



# THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

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ADELAIDE, THURSDAY, 28 AUGUST 2025

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

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## GOVERNOR'S INSTRUMENTS

### ACTS

Department of the Premier and Cabinet  
Adelaide, 28 August 2025

His Excellency the Governor's Deputy directs it to be notified for general information that he has in the name and on behalf of His Majesty The King, this day assented to the undermentioned Bills passed by the Legislative Council and House of Assembly in Parliament assembled, viz.:

No. 32 of 2025—Defamation (Miscellaneous) Amendment Bill 2025  
An Act to amend the Defamation Act 2005

No. 33 of 2025—Criminal Law (Forensic Procedures) (Blood Testing) Amendment Bill 2025  
An Act to amend the Criminal Law (Forensic Procedures) Act 2007

By command,

ANDREA MICHAELS, MP  
For Premier

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### APPOINTMENTS, RESIGNATIONS AND GENERAL MATTERS

Department of the Premier and Cabinet  
Adelaide, 28 August 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the Radiation Protection Committee, pursuant to the provisions of the Radiation Protection and Control Act 2021:

Member: from 1 September 2025 until 31 August 2028  
Kirsty Lee Braybon

By command,

ANDREA MICHAELS, MP  
For Premier

CABS25/00026

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Department of the Premier and Cabinet  
Adelaide, 28 August 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the Controlled Substances Advisory Council, pursuant to the provisions of the Controlled Substances Act 1984:

Member: from 12 September 2025 until 11 September 2028  
Andrew Alexander Somogyi  
Jane Marie Rusalen

By command,

ANDREA MICHAELS, MP  
For Premier

HEAC-2025-00028

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Department of the Premier and Cabinet  
Adelaide, 28 August 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the Lifetime Support Authority of South Australia Board, pursuant to the provisions of the Motor Vehicle Accidents (Lifetime Support Scheme) Act 2013:

Member: from 8 October 2025 until 7 October 2028  
Talia Lee Begley

By command,

ANDREA MICHAELS, MP  
For Premier

T&F25/072CS

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Department of the Premier and Cabinet  
Adelaide, 28 August 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Clare Michele Scriven MLC, as Acting Treasurer, Acting Minister for Defence and Space Industries and Acting Minister for Police, from 2 September 2025 until 13 September 2025 inclusive, during the absence of the Honourable Stephen Campbell Mullighan MP.

By command,

ANDREA MICHAELS, MP  
For Premier

T&F25/019CS

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## PROCLAMATIONS

South Australia

## **Criminal Law Consolidation (Defences—Intoxication) Amendment Act (Commencement) Proclamation 2025**

### **1—Short title**

This proclamation may be cited as the *Criminal Law Consolidation (Defences—Intoxication) Amendment Act (Commencement) Proclamation 2025*.

### **2—Commencement of Act**

The *Criminal Law Consolidation (Defences—Intoxication) Amendment Act 2025* (No 31 of 2025) comes into operation on 1 September 2025.

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

with the advice and consent of the Executive Council  
on 28 August 2025

South Australia

## **National Parks and Wildlife (Aldinga Conservation Park—Alteration of Name) Proclamation 2025**

under section 30(2) of the *National Parks and Wildlife Act 1972*

### **1—Short title**

This proclamation may be cited as the *National Parks and Wildlife (Aldinga Conservation Park—Alteration of Name) Proclamation 2025*.

### **2—Commencement**

This proclamation comes into operation on the day on which it is made immediately after the *National Parks and Wildlife (Aldinga Conservation Park) Proclamation 2025* comes into operation.

### **3—Alteration of name of Aldinga Conservation Park**

The name assigned to the Aldinga Conservation Park is altered to *Wangkuntilla–Aldinga Conservation Park*.

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

with the advice and consent of the Executive Council  
on 28 August 2025

South Australia

# **National Parks and Wildlife (Aldinga Conservation Park) Proclamation 2025**

under section 30(2) of the *National Parks and Wildlife Act 1972*

## **1—Short title**

This proclamation may be cited as the *National Parks and Wildlife (Aldinga Conservation Park) Proclamation 2025*.

## **2—Commencement**

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

## **3—Alteration of boundaries of Aldinga Conservation Park**

The boundaries of the Aldinga Conservation Park are altered by adding to the Park the following Crown land:

Allotment 11 in Filed Plan 10453, Hundred of Willunga, County of Adelaide

Allotment 116 in Deposited Plan 6326, Hundred of Willunga, County of Adelaide

Allotment 1001 in Deposited Plan 131899, Hundred of Willunga, County of Adelaide

Allotment 1003 in Deposited Plan 131899, Hundred of Willunga, County of Adelaide

Section 862, Hundred of Willunga, County of Adelaide

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

with the advice and consent of the Executive Council  
on 28 August 2025

South Australia

## **National Parks and Wildlife (Cape Willoughby Conservation Park) Proclamation 2025**

under section 30(2) of the *National Parks and Wildlife Act 1972*

### **1—Short title**

This proclamation may be cited as the *National Parks and Wildlife (Cape Willoughby Conservation Park) Proclamation 2025*.

