hours in one 24 hour period. I am satisfied that special circumstances exist in this particular case to allow the extra hours.

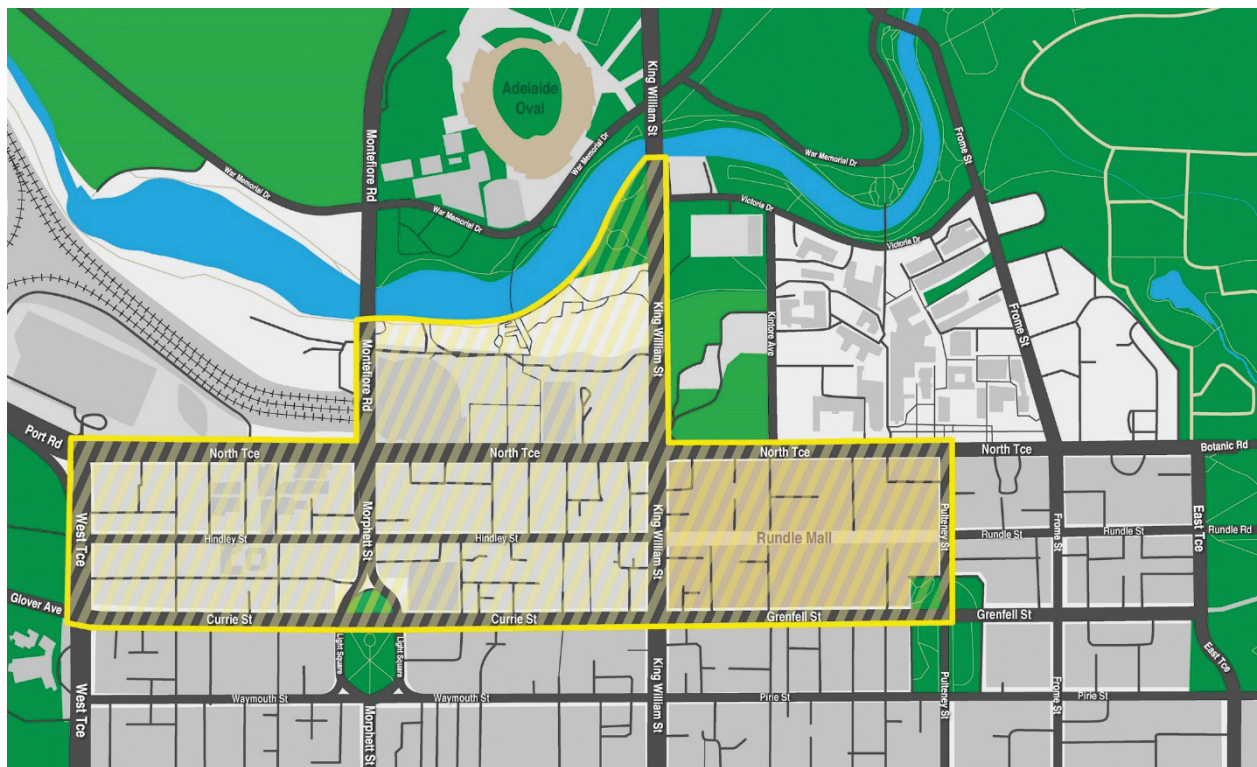
References to boundaries identified by streets, roads or terraces for the purpose of this declaration will be taken to mean and include the area up to applicable building or fence lines, or the imagined projection thereof, on the relevant boundary.

I am satisfied that there is, during the period specified in this declaration, a reasonable likelihood of conduct in the area posing a risk to public order and safety.

I am satisfied that the inclusion of each public place in the area is reasonable having regard to that identified risk.

Dated: 28 November 2024

KYAM MAHER
Attorney-General



TOBACCO AND E-CIGARETTE PRODUCTS ACT 1997

SECTION 78(4)

Declaration of Designated Acts

I, Hon Chris Picton MP, Minister for Health and Wellbeing, pursuant to Section 78(4) of the *Tobacco and E-Cigarette Products Act 1997* (the Act) and Section 38(1) of the *Legislation Interpretation Act 2021*, designate each of the following for the purpose of paragraph (e) of the definition of *designated Act* in Section 78(4) of the Act:

- (a) *Building Work Contractors Act 1995*;
- (b) *Conveyancers Act 1994*;
- (c) *Fair Trading Act 1987*;
- (d) *Hairdressers Act 1988*;
- (e) *Labour Hire Licensing Act 2017*;
- (f) *Land Agents Act 1994*;
- (g) *Land and Business (Sale and Conveyancing) Act 1994*;
- (h) *Land Valuers Act 1994*;
- (i) *Plumbers, Gas Fitters and Electricians Act 1995*;
- (j) *Residential Tenancies Act 1995*;
- (k) *Residential Parks Act 2007*;
- (l) *Second-Hand Vehicle Dealers Act 1995*;
- (m) *Security and Investigation Industry Act 1995*;
- (n) *Tattooing Industry Control Act 2015*.

Dated: 25 November 2024

HON CHRIS PICTON MP
Minister for Health and Wellbeing

TOBACCO AND E-CIGARETTE PRODUCTS ACT 1997

SECTION 71

Exemption—Authorised Officers—Confidentiality

I, Hon Chris Picton MP, Minister for Health and Wellbeing, pursuant to Section 71(1)(a) of the *Tobacco and E-Cigarette Products Act 1997* (the Act), exempt, for the period of 28 November 2024 to 12 December 2024, authorised officers from the operation of section 78 of the Act in relation to the disclosure of information to:

- (a) a police officer or a member of the police force of another State, a Territory of the Commonwealth or the Commonwealth; or
- (b) an agency or instrumentality of another State or a Territory of the Commonwealth that is responsible for the administration or enforcement of a corresponding law; or
- (c) any other agency or instrumentality of this State, the Commonwealth or another State or a Territory of the Commonwealth for the purposes of the proper performance of its functions.

In this notice **corresponding law** means a law of another jurisdiction that corresponds or substantially corresponds to the Act.

Dated: 25 November 2024

HON CHRIS PICTON MP
Minister for Health and Wellbeing

TOBACCO AND E-CIGARETTE PRODUCTS ACT 1997

SECTION 71

Exemption—Register—Contact Details of Licence Holders

I, Hon Chris Picton MP, Minister for Health and Wellbeing, pursuant to Section 71(1)(a) of the *Tobacco and E-Cigarette Products Act 1997* (the Act) and Section 38(1) of the *Legislation Interpretation Act 2021*, exempt the Minister from the operation of Section 73(3) of the Act, but only to the extent that the register which the Minister makes publicly available on a website determined by the Minister need not make publicly available the contact details of the holder of the licence.