### **2—Commencement**

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

### **3—Alteration of boundaries of Cape Willoughby Conservation Park**

The boundaries of the Cape Willoughby Conservation Park are altered by adding to the Park the following Crown land:

Allotment 52 in Deposited Plan 65167, Hundred of Dudley, County of Carnarvon

Allotment 2 in Deposited Plan 69677, Hundred of Dudley, County of Carnarvon

Allotment 100 in Deposited Plan 134872, Hundred of Dudley, County of Carnarvon

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

with the advice and consent of the Executive Council  
on 28 August 2025

South Australia

## **National Parks and Wildlife (Cleland National Park) Proclamation 2025**

under section 28(2) of the *National Parks and Wildlife Act 1972*

### **1—Short title**

This proclamation may be cited as the *National Parks and Wildlife (Cleland National Park) Proclamation 2025*.

### **2—Commencement**

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

### **3—Alteration of boundaries of Cleland National Park**

The boundaries of the Cleland National Park are altered by adding to the Park the following Crown land:

Allotment 10 in Deposited Plan 57225, Hundred of Adelaide, County of Adelaide

Pieces 20 and 21 forming an Allotment in Filed Plan 38942, Hundred of Adelaide,  
County of Adelaide

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

with the advice and consent of the Executive Council  
on 28 August 2025

## REGULATIONS

South Australia

**Public Sector Regulations 2025**under the *Public Sector Act 2009*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Public Sector Regulations 2025*.

### 2—Commencement

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

### 3—Interpretation

In these regulations—

*Act* means the *Public Sector Act 2009*;

*effective service* has the same meaning as in Schedule 1 clause 7 of the Act.

### 4—Substantive remuneration level (section 3 of Act)

An employee's substantive remuneration level is—

- (a) if the employee is currently a term employee or casual employee of a public sector agency but has a right to return to duties as an ongoing employee of a public sector agency (whether the same or a different agency)—the remuneration level applicable to the employee as an ongoing employee under the right of return; or
- (b) if the employee is currently a term or casual employee of a public sector agency but has a right of return to duties as a term employee of a public sector agency (whether the same or a different agency)—the remuneration level applicable to the employee as a term employee under the right of return; or
- (c) in any other case—the remuneration level currently applicable to the employee.

### 5—Remuneration level (section 3 of Act)

If there is no determination of the Commissioner under the Act that is applicable to an employee, the remuneration level of the employee is to be determined according to any applicable award or agreement under an industrial relations law.

## Part 2—Public sector principles and practices

### 6—Rules relating to movement of employees within public sector (section 9(5) of Act)

- (1) This regulation applies to the movement of employees within the public sector in cases where—
  - (a) an ongoing employee of a public sector agency (the *home agency*) accepts an offer of, or is transferred to, term or casual employment in another public sector agency (the *receiving agency*); or
  - (b) a term employee of a public sector agency (the *home agency*) accepts an offer of, or is transferred to, term or casual employment in another public sector agency (the *receiving agency*) for a period that is shorter than the term of engagement with the home agency.

- (2) The employee is to transfer to the receiving agency with a right to return to the home agency (a *temporary transfer*).
- (3) An employee may not exercise the right to return to the home agency earlier than the end of a term of engagement with a receiving agency except with the agreement of the home agency.
- (4) If an employee has been absent from a home agency for more than 2 years (or, instead, such other period agreed by the home agency and receiving agency) under a temporary transfer, the home agency may, by notice in writing, require the employee to make an election to return to the employment of the home agency on or before a specified date, or a date agreed to by the home agency, or lose the right to return to the home agency.
- (5) If the employee does not make an election within a period (of at least 28 days) allowed in the notice or does not return to the home agency in accordance with an election, the employee will be taken to have lost the right to return to the home agency.
- (6) If the employee makes an election within the period allowed in the notice to return to the home agency, the temporary transfer will end on the date specified or agreed to by the home agency with the result that the employee returns then to the employment of the home agency.
- (7) A receiving agency must notify the home agency in writing (or in some other form approved by the home agency) if—
  - (a) the employee ceases to be employed by the agency; or
  - (b) the term of engagement of the employee by the agency is extended; or
  - (c) the basis of engagement of the employee by the agency is changed; or
  - (d) there is any other change in the employee's employment or circumstances that might affect the employee's return to the home agency.
- (8) When an employee returns to the employment of a home agency—
  - (a) the basis on which the employee is engaged by the home agency is to be the same as before the temporary transfer; and
  - (b) the employee is to be assigned duties by the home agency (although, subject to any agreement with the employee to the contrary, the duties may be different to the duties of the employee before the temporary transfer).
- (9) The chief executive or principal officer of a public sector agency—
  - (a) may determine that this regulation is not to apply in relation to a specified area of the agency's operations (as a home agency) if satisfied that the determination is warranted in the circumstances having regard to the urgency or significance of the operations; and
  - (b) may vary or revoke such a determination; and
  - (c) must ensure that employees affected by a determination are aware of the determination and its effect.