Dated: 25 November 2024

HON CHRIS PICTON MP
Minister for Health and Wellbeing

TOBACCO AND E-CIGARETTE PRODUCTS ACT 1997

SECTION 71

Exemption—Established Shisha Café

I, Hon Chris Picton MP, Minister for Health and Wellbeing, pursuant to Section 71(1)(a) of the *Tobacco and E-Cigarette Products Act 1997* (the Act), declare:

1. A person who, while seated, smokes shisha tobacco at an established shisha café is exempt from Section 52(2) of the Act, to the extent that smoking would be banned at that location by reason of Section 52(2) of the Act and Regulation 21 of the *Tobacco and E-Cigarette Products Regulations 2019* (the regulations).
2. In this notice:
 - (a) *shisha café* means premises at which shisha tobacco is sold, for smoking by the purchaser at that premises.
 - (b) a shisha café is an *established shisha café* if the relevant premises was used as a shisha café on the date that this notice was published in the Government Gazette.
3. This exemption ceases on 6 December 2026.

Dated: 26 November 2024

HON CHRIS PICTON MP
Minister for Health and Wellbeing

LOCAL GOVERNMENT INSTRUMENTS

CITY OF ADELAIDE

LOCAL GOVERNMENT ACT 1999—SECTION 232

Proposal to Plant Vegetation Within the Footpath

City of Adelaide gives notice of its proposal to plant 2 new street trees and reinstate 1 street tree within the footpath at 60 King William Street. Planter boxes will be installed as a temporary measure in this location.

Under the *Local Government Act 1999*, Council is required to undertake public consultation in accordance with its public consultation policy before it plants vegetation on a road and or footpath, that may have significant impact on residents, nearby businesses or advertisers in the area.

Copies of the proposed designs are available for inspection and purchase at the Council's principal office, 25 Pirie Street Adelaide SA 5000.

For further information in relation to the consultation process or to provide feedback on the proposal you can visit ouradelaide.sa.gov.au, or the Council's principal office, Council libraries and community centres during their hours of operation.

All submissions must be received by 5:00 pm on Thursday 19th of December 2024.

Dated: 26 November 2024

MICHAEL SEDGMAN
Chief Executive Officer

CITY OF PLAYFORD

Change of Public Place—Dwight Reserve North, Elizabeth Downs

Notice is hereby given pursuant to Section 219 of the *Local Government Act 1999* of the change of public place of the portion of land known as 185 Yorktown Road Elizabeth Downs SA 5113 (Allotment 136, Deposited Plan 9519, Certificate of Title 5519/172) formerly known as Dwight Reserve North, to be changed to Barry Warren Reserve. Name change of reserve to take effect on 2 December 2024.

Dated: 28 November 2024

STEFFANI GOODCHILD
Manager, Sport and Property

CITY OF PORT LINCOLN

LOCAL GOVERNMENT ACT 1999

Representation Review

Notice is hereby given that the City of Port Lincoln, in accordance with the requirements of Section 12 (4) of the *Local Government Act 1999*, has reviewed its composition and elector representation arrangements.

Pursuant to Section 12 (13)(a) of the said Act, the Electoral Commissioner has certified that the review undertaken by Council satisfies the requirements of Section 12 and may therefore now apply for the first periodic election held after the publication of this notice.

The representation arrangements are as follows:

- The Principal Member of Council is to be a Mayor, elected by the community.
- The Elected Council will comprise the Mayor and nine (9) area councillors.
- The Council area not be divided into wards.

Dated: 28 November 2024

ERIC BROWN
Chief Executive Officer

CITY OF VICTOR HARBOR

LIQUOR LICENSING ACT 1997—SECTION 131(1A)

Liquor Licensing (Dry Areas) Notice 2024

1. Short Title

This notice may be cited as the *Liquor Licensing (Dry Areas) Notice 2024*.

2. Commencement

This notice comes into operation on 31 December 2024.

3. Interpretation

(1) In this notice:

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

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

4. Consumption etc of Liquor Prohibited in Dry Areas

(1) Pursuant to Section 131 of the Act, the consumption and possession of liquor in the area described in the Schedule is prohibited in accordance with the provisions of the Schedule.

(2) The prohibition has effect during the periods specified in the Schedule.

(3) The prohibition does not extend to private land in the area described in the Schedule.

(4) Unless the contrary intention appears, the prohibition of the possession of liquor in the area does not extend to

- (a) a person who is genuinely passing through the area if:
 - (i) the liquor is in the original container in which it was purchased from licensed premises; and
 - (ii) the container has not been opened; or
- (b) a person who has possession of the liquor in the course of carrying on a business or in the course of his or her employment by another person in the course of carrying on a business; or
- (c) a person who is permanently or temporarily residing at premises within the area or on the boundary of the area and who enters the area solely for the purpose of passing through it to enter those premises or who enters the area from those premises for the purpose of leaving the area.