- (10) The chief executive or principal officer may not delegate the power to make, vary or revoke a determination under subregulation (9).
- (11) A public sector agency must report to the Commissioner the making, variation or revocation of any determinations under subregulation (9) (providing details of the circumstances warranting the determinations) within 1 month after the end of the financial year in which they were made, varied or revoked.

#### **7—Annual reports by public sector agencies (section 12 of Act)**

A public sector agency's annual report to the agency's Minister must contain information (including relevant statistics) with respect to the following:

- (a) the functions and objectives of the agency;
- (b) the legislation administered by the agency;
- (c) the organisation of the agency;
- (d) the agency's relationship to other agencies within the Minister's area of responsibility;
- (e) the agency's operations and initiatives (including an assessment of their effectiveness and efficiency);
- (f) the agency's strategic plans and the relationship of the plans to Government objectives;
- (g) executive employment in the agency;
- (h) employment opportunity programs;
- (i) the agency's performance management and development systems (including an assessment of their effectiveness and efficiency);
- (j) the number of instances and nature of fraud detected in the agency and the strategies implemented to control and prevent fraud;
- (k) the number of occasions on which public interest information has been disclosed to a responsible officer of the agency under the *Public Interest Disclosure Act 2018*;
- (l) the financial performance of the agency including—
  - (i) audited financial statements prepared in accordance with the Treasurer's instructions and the report of the Auditor-General on the financial statements; and
  - (ii) any other financial information in respect of the agency's operations required to be reported to Parliament under another Act;
- (m) the work health, safety and rehabilitation programs of the agency (including an evaluation of the programs and their effectiveness);
- (n) the extent to which external consultants have been engaged by the agency, the nature of the work undertaken by the consultants and the total cost to the agency of the consultancies.

## **Part 3—Reporting on certain official travel**

### **8—Reporting on certain official travel**

For the purposes of section 12B(8) of the Act, a report prepared under that section must be in writing.

## **Part 4—Commissioner for Public Sector Employment**

### **9—Publication of public sector code of conduct (section 15(5) of Act)**

The Commissioner must cause the public sector code of conduct, and each variation of the code, to be published on the Internet and in the Gazette and must cause a consolidated copy of the code to be published on the Internet and made available for inspection at the Commissioner's office.

### **10—Application of Commissioner's determinations (section 16(1)(b) of Act)**

- (1) In this regulation, a reference to an enterprise agreement includes a reference to all industrial instruments made in substitution for that agreement.
- (2) For the purposes of subregulation (1), an industrial instrument will be taken to have been made in substitution for an enterprise agreement irrespective of whether the later instrument covers all employees bound by the earlier instrument.
- (3) Subject to subregulation (4) and without limiting the operation of subregulation (5), public sector employment outside the Public Service to which Part 7 of the Act applies is employment to which section 16 of the Act applies.
- (4) A determination of the Commissioner applies to employment by virtue of the operation of subregulation (3) only to the extent that the determination is relevant to the application of the provisions of Part 7 of the Act that apply to the employment and, if those provisions are modified in their application to the employment, to the extent that the determination is relevant to the application of those provisions as so modified.
- (5) In addition to the operation of subregulations (3) and (4), public sector employment outside the Public Service that is covered by the *South Australian Public Sector Enterprise Agreement: Salaried 2021* is employment to which section 16 of the Act applies.
- (6) A determination of the Commissioner applies to employment by virtue of the operation of subregulation (5) only to the extent that the determination is relevant to—
  - (a) the management of excess employees; or
  - (b) special leave with pay.
- (7) In addition to the operation of subregulations (3) and (4), public sector employment outside the Public Service that is covered by the *ForestrySA Enterprise Agreement 2023* is employment to which section 16 of the Act applies.
- (8) A determination of the Commissioner applies to employment by virtue of the operation of subregulation (7) only to the extent that the determination is relevant to the management of excess employees.

- (9) In addition to the operation of the other provisions of this regulation, but subject to subregulation (10), all public sector employment outside the Public Service is employment to which section 16 of the Act applies.
- (10) A determination of the Commissioner applies to employment by virtue of the operation of subregulation (9) only to the extent that the determination relates to special leave with pay and is relevant to domestic/family violence leave.

### **11—Publication of Commissioner's determinations (section 16(3)(d) of Act)**

A determination of the Commissioner under section 16 of the Act must be published as follows:

- (a) the Commissioner must distribute copies of the determination to the public sector agencies that the Commissioner considers may be affected by the determination;
- (b) the public sector agency must, on receipt of a determination, take reasonable steps to—
  - (i) make the contents of the determination known to all employees of the agency who are affected by the determination; and
  - (ii) keep copies of the determination readily available for inspection by any such employee.

### **12—Commissioner's annual report (section 21(2)(c) of Act)**

The Commissioner's annual report to the Minister must include information with respect to the following:

- (a) the issuing by the Commissioner of—
  - (i) variations or substitutions of the public sector code of conduct; and
  - (ii) public sector employment determinations; and
  - (iii) guidelines relating to public sector employment matters,during the financial year to which the report relates;
- (b) the number of occasions on which public interest information has been disclosed to the Commissioner under the *Public Interest Disclosure Act 2018* during the financial year to which the report relates.

## **Part 5—Public Service**

### **13—Chief executive's contracts (section 35(3) of Act)**

A contract of employment of a person as a chief executive of an administrative unit may not exclude or modify section 35 of the Act.

## **Part 6—Public sector employment**

### **Division 1—Application of Part 7 of Act**

#### **14—Application of Part 7 (section 41 of Act)**

Pursuant to section 41 of the Act—

- (a) Part 7 of the Act, or provisions of that Part, apply to public sector employment outside the Public Service; and
- (b) the application of Part 7 of the Act, and of provisions of that Part, to public sector employment outside the Public Service is modified,

as set out in Schedule 1.

### **Division 2—Executives**

#### **15—Executives' contracts (section 42(3) of Act)**

A contract of employment of a person as an executive employee of a public sector agency may not exclude or modify section 9 or 42 of the Act.

### **Division 3—General employment processes and conditions**

#### **16—Engagement as term employee (section 45(3)(c) of Act)**

A person may be engaged as a term employee for a specified term not exceeding 5 years if—

- (a) the functions are to cease to be public sector functions within a period of 5 years; or
- (b) the public sector agency is satisfied that the engagement is to be funded wholly or substantially by grants or payments from a government other than the State Government or from a private or community body; or
- (c) the engagement is as a result of a transfer under section 9 of the Act and immediately before the transfer the person was a public sector employee to whom Part 7 of the Act did not apply and the person's employment was under a contract for a fixed term; or
- (d) the engagement is for the person to perform duties in the office of a Minister (other than under section 71 of the Act); or
- (e) the engagement is in accordance with obligations or potential obligations under the *Return to Work Act 2014*.

#### **17—Merit-based selection processes (section 46(1) of Act)**

- (1) This regulation sets out how a public sector agency is to conduct selection processes on the basis of merit.

- (2) A public sector agency must, for the purpose of engaging an employee to perform particular duties—
  - (a) cause applications to be sought in accordance with this regulation and an applicant selected on the basis of merit; or
  - (b) cause an applicant to be selected on the basis of merit from amongst applicants in a pool of applicants that has been established in accordance with this regulation.
- (3) A public sector agency may establish a pool of applicants from which further selections may be made to engage employees to perform duties of a particular class as from time to time required—
  - (a) by causing applications to be sought in accordance with this regulation and causing selections to the pool to be made on the basis of merit; or

**Note—**

The pool could be established on a whole-of-government basis (for example, a pool of graduates, apprentices or scholarship candidates) or for the purposes of the particular agency.

  - (b) by causing selections to be made on the basis of merit from amongst a pool or pools of applicants established under paragraph (a) by the agency or some other agency; or
  - (c) by causing selections to be made on the basis of merit from amongst persons who were unsuccessful applicants for public sector employment involving similar duties within the previous 12 months.
- (4) Subject to any determinations of the Commissioner, a public sector agency may choose to seek and accept applications from public sector employees only.
- (5) Applications are to be sought by notice published as required by the Commissioner.
- (6) If appropriate, other additional means may be used to seek applications, including advertising in newspapers or specialist publications, on Internet sites or by email or through recruitment agencies.
- (7) An applicant must supply any information required in connection with the person's application and must ensure that the information contained in or supplied in connection with the application is accurate and complete.

## **18—Exceptions to merit-based selection processes (section 46(2)(d) of Act)**

- (1) Section 46(1) of the Act does not apply—
  - (a) to the transfer of an employee between public sector agencies, or within a public sector agency, provided, subject to paragraphs (b) and (c), that the employee is not promoted to a higher remuneration level; or
  - (b) to the engagement of a person as a term employee, or the temporary promotion of an employee (including through a temporary transfer between public sector agencies or within a public sector agency), for duties required to be performed because of the absence of another employee or while selection processes are conducted in respect of the duties; or

- (c) to the engagement of a person as a term employee, or the temporary promotion of an employee (including through a temporary transfer between public sector agencies or within a public sector agency), for duties that are otherwise of a temporary nature provided that the term of the engagement or temporary promotion does not continue beyond a total of 2 years; or
  - (d) to changing the basis on which a person is engaged as an employee of a public sector agency to engagement as an ongoing employee, or re-engaging a person as a term employee, if the person was engaged following a selection process conducted on the basis of merit and the person is to continue to perform the same or similar duties; or
  - (e) to the return of an employee to a home agency following a movement within the public sector to which regulation 6 applies; or
  - (f) to the engagement of an employee in accordance with obligations or potential obligations under the *Return to Work Act 2014*; or
  - (g) to the engagement of an employee who is excess to the requirements of a public sector agency; or
  - (h) to the promotion of an employee as the result of a determination of the Commissioner affecting classification structures; or
  - (i) if, in a particular case, a chief executive or principal officer of a public sector agency determines that special circumstances exist warranting the engagement of a person without the conduct of merit-based selection processes in accordance with these regulations taking into account—
    - (i) the person's abilities, aptitude, skills, qualifications, knowledge, experience (including community experience) and personal qualities relevant to the carrying out of the duties in question; and
    - (ii) if relevant—
      - (A) the manner in which the person carried out any previous employment or occupational duties or functions; and
      - (B) the extent to which the person has potential for development.
- (2) The chief executive or principal officer may not delegate the power to make a determination under subregulation (1)(i).
- (3) A public sector agency must report to the Commissioner any determinations made under subregulation (1)(i) (providing details of the circumstances warranting the determinations) within 1 month after the end of the financial year in which they were made.
- (4) In this regulation—

**absence** of an employee from duties means the absence of an employee in circumstances in which the employee may return to the duties.