SCHEDULE—VICTOR HARBOR AREA 1 AND 2

1. Extent of Prohibition

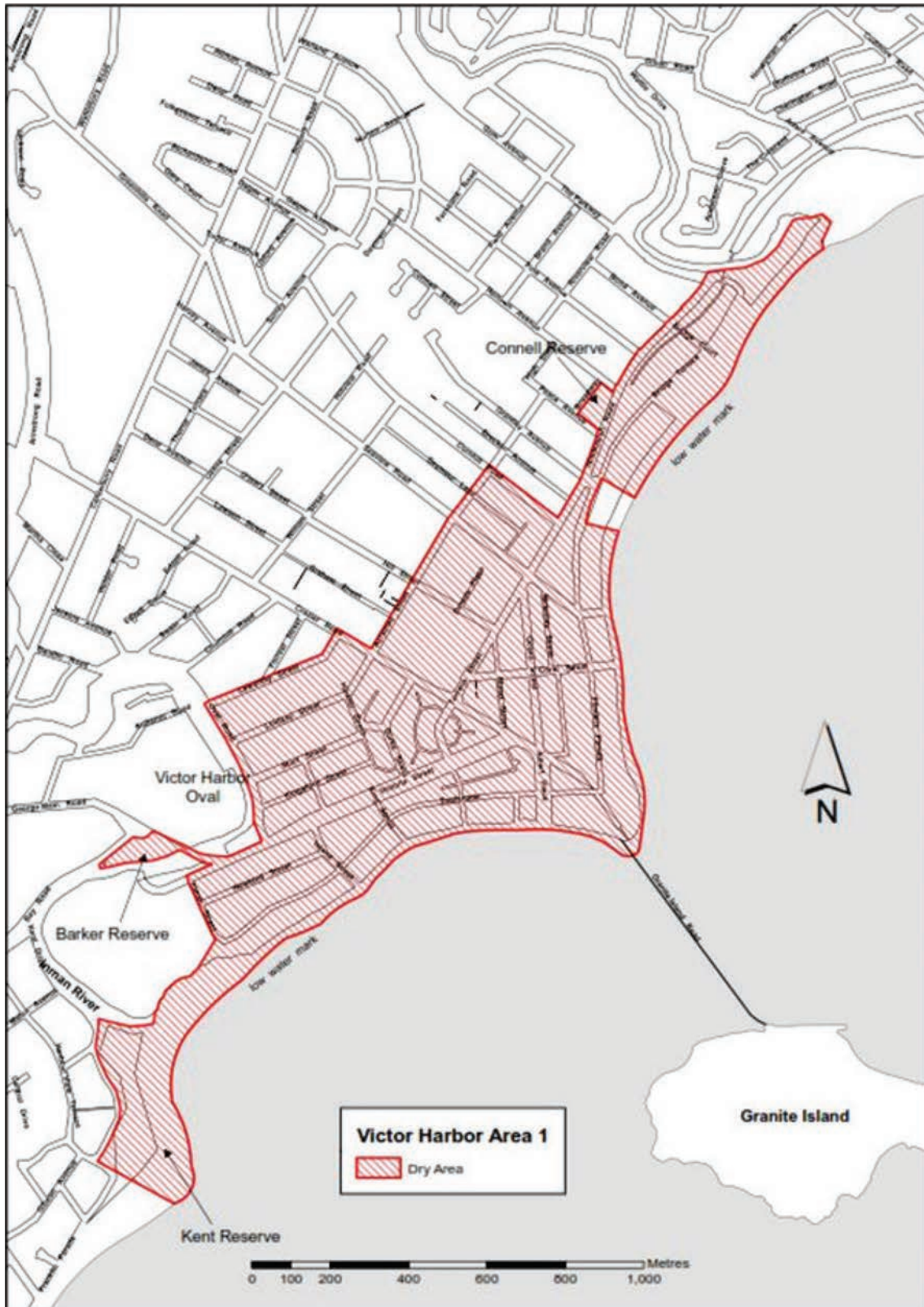
The consumption of liquor is prohibited and the possession of liquor is prohibited.

2. Period of Prohibition

From 3pm on 31 December 2024 to 9am 1 January 2025.

3. Description of Area*Victor Harbor Area 1*

The area in and adjacent to Victor Harbor bounded as follows: commencing at the point at which the north-western boundary of Hindmarsh Road intersects the southern bank of the Hindmarsh River, then generally north-easterly along that bank of the Hindmarsh River to the low water mark of Encounter Bay, then generally south-westerly along the low water mark to the point at which it meets the northern boundary of the area defined in Schedule—Victor Harbor Area 3 (the prolongation in a straight line of the northernmost boundary of the bitumenised car parking area immediately to the north of the skating arena of the Victor Harbor Skate and Youth Park), then generally north-westerly, south-westerly and south-easterly around the northern, western and southern boundaries of that area back to the low water mark of Encounter Bay, then generally southerly along the low water mark to the eastern side of the causeway linking Granite Island to the mainland, then in a straight line by the shortest route to the low water mark on the western side of the causeway, then generally westerly, south-westerly, southerly and south-westerly along the low water mark to the point at which it is intersected by the prolongation in a straight line of the south-western boundary of Harbour View Terrace, then north-westerly along that prolongation and boundary of Harbour View Terrace to the point at which it is intersected by the prolongation in a straight line of the north-western boundary of Kent Drive, then generally north-easterly, northerly and north-westerly along that prolongation and boundary of Kent Drive to the point at which it is intersected by the prolongation in a straight line of the south-eastern boundary of a foot bridge across the Inman River (being the foot bridge closest to the mouth of the river), then north-easterly along the line of that south-eastern boundary of the foot bridge across the river to the south-western boundary of the Victor Harbor Beachfront Holiday Park, then generally south-easterly and north-easterly along the boundary of the park to the south-western boundary of Inman Street, then north-westerly along that boundary of Inman Street and the prolongation in a straight line of that boundary to the north-western boundary of Victoria Street, then north-easterly along that boundary of Victoria Street to the south-western boundary of George Main Road, then north-westerly along that boundary of George Main Road to the northern bank of the Inman River, then westerly along that bank of the river to the point at which it is intersected by the prolongation in a straight line of the western boundary of Lot 57 of FP 20694, then north-westerly along that prolongation to the kerb line on the south-eastern side of Bay Road, then generally north-easterly along that kerb line to the kerb line on the south-western side of George Main Road, then in a straight line by the shortest route across George Main Road to the north-eastern boundary of that road, then south-easterly along that boundary of George Main Road to the north-western boundary of Victoria Street, then north-easterly along that boundary of Victoria Street to the south-western boundary of Oval Road, then generally north-westerly along that boundary of Oval Road to the point at which it is intersected by the prolongation in a straight line of the north-western boundary of Leworthy Street, then generally north-easterly along that prolongation and boundary of Leworthy Street, and the prolongation in a straight line of that boundary, to the north-eastern boundary of Crozier Road, then south-easterly along that boundary of Crozier Road to the north-western boundary of Acraman Street, then north-easterly along the north-western boundaries of Acraman Street and Carlyle Street to the point at which the north-western boundary of Carlyle Street intersects the north-eastern boundary of Cornhill Road, then south-easterly along that north-eastern boundary of Cornhill Road to the north-western boundary of Hindmarsh Road, then north-easterly along that boundary of Hindmarsh Road to the north-eastern boundary of Peace Avenue, then north-westerly along that boundary of Peace Avenue to the south-eastern boundary of Broadway Terrace, then north-easterly along that boundary of Broadway Terrace to the south-western boundary of Renown Avenue, then south-easterly along that boundary of Renown Avenue to the north-western boundary of Hindmarsh Road, then generally north-easterly along that boundary of Hindmarsh Road to the point of commencement. The area includes the whole of any wharf, jetty, boat ramp, breakwater or other structure that extends below low water mark from within the area (as well as any area beneath such a structure), but does not include that part of the causeway to Granite Island that lies within the area to which the prohibition in Schedule—Victor Harbor Area 2 applies.