**Note—**

Section 46(2) of the Act provides that section 46(1) does not apply—

- (a) to the engagement of a casual employee; or
- (b) to the promotion of an employee by way of reclassification of the employee's remuneration level in accordance with the regulations; or
- (c) to the engagement of an employee under an employment opportunity program.



**19—Excess employees (section 53 of Act)**

If an employee's remuneration level is reduced under section 53(1)(a) of the Act, the employee is, in the absence of an award or enterprise or industrial agreement covering the matter, entitled to be paid for such a period and subject to such conditions as may be determined by the Commissioner—

- (a) additional salary so that the employee's salary is the same as that payable before the reduction of the remuneration level; and
- (b) such allowances and monetary or other benefits (if any) as may be determined by the Commissioner having regard to the employee's remuneration and other benefits before the reduction of the remuneration level.

**Division 4—Leave and working arrangements****20—Flexible leave and working arrangements (section 51 of Act—Schedule 1 clause 1)**

- (1) The determinations of the Commissioner under Schedule 1 clause 1 of the Act must include arrangements under which an employee of a public sector agency—
  - (a) may be granted up to 15 days leave with pay in a 12 month period for special purposes; and
  - (b) has an entitlement to be granted accrued sick leave as family carer's leave as required by the employee up to a maximum of 10 days in a 12 month period; and
  - (c) has an entitlement to be granted a specified amount of leave with pay on the grounds of giving birth to a child or taking custody of an adopted child; and
  - (d) has an entitlement to be granted leave without pay as required by the employee to enable the employee to be on leave for up to a specified maximum period to undertake the care of a young child not of school age of whom the employee is a parent or is exercising parental responsibilities.
- (2) The determinations of the Commissioner may include conditions, limitations and exceptions in relation to leave entitlements or granting of leave, including, without limitation, for any of the following purposes:
  - (a) specifying application and other processes (including presentation of relevant supporting documentation) relating to the granting of leave;
  - (b) specifying the purposes for which, and the circumstances in which, leave may be granted;
  - (c) providing for the circumstances in which leave for special purposes, rather than sick leave, may be granted as family carer's leave;
  - (d) requiring a minimum period of continuous service before an employee becomes entitled to be granted leave;
  - (e) if both parents of a child are public sector employees, limiting the circumstances in which leave may be taken concurrently by those employees, or requiring aggregation of their entitlements to leave, for the purposes of undertaking the care of the child;

- (f) preventing a period of leave without pay extending past the end of the term of a contract of a term employee;
  - (g) excluding casual employees from entitlements.
- (3) The following provisions apply in relation to part-time employment:
- (a) an employee engaged in part-time employment is required to attend at the employee's place of employment as determined by the agency rather than throughout the hours fixed as ordinary business hours in relation to the agency;
  - (b) the Commissioner's determinations may include—
    - (i) provisions for pro rata adjustments to entitlements to leave, remuneration during periods of leave, or the calculation of service for the accrual of leave entitlements or the taking of leave, to accommodate part-time employment;
    - (ii) in relation to the taking of long service leave by an employee whose effective service includes part-time employment, an arrangement under which the employee may nominate whether the adjustments are to apply so as to affect the remuneration to be paid during the leave, the period of the leave or both the remuneration and the period.

## **21—Ordinary business hours (section 51 of Act—Schedule 1 clause 2)**

For the purposes of Schedule 1 clause 2 of the Act, the ordinary business hours for a public sector agency are 8.45 am to 5.00 pm Monday to Friday inclusive.

## **22—Recreation leave (section 51 of Act—Schedule 1 clause 5)**

- (1) Recreation leave may only be granted to an employee of a public sector agency on application made to the agency in a form approved by the agency.
- (2) Recreation leave must be applied for by an employee of a public sector agency and granted so that the employee's recreation leave entitlement is taken within 24 months after its accrual.
- (3) For the purposes of subregulation (2), an employee will be regarded as having taken recreation leave within 24 months after its accrual if the leave or any remaining balance of the leave is taken in a continuous period commencing before or at the end of that 24 months.
- (4) A public sector agency may require or permit an employee to take recreation leave in anticipation of its accrual, without application or later than 24 months after its accrual having regard to—
  - (a) the organisational convenience of the agency; and
  - (b) any other relevant considerations.

## **23—Sick leave (section 51 of Act—Schedule 1 clause 6)**

- (1) Subject to this clause and the determinations of the Commissioner under Schedule 1 clause 1 of the Act, sick leave may only be granted to an employee of a public sector agency if—
  - (a) the employee, as soon as reasonably practicable, notifies the public sector agency of the employee's unfitness to work due to illness or injury and of the probable duration of the employee's absence; and

- (b) the employee has made an application to the agency in a form approved by the agency; and
  - (c) in the case of an absence for a continuous period of more than 3 working days or if required by the public sector agency, the employee has supported the application by furnishing a medical or other certificate or certificates in accordance with this regulation.
- (2) A public sector agency may refuse an employee's application for sick leave if the agency is satisfied on the basis of evidence that has come to its notice that the employee was or is not in fact unfit for work due to sickness or injury for the period for which the leave has been claimed.
- (3) A public sector agency may grant sick leave otherwise than in accordance with subregulation (1) if the agency determines that it is appropriate to do so.
- (4) If an absence of an employee of a public sector agency is claimed by the employee to be or have been due to sickness or injury, the public sector agency may—
  - (a) if satisfied that there are circumstances justifying such action, require the employee to submit to a medical examination by a medical practitioner selected by the employee from a panel of medical practitioners nominated by the agency; and
  - (b) if the employee refuses or fails to submit to such an examination, refuse to grant sick leave in respect of the absence.
- (5) The public sector agency must furnish the employee with a copy of any report on the results of a medical examination required under subregulation (4).
- (6) A medical certificate referred to in subregulation (1) must—
  - (a) be signed—
    - (i) by a medical practitioner; or
    - (ii) in the case of sickness or injury that gives rise to an absence for a continuous period of not more than 5 working days, by a person (other than a medical practitioner) of a kind approved under the determinations of the Commissioner; and
  - (b) certify as to—
    - (i) the period (specifying its commencing and concluding days) for which the employee has been or will be unfit for work as a result of sickness or injury; and
    - (ii) if the employee is suffering from a sickness of a contagious or infectious character, the date on which the employee's presence at work would no longer create any risk of contagion or infection.
- (7) If an employee is absent for a continuous period exceeding 1 working week, the employee must for the purposes of subregulation (1), if so required by the public sector agency, furnish medical certificates in respect of each working week and part of a working week for which the employee is absent.
- (8) An employee's sick leave entitlement must be debited according to the length of time (counted to the nearest quarter of an hour) for which the employee is absent on sick leave.

- (9) In this regulation—

**working week** of an employee means the number of working days on which the employee is required to work in a week.

## **24—Long service leave (section 51 of Act—Schedule 1 clauses 7, 8 and 9)**

- (1) Long service leave may only be granted to an employee of a public sector agency on application made to the agency in a form approved by the agency.
- (2) Subject to any determinations of the Commissioner, long service leave is to be taken at times and for periods agreed on by the employee and public sector agency.
- (3) Every day occurring during a period of long service leave is (whether it is a working day or not) to be regarded as a day of that leave.
- (4) An employee may elect to take long service leave on half salary, and in that event—
  - (a) the period of leave is to be twice the period to which the employee would otherwise have been entitled; and
  - (b) the first half of the leave is to be taken to be on full pay; and
  - (c) the second half of the leave is to be taken to be leave without pay.
- (5) If an employee has been transferred to some other position in the public sector at a lower level of remuneration—
  - (a) under section 77 of the repealed *Public Service Act 1967* or on the ground that the employee was unfit to discharge the employee's duties due to injury or illness under section 78 of that Act; or
  - (b) under section 59, 60, 60A or 73A of the repealed *Government Management and Employment Act 1985*; or
  - (c) under section 50, 51, 52 or 68 of the *Public Sector Management Act 1995*; or
  - (d) under section 53(1)(a), (b) or (c) of the Act,

then, for the purposes of Schedule 1 clause 8 of the Act, additional salary equal to the difference between the salary to which the employee would have been entitled if the employee had continued to be employed at the higher level of remuneration and the salary appropriate to the employee's position during the long service leave will be payable to the employee for a part of the employee's long service leave proportionate to the part of the employee's effective service up until when the employee ceased to be employed at the higher level of remuneration.

- (6) If an employee of a public sector agency who is entitled to long service leave dies or ceases for any reason to be an employee of the agency, then—
  - (a) in the case of death—the employee's personal representative; or
  - (b) in the case of cessation of service for any other reason—the employee,must be paid, in addition to the amount payable under Schedule 1 clause 9 of the Act—
  - (c) if the employee's service ceases during a year of service—a sum that bears to the salary or wages that would have been payable in respect of long service leave for that year of service if it had been completed the same proportion as the number of complete months served in that year bears to 12; and
  - (d) the allowances (if any) determined by the Commissioner.