Victor Harbor Area 2

The whole of Granite Island to low water mark, together with the whole of the causeway linking the mainland and Granite Island (apart from the part of the causeway above the low water mark on the mainland as well as any area beneath the causeway). In addition to the causeway, the area also includes the whole of any wharf, jetty, boat ramp, breakwater or other structure extending below low water mark from Granite Island, as well as any area beneath such a structure.



SCHEDULE—HAYBOROUGH 2

1. Extent of Prohibition

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

2. Period of Prohibition

From 3pm on 31 December 2024 to 9am 1 January 2025.

3. Description of Area

Hayborough Area 2

The area in and adjacent to Hayborough (being the area generally known as the Investigator car park, together with other land) bounded on the north by the southwesterly prolongation in a straight line of the southern boundary of Lot 401 DP 3207, on the east by the south-easterly prolongation in a straight line of the western boundary of that Lot, on the south by the low water mark of Encounter Bay and on the west by the eastern boundaries of Lots 1 and 2 DP 91118 and the south-easterly prolongation in a straight line of the eastern boundary of Lot 2 DP 91118.



Dated: 28 November 2024

KAREN ROKICINSKI
Acting Chief Executive Officer

CITY OF VICTOR HARBOR

Review of Elector Representation

Notice is hereby given that the City of Victor Harbor is undertaking a review to determine whether a change of arrangements is required with respect to elector representation to ensure the electors of the area are being adequately and fairly represented.

Pursuant to the provisions of Section 12(7) of the *Local Government Act 1999*, notice is hereby given that the Council has prepared a draft Representation Review Report that:

- examines the advantages and disadvantages of the various arrangements available to the Council in regard to its future composition and structure; and
- sets out the proposal that the Council considers should be carried into effect from polling day of the next Local Government Periodic Elections, proposed to be held in November 2026.

A copy of the draft Representation Review Report is available on the Council's website www.victor.sa.gov.au or a copy can be inspected or obtained at the Council's Principal Office at 1 Bay Road, Victor Harbor.

Written submissions are invited from interested persons. They should be directed to the Chief Executive Officer, PO Box 11, Victor Harbor SA 5211, or emailed to localgov@victor.sa.gov.au, and should be received by 5 pm on Friday, 10 January 2025.

Further information regarding the Elector Representation Review can be obtained by email at localgov@victor.sa.gov.au.

Dated: 28 November 2024

KAREN ROKICINSKI
Acting Chief Executive Officer

ALEXANDRINA COUNCIL

LIQUOR LICENSING ACT 1997—SECTION 131(1A)

*Liquor Licensing (Dry Areas) Notice 2024***1. Short title**

This notice may be cited as the *Liquor Licensing (Dry Areas) Notice 2024*.

2. Commencement

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

3. Interpretation

(1) In this notice:

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

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

4. Consumption etc of liquor prohibited in dry areas

(1) Pursuant to section 131 of the Act, the consumption and possession of liquor in the area described in the Schedule is prohibited in accordance with the provisions of the Schedule.

(2) The prohibition has effect during the periods specified in the Schedule.

(3) The prohibition does not extend to private land in the area described in the Schedule.

(4) Unless the contrary intention appears, the prohibition of the possession of liquor in the area does not extend to:

(a) a person who is genuinely passing through the area if:

- (i) the liquor is in the original container in which it was purchased from licensed premises; and
- (ii) the container has not been opened; or

(b) a person who has possession of the liquor in the course of carrying on a business or in the course of his or her employment by another person in the course of carrying on a business; or

(c) a person who is permanently or temporarily residing at premises within the area or on the boundary of the area and who enters the area solely for the purpose of passing through it to enter those premises or who enters the area from those premises for the purpose of leaving the area.