**25—Conversion of skills and experience retention entitlement (Schedule 1 clause 7(4a) of Act)**

- (1) For the purposes of Schedule 1 clause 7(4a) of the Act—
- (a) the amount of \$249 (indexed) for each working day of skills and experience retention leave accrued during a particular financial year (which will be reduced on a *pro rata* basis in relation to a part of a working day and in relation to part-time work) is fixed by these regulations; and
  - (b) an entitlement to such leave may be converted to the amount fixed under paragraph (a) if an election is made to a public sector agency (or an office or division within a public sector agency) nominated by the Minister, in a manner determined by the Commissioner, by 31 August immediately following the financial year in which the entitlement accrues; and
  - (c) an amount payable on account of an election under paragraph (b) will be paid to the employee at a time, and in a manner, determined by the Commissioner for the purposes of this paragraph; and
  - (d) an amount payable in relation to a part of a working day or part-time work will be determined in a manner determined by the Commissioner.
- (2) The amount of \$249 (indexed) referred to in subregulation (1)(a) is to be adjusted on an annual basis (commencing in relation to days accrued in the 2025/2026 financial year) by multiplying that amount by a proportion obtained by dividing the Consumer Price Index for the March quarter in the immediately preceding financial year by the Consumer Price Index for the March quarter, 2024 (with an adjustment applying according to when a leave entitlement accrues rather than when a payment is made).
- (3) An amount determined under subregulation (2) is to be rounded up or down to the nearest \$1 (and if the amount to be rounded is 50 cents, then the amount is to be rounded up).
- (4) In this regulation—

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

**26—Adjustment to leave rights based on prior service (section 51 of Act—Schedule 1 clause 10)**

The following are prescribed for the purposes of Schedule 1 clause 10 of the Act:

- (a) officers or employees employed by bodies approved by the Commissioner;
- (b) officers or employees specifically approved by the Commissioner.

**Division 5—Review of employment decisions (other than dismissal)****27—Certain matters excluded from right of review (section 59(2) of Act)**

Part 7 Division 4 Subdivision 2 of the Act (Review of employment decisions (other than dismissal)) does not apply to the following decisions:

- (a) a decision of a Minister;
- (b) a decision of the Commissioner under Part 4 of the Act;
- (c) a decision to the extent that it affects an executive employee;

- (d) a decision on an application for employment as an executive employee;
- (e) a decision to the extent that it affects a casual employee (other than a decision on an application by an employee under section 49(3) of the Act);
- (f) a decision not to re-engage a term employee at the end of the employee's term of employment;
- (g) a decision to select an employee as a consequence of selection processes conducted on the basis of merit to the extent that it affects an employee other than an employee who made due application in accordance with the selection processes for the particular duties and was eligible for appointment;
- (h) a decision to engage, transfer or promote an employee in accordance with the Act and these regulations to the extent that it affects another employee (but not so as to limit the right to apply for review of a decision to select an employee as a consequence of selection processes conducted on the basis of merit);
- (i) a decision to change the duties of an employee to the extent that it affects another employee;
- (j) a decision to suspend an employee from duty under section 57(1) of the Act (but a decision under section 57(3) of the Act that the suspension is to be without remuneration is subject to review);
- (k) a decision to give a direction under section 69(2) of the Act for reduction in salary arising from an employee's refusal or failure to carry out their duties.

**Note—**

See also section 59(2) of the Act.

## **28—Internal review (section 61 of Act)**

- (1) An application for internal review of an employment decision of a public sector agency must be made to the agency, in a form approved by the agency—
  - (a) in the case of a decision to select an employee as a consequence of selection processes conducted on the basis of merit—within 7 days after the day on which the employee is notified by the agency of the outcome of the selection processes; or
  - (b) in any other case—within 21 days after the day on which the employee is notified by the agency of the decision.
- (2) A public sector agency may, in a particular case, extend the period within which an application for internal review must be made.
- (3) An application for internal review may be withdrawn by notice in writing signed by the employee and delivered to the public sector agency (or by some other form of notice approved by the agency).
- (4) An internal review of a decision must commence within 21 days after the making of the application for internal review.
- (5) An internal review of a decision must be completed within 21 days after the applicant has finished providing information and making submissions on the application.
- (6) The public sector agency may extend the time for completion of a review but only if there are special reasons in the circumstances of the individual case for doing so.

- (7) If the employment decision subject to internal review was made personally by the public sector agency or by the chief executive or principal officer of the public sector agency, the review must be conducted by a person who is not an employee of the agency.
- (8) An internal review must be conducted—
  - (a) as quickly, and with as little formality, as a proper consideration of the matter allows; and
  - (b) in accordance with the rules of natural justice.
- (9) The parties to an internal review are not to be legally represented, but nothing prevents the applicant from being assisted by a person other than a legal practitioner in presenting their case.

**Note—**

Under section 60 of the Act, a public sector agency is required to endeavour to resolve its employees' grievances by conciliation (regardless of the fact that employees may apply for review of its decisions).