SCHEDULE 1—STRATHALBYN AREA 1

1. Extent of prohibition

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

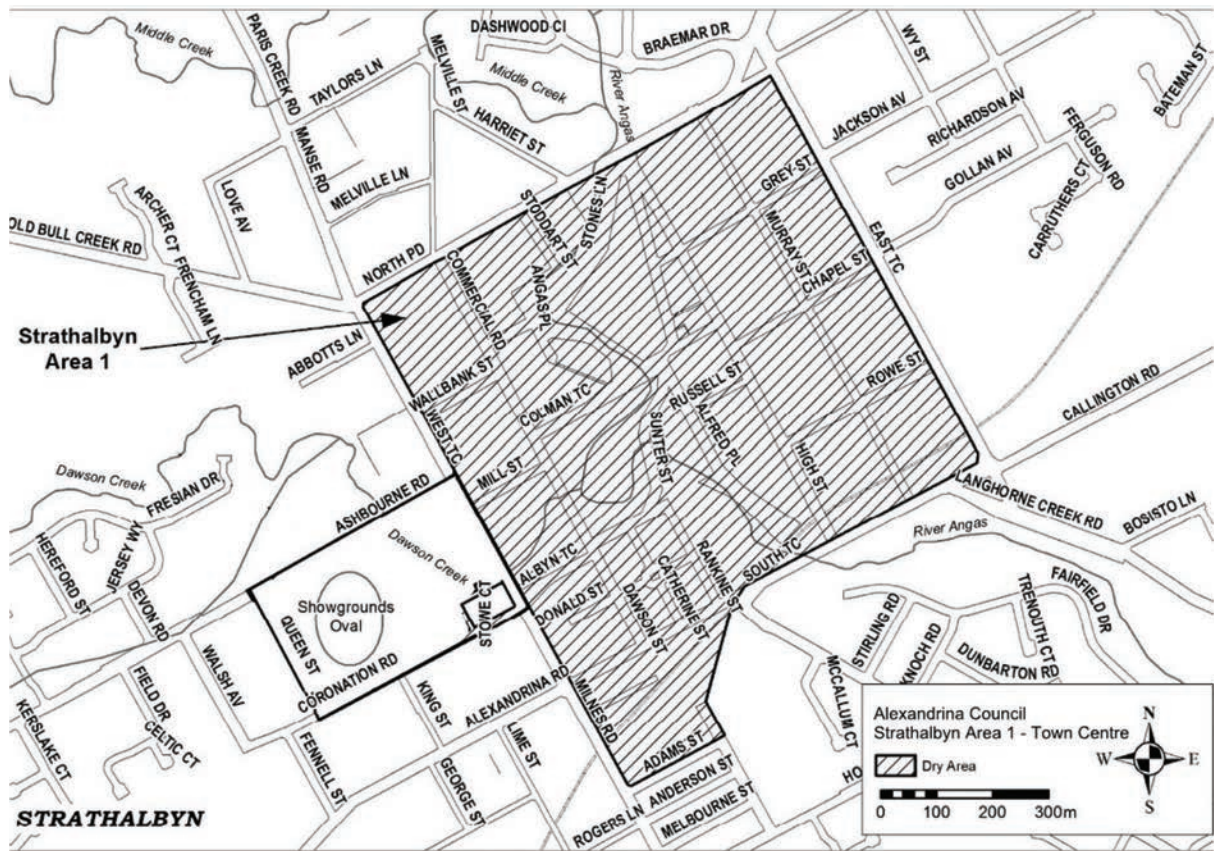
2. Period of prohibition

From 4.00pm on 13 December 2024 – 6.00am on 14 December 2024

3. Description of area

Strathalbyn Area 1

The area in Strathalbyn bounded as follows: commencing at the point at which the south eastern boundary of North Parade meets the north eastern boundary of West Terrace, then south easterly along that boundary of West Terrace to the north western boundary of Adams Street, then north easterly along that boundary of Adams Street and the prolongation in a straight line of that boundary to the north eastern boundary of Edinburgh Road, then north westerly along that boundary of Edinburgh Road to the end of the road, then in a straight line by the shortest route to the point at which the south eastern boundary of South Terrace meets the south western boundary of Parker Avenue, then along the continuation of that straight line across South Terrace to the north western boundary of South Terrace, then north easterly along the north western boundary of South Terrace to the south western boundary of East Terrace, then north westerly along the south western boundary of East Terrace to the south eastern boundary of North Parade, then south westerly along the south eastern boundary of North Parade to the point of commencement.



SCHEDULE 2—GOOLWA AREA 2 AND GOOLWA OVAL RECREATION PRECINCT

1. Extent of prohibition

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

2. Period of prohibition

From 4:00pm on 15 December 2024-10:00pm on 15 December 2024

3. Description of area

Goolwa Area 2—Plan No 5

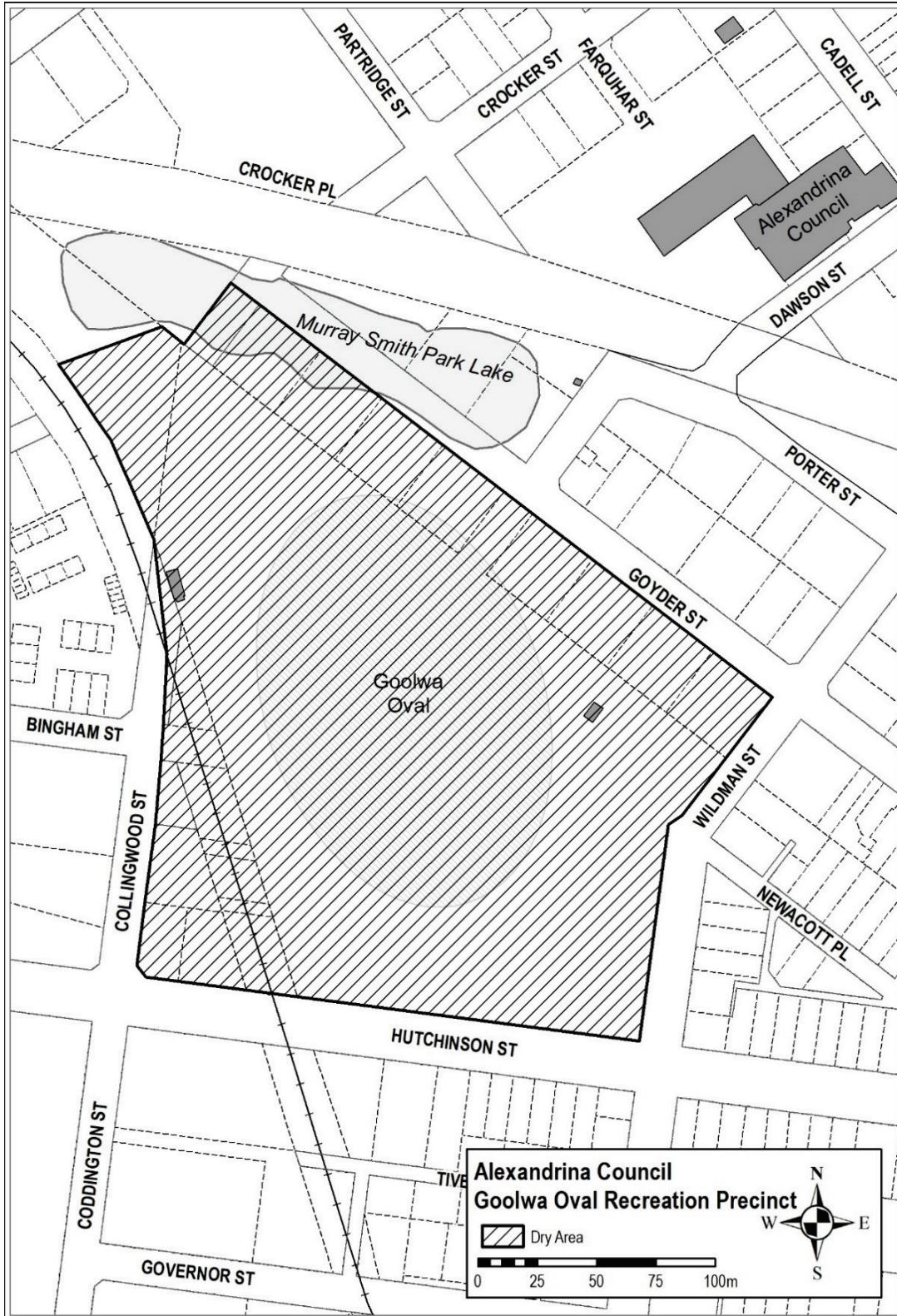
The area in Goolwa bounded as follows: commencing at the northern corner of Lot 500 DP 67581, then south easterly along the north eastern boundary of Lot 500 and the north eastern boundaries of the adjoining Lots to the eastern corner of Lot 1 DP 62245, then in a straight line by the shortest route across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



GOOLWA

Goolwa Oval Recreation Precinct

The area within the Recreation Precinct bounded by Hutchinson Street from Wildman Street to Collingwood Street, Wildman Street from Hutchinson Street to Goyder Street, Goyder Street from Wildman Street to Dawson Street.



Dated: 28 November 2024

ALAN HARVEY
Acting Chief Executive Officer

THE BAROSSA COUNCIL

Naming of Road

Notice is hereby given that pursuant to Section 219 of the *Local Government Act 1999*, The Barossa Council on 19 November 2024 resolved that the road within the Stage 4 land division at Lot 742 Chardonnay Drive, Nuriootpa, be named Tawny Court.

Dated 19 November 2024

MARTIN MCCARTHY
Chief Executive Officer

BARUNGA WEST COUNCIL

ROADS (OPENING AND CLOSING) ACT 1991

Road Closure—Whiting Road, Fisherman Bay

Notice is hereby given, pursuant to Section 10 of the *Roads (Opening and Closing) Act 1991*, that the Barunga West Council proposes to make a Road Process Order to close and sell to the adjoining land owner a portion of the public road adjoining allotment 44 in D128546, Hundred of Mundoora, more particularly delineated and lettered 'B' in Preliminary Plan PP24/0043.

The Preliminary Plan and Statement of Persons Affected is available for public inspection at the offices of the Barunga West Council, 11 Bay Street, Port Broughton and the Adelaide Office of the Surveyor-General during normal office hours. The Preliminary Plan may also be viewed at www.sa.gov.au/roadsactproposals

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons.

The application for easement or objection must be made in writing to the Barunga West Council, 11 Bay Street, Port Broughton WITHIN 28 DAYS OF THIS NOTICE and a copy must be forwarded to the Surveyor-General at GPO Box 1815 Adelaide 5001. Where an objection is made, the Council will give notification of a meeting at which the matter will be considered.

Dated: 28 November 2024

STEVE DAVEY
Acting Chief Executive Officer

DISTRICT COUNCIL OF CEDUNA

LOCAL GOVERNMENT ACT 1999

Elector Representation Review Option Paper

Notice is hereby given that the District Council of Ceduna is undertaking a review to determine whether a change of arrangements are required in respect to elector representation. This will result in the electors of the area being adequately and fairly represented.

Pursuant to the provisions of Section 12(7) of the *Local Government Act 1999*, notice is hereby given that council has prepared a representation options paper that examines the advantages and disadvantages of the various options available in regards to the composition and structure of council, and the division of the council area into wards.

Copies of the representation options paper are available on the Council's website at www.ceduna.sa.gov.au and for inspection and/or purchase at the Council office at 44 O'Loughlin Terrace, Ceduna.

Written submissions are invited from interested persons, and should be directed to:

Ben Taylor – Manager Administration & Finance
PO Box 175 Ceduna SA 5690 or council@ceduna.sa.gov.au
to be received by close of business on 31 January 2025.

Information regarding the representation review can be obtained by contacting Ben Taylor on telephone (08) 86253407 or email council@ceduna.sa.gov.au

Dated: 28 November 2024

BEN TAYLOR
Acting Chief Executive Officer

MOUNT BARKER DISTRICT COUNCIL

Resignation of Councillor

Notice is hereby given in accordance with Section 54(6) of the *Local Government Act 1999*, that a vacancy has occurred in the office of Ward Councillor-Central Ward, due to the resignation of Councillor Sally Harding effective 25 November 2024.

Dated: 28 November 2024

ANDREW STUART
Chief Executive Officer

DISTRICT COUNCIL OF FRANKLIN HARBOUR

Change of Meeting Date

Notice is hereby given that the Ordinary January Council Meeting will now be held on Wednesday, 15 January 2025, commencing at 1:00pm in the Council Chambers of Main Street, Cowell, in lieu of Wednesday, 8 January 2025.

Dated: 26 November 2024

S. A. GILL
Chief Executive Officer

WAKEFIELD REGIONAL COUNCIL
ROADS (OPENING AND CLOSING) ACT 1991
Road Closure—Public Road, Blyth

Notice is hereby given, pursuant to Section 10 of the *Roads (Opening and Closing) Act 1991*, that the Wakefield Regional Council proposes to make a Road Process Order to:

Close and retain for Council purposes the portion of the public road adjoining allotment 113 in F213203 and Section 252, Hundred of Blyth, more particularly delineated and lettered 'A' in Preliminary Plan PP 24/0042.

The Preliminary Plan and Statement of Persons Affected is available for public inspection at the offices of the Wakefield Regional Council, Scotland Street, Balaklava and the Adelaide Office of the Surveyor-General during normal office hours. The Preliminary Plan may also be viewed at www.sa.gov.au/roadsactproposals.

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons. The application for easement or objection must be made in writing to the Wakefield Regional Council, Scotland Street, Balaklava within 28 days of this notice and a copy must be forwarded to the Surveyor-General at GPO Box 1815 Adelaide 5001. Where an objection is made, the Council will give notification of a meeting at which the matter will be considered.

Dated: 28 November 2024

DARREN STARR
Chief Executive Officer

DISTRICT COUNCIL OF WUDINNA
ROAD TRAFFIC ACT 1961—SECTION 33
Notice of Road Closure

Notice is hereby given that acting under the authorisation of the Wudinna District Council, I hereby make the following order, for and on behalf of the said Council:

That Council in exercise of power pursuant to Section 33 of the *Road Traffic Act 1961* and Clause G of the Instrument of General Approval of the Minister dated 22 August 2013:

1. declare that the event described below ("Event") that is to take place on the roads described below ("Roads") is an event to which Section 33 of the *Road Traffic Act 1961* applies;
2. make an order directing that the Roads on which the Event is to be held is specified below be closed to traffic for the period specified below:

Roads and Period of Closure:

Christmas Trading

from 3:00pm to 12:00am midnight on Friday, 6 December 2024:

- (a) Ballantyne Street Wudinna, from area adjacent to Wudinna Bakery to area adjacent to Lil' Birdie driveway;
- (b) De Latour Street Wudinna, from the rear of the Foodland Supermarket to the rear of the Wudinna Memorial Hall;

Christmas Pageant

from 6:00pm to 7:00pm on Friday, 6 December 2024:

- (a) Medley Terrace Wudinna at oval gate entrance;
- (b) Ballantyne Street Wudinna, from Atkins Street intersection to Adams Terrace intersection;
- (c) Burton Terrace Wudinna, from Atkins Street intersection to Adams Terrace intersection;

Event:

Wudinna and Districts Business and Tourism Association Christmas Twilight Market;

3. make an order directing that persons taking part in the event be exempted in relation to the Roads, from the duty to observe Australian Road Rules specified and attached to the exemption: Rule 230—Crossing of a Road—General for the duration of the temporary closure of the Roads.

Dated: 21 November 2024

KRISTY DAVIS
Chief Executive Officer

YORKE PENINSULA COUNCIL
LIQUOR LICENSING ACT 1997—SECTION 131(1AB)
Liquor Licensing (Dry Area) Notice 2024

1. Short title

This notice may be cited as the *Liquor Licensing (Dry Area) Notice 2024*.

2. Commencement

This notice comes into operation on 31 December 2024.

3. Interpretation

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

SCHEDULE—STANSBURY AREA 1 AND AREA 2

1. Extent of prohibition

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

2. Period of prohibition

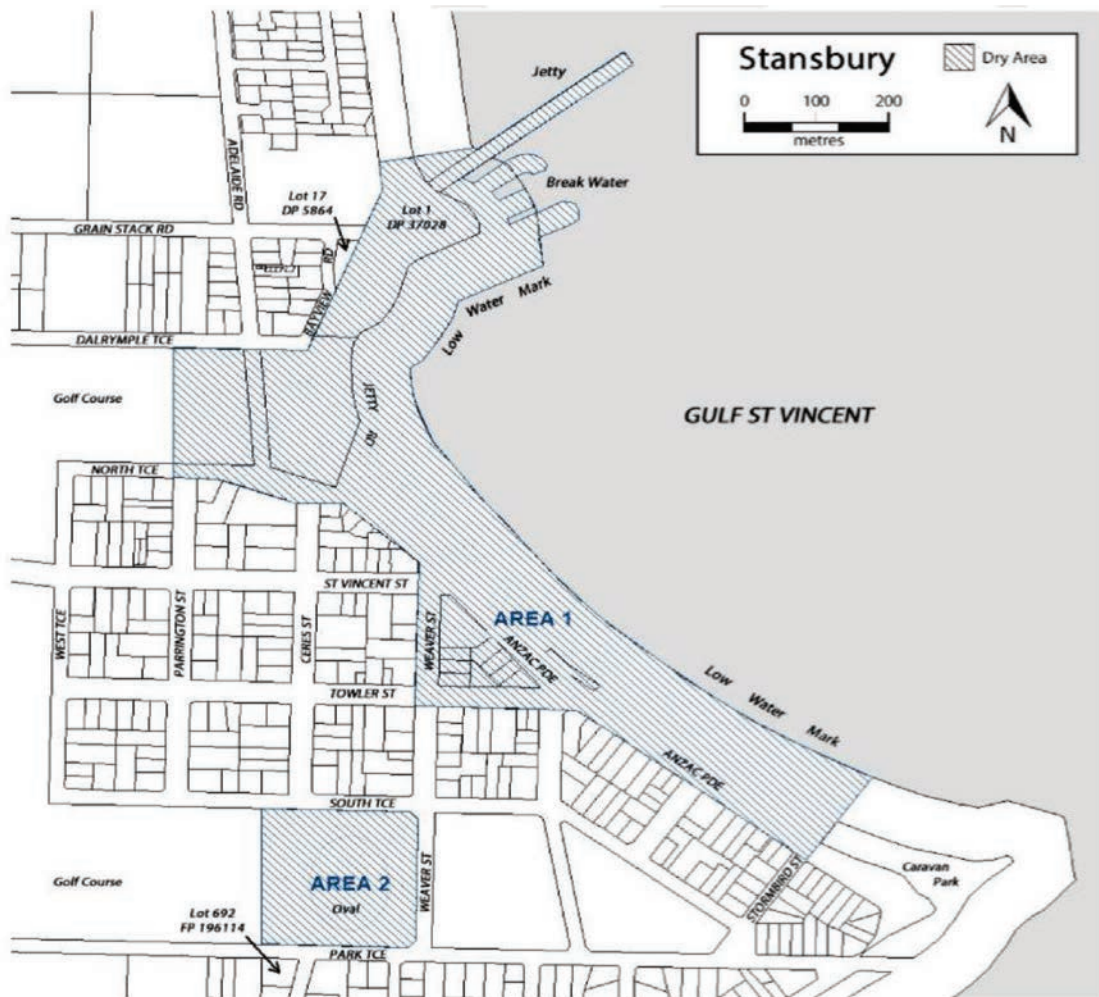
From 10pm on 31 December 2024 to 8am on 1 January 2025.

3. Description of area.

The Area 1 in Stansbury is bounded as follows: commencing at the point at which the prolongation in a straight line of the south-eastern boundary of Stormbird Street intersects the low water mark on the western side of Gulf St. Vincent, then south-westerly along that prolongation to the south-western boundary of Anzac Parade, then north-westerly along that boundary of Anzac Parade to the northern boundary of Towler Street, then westerly along that that boundary of Towler Street to the western boundary of Weaver Street, the northerly along that boundary of Weaver Street and the prolongation in a straight line of that boundary to the south-western boundary of Anzac Parade, then generally north-westerly and westerly along that boundary of Anzac Parade and the southern boundary of North Terrace to the western boundary of Parrington Street, then along the prolongation in a straight line of then western boundary of Parrington Street to the southern boundary of Dalrymple Terrace, the easterly along that boundary of Dalrymple Terrace to the western boundary of Adelaide Road, then in a straight line by the shortest route to the point at which the southern boundary of Bayview Road meets the eastern boundary of Adelaide Road, then generally easterly and north easterly along that boundary of Bayview Road to the point at which it meets the southern corner of Lot 17 DP 5864, then north-easterly and northerly along the western boundary of Lot 1 DP 37028 to the northern boundary of the Lot, then easterly along the northern boundary of Lot 1 and the prolongation in a straight line of the boundary to the low water mark on the western side of Gulf St. Vincent, then generally south-easterly along the low water mark to the northern side of Stansbury Jetty, then north-easterly south-easterly and south-westerly around the outer boundary of the jetty back to the low water mark on the southern side of the jetty (so as to include in the area the whole of the jetty and any area beneath the jetty), then south-easterly along the low water mark to the northern side of the breakwater that forms the northern wall of the enclosed boat launching facility immediately to the south-east of the jetty, then generally north-easterly, south-easterly and south-westerly around the outer boundary of the boat launching facility back to the low water mark on the shore on the southern side of the facility (so as to include in the area the whole of the facility, including the breakwaters and the area between them), then generally south-westerly and south-easterly along the low water mark on the point of commencement.

Area 2 will include the area bounded on the north by South Terrace, on the east by Weaver Street, on the south by Park Terrace and on the west by the prolongation in a straight line of the western boundary of Lot 692 FP 196114.

Dry Area Location—Area 1 and Area 2



Dated: 28 November 2024

ANDREW CAMERON
Chief Executive Officer

PUBLIC NOTICES

NATIONAL ELECTRICITY LAW

Notice of Initiation
Notice of Draft Determination
Notices of Final Rule

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

Under s 95, The Honourable Tom Koutsantonis MP, Minister for Energy and Mining in South Australia has requested the *South Australian jurisdictional derogation—Interim reliability reserve eligibility* (Ref. ERC0407) proposal. The proposal seeks a jurisdictional derogation in South Australia to allow the Australian Energy Market Operator (AEMO) to consider additional plant for out-of-market reserves. The AEMC intends to expedite the proposal under s 96 as it considers the proposed Rule is urgent, subject to requests not to do so. Written requests not to expedite the proposal must be received by **12 December 2024**. Submissions must be received by **2 January 2025**.

Under s 99, the making of a draft determination and related draft rule on the *Improving the cost recovery arrangements for transmission non-network options* proposal (Ref. ERC0391). Submissions must be received by **30 January 2025**.

Under ss 102 and 103, the making of the *National Electricity Amendment (Rescheduling the generator compliance programs review) Rule 2024 No. 21* (Ref. ERC0401) and related final determination. All provisions commence on **5 December 2024**.

Under ss 102 and 103, the making of the *National Electricity Amendment (Accelerating smart meter deployment) Rule 2024 No. 20* (Ref. ERC0378) and related final determination. All provisions commence on **Schedule 1 of this Rule commences operation on 1 December 2025, Schedule 2 of this Rule commences operation on 1 July 2026, Schedule 3 of this Rule commences operation on 31 May 2026, immediately after Schedule 2 of National Electricity Amendment (Unlocking CER benefits through flexible trading) Rule 2024 No.15 and Schedule 4 of this Rule commences operation on 5 December 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.

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

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

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

Dated: 28 November 2024

NATIONAL ENERGY RETAIL LAW

Notices of Initiation
Notice of Final Rule

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

Under s 251, The Honourable Chris Bowen MP, Minister for Climate Change and Energy, as Chair of the Energy and Climate Change Ministerial Council has requested the *Preventing price increases for a fixed period under market retail contracts* (Ref. RRC0058) proposal. The proposal seeks to prevent any increase to tariffs or charges payable by the customer under a market retail contract for a specified fixed period following commencement of an energy plan. Submissions must be received by **16 January 2025**.

Under s 251, The Honourable Chris Bowen MP, Minister for Climate Change and Energy, as Chair of the Energy and Climate Change Ministerial Council has requested the *Ensuring energy plan benefits last the length of the contract* (Ref. RRC0061) proposal. The proposal seeks to amend the National Energy Retail Rules to require any benefit provided under a contract to extend for the duration of the contract. Submissions must be received by **16 January 2025**.

Under s 251, The Honourable Chris Bowen MP, Minister for Climate Change and Energy, as Chair of the Energy and Climate Change Ministerial Council has requested the *Removing unreasonable conditional discounts* (Ref. RRC0065) proposal. The proposal seeks to remove the grandfathering arrangement in the *National Energy Retail Amendment (Regulating conditional discounting) Rule 2020 No. 1* to ensure that any conditional fees or discounts are limited to reasonable costs for those contracts in force prior to 1 July 2020. Submissions must be received by **16 January 2025**.

Under s 251, The Honourable Chris Bowen MP, Minister for Climate Change and Energy, as Chair of the Energy and Climate Change Ministerial Council has requested the *Removing fees and charges* (Ref. RRC0059) proposal. The proposal seeks to amend the National Energy Retail Rules to require retailers to remove certain fees and charges for all small energy customers. Submissions must be received by **16 January 2025**.

Under s 251, The Honourable Chris Bowen MP, Minister for Climate Change and Energy, as Chair of the Energy and Climate Change Ministerial Council has requested the *Assisting hardship customers* (Ref. RRC0060) proposal. The proposal seeks to amend the National Energy Retail Rules and relates to supporting people experiencing hardship. Submissions must be received by **16 January 2025**.

Under ss 259 and 261, the making of the *National Energy Retail Amendment (Accelerating smart meter deployment) Rule 2024 No. 6* (Ref. RRC0052) and related final determination. The provisions commence as follows **Schedule 1 of this Rule commences operation on 1 June 2025, Schedule 2 of this Rule commences operation on 1 December 2025, Schedule 3 of this Rule commences operation on 1 December 2025**.

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: 28 November 2024

TRUSTEE ACT 1936

PUBLIC TRUSTEE

Estates of Deceased Persons

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

BAIRD Daphne Elsie late of 18 Trafford Street Angle Park of no occupation who died 24 March 2024
BEAGLEY Gwendolyn Bobbie late of 27-31 Captain Robertson Avenue Golden Grove Retired Clerk who died 22 July 2024
COX Peggy Dorothy late of 40 Village Crescent Penrith NSW Retired Clerk who died 14 July 2024
DAFF Marilyn Joy late of 45 Cecelia Street Hove Retired Shop Assistant who died 11 June 2024
DURBRIDGE Don Trevor late of 147 Frost Road Salisbury South Retired Sales Manager who died 1 July 2024
FERRIS John Walter late of 393 Morphett Road Oaklands Park Retired Public Servant who died 3 July 2024
FOWLER Jean Laura late of 2 Jelley Street Woodville Retired Business Owner who died 22 June 2024
GOWLAND Colin James late of 12 Barnstaple Road Salisbury Retired Builder who died 18 May 2024
HANSEN Harold Kay late of 8 Fletcher Road Mount Barker Retired Civil Engineer who died 25 May 2024
HARTSHORNE David Terence late of 18 Melbury Street Davoren Park Retired Storeman who died 26 June 2024
HOOPER Maurice James late of 53 Henry Street Payneham Retired Physicist who died 29 October 2023
LINDHOLM Condor Royce late of 16 Kennett Street Para Hills Retired Public Servant who died between 4 June 2023 and 5 June 2023
MARKUS Josephina late of 1A Mount Barker Road Hahndorf Retired Aged Care Worker who died 24 September 2024
VIGNERS Inara Maria late of 50 Avenue Road Paradise Retired Public Servant who died 18 December 2023

Notice is hereby given pursuant to the *Trustee Act 1936*, the *Inheritance (Family Provision) Act 1972* and the *Family Relationships Act 1975* that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the office of Public Trustee at GPO Box 1338, Adelaide 5001, full particulars and proof of such claims, on or before the 27 December 2024 otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver same to the Public Trustee.

Dated: 28 November 2024

T. BRUMFIELD
Public Trustee

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