## **29—Application for external review (section 62 of Act)**

- (1) An employee aggrieved by an employment decision of a public sector agency may apply to SAET for a review of the decision without having applied for an internal review of the decision if—
  - (a) the decision was made on an internal review; or
  - (b) the decision is a decision to select an employee as a consequence of selection processes conducted on the basis of merit.
- (2) If an application is made under subregulation (1), it must be made as follows:
  - (a) in the case of a decision made on an internal review—within 21 days after the day on which the employee is notified by the agency of the outcome of the review;
  - (b) in the case of a decision to select an employee as a consequence of selection processes conducted on the basis of merit—within 7 days after the day on which the employee is notified by the agency of the outcome of the selection processes.
- (3) An employee aggrieved by an employment decision of a public sector agency may apply to SAET for a review of the decision without an internal review of the decision having been completed if—
  - (a) an application for internal review was made after the period allowed for such an application and SAET is of the opinion that the refusal of the agency to extend the period was unreasonable; or
  - (b) the agency has extended the time for completion of a review and SAET is of the opinion that the extension was unreasonable.
- (4) If an application is made under subregulation (3), it must be made as follows:
  - (a) in the case of a refusal to extend the period for an application for internal review of a decision—within 7 days after the day on which the employee is notified by the agency of the decision to refuse the extension;
  - (b) in the case of an extension of time for completion of an internal review of a decision—within 7 days after the day on which the employee is notified by the agency of the decision to grant the extension.

- (5) If an internal review of an employment decision has been completed, an application to SAET for a review of the decision must be made within—
- (a) in the case of a decision to select an employee as a consequence of selection processes conducted on the basis of merit—7 days; or
  - (b) in any other case—21 days,
- after the day on which the employee is notified by the agency of the outcome of the internal review of the decision.
- (6) SAET may extend a limitation of time under this regulation.

### **30—Conduct of review (section 62 of Act)**

- (1) This regulation applies in relation to proceedings under section 62 of the Act.
- (2) If an employee of a public sector agency attends proceedings before SAET to give evidence, the employee—
- (a) will be taken not to be absent from work for the period for which the employee's presence is required for the purposes of the proceedings; and
  - (b) will, if attendance at the proceedings necessitates the absence of the employee from the employee's usual place of employment, be entitled to be reimbursed from the funds of the public sector agency for expenses in respect of travel, accommodation and meals in accordance with rates determined by SAET.
- (3) At the conclusion of a review, SAET must, at the request of a party to the review, provide the party with a statement of the reasons for SAET's decision on the review.

### **31—Witness fees**

If an employee of a public sector agency attends as a witness on a summons, or gives evidence at the request of a party, in proceedings under the Act, the employee is not entitled to an allowance but—

- (a) will be taken not to be absent from work for the period for which the employee's presence is required for the purposes of the proceedings; and
- (b) will, if attendance at the proceedings necessitates the absence of the employee from the employee's usual place of employment, be entitled to be reimbursed from the funds of the public sector agency for expenses in respect of travel, accommodation and meals in accordance with rates determined by the Commissioner.

## **Part 7—Miscellaneous**

### **32—Service and receipt of notices (section 80 of Act)**

- (1) Every public sector agency must keep a record of the residential address of each of its employees and, for that purpose and for the purposes of section 80 of the Act, an employee must give the public sector agency notice of their current residential address in writing or in some other form approved by the agency—
- (a) when so required by the agency; and
  - (b) when there is any change in the employee's residential address.



- (2) In any proceedings, the date of receipt by an employee of a notice or document required or authorised to be given to or served on the employee may be proved by a certificate in writing certifying—
  - (a) that the copy of the notice or document on which the certificate is endorsed is a true copy of the notice or document in question; and
  - (b) that the person making the certificate served the notice or document on the employee personally on the date specified in the certificate, or sent the notice or document on the date specified in the certificate by post addressed to the employee at the employee's residential address as last notified under subregulation (1).
- (3) Except where the Act or these regulations provide that a notice must be given in writing or in some other form approved by a public sector agency, a notice may be given directly to an employee by word of mouth or by telephone, fax or email.
- (4) A notice or document will be taken to have been given or delivered to a public sector agency if the notice or document is given or delivered to the employee for the time being occupying a position or performing duties nominated by the agency for the purpose of the receipt of such notices or documents.

## **Schedule 1—Application of Part 7 of Act (regulation 14)**

### **1—References to industrial instruments**

- (1) A reference in this Schedule to an award or enterprise agreement includes a reference to all industrial instruments made in substitution for that award or agreement.
- (2) For the purposes of subclause (1), an industrial instrument will be taken to have been made in substitution for an award or enterprise agreement irrespective of whether the later instrument covers all employees bound by the earlier instrument.

### **2—Long service leave**

- (1) Section 51 of the Act to the extent that it provides that the rights of an employee of a public sector agency to leave are governed by Schedule 1 Part 6 (Long service leave) of the Act applies to—
  - (a) police officers; and
  - (b) employees of the South Australian Fire and Emergency Services Commission, South Australian Metropolitan Fire Service, South Australian Country Fire Service or South Australian State Emergency Service; and
  - (c) public sector employees bound by the *South Australian Metropolitan Fire Service Enterprise Agreement 2022*; and
  - (d) officers of both Houses of Parliament and persons under the separate control of the President of the Legislative Council or the Speaker of the House of Assembly or under their joint control (other than a person appointed to an office under the *Parliament (Joint Services) Act 1985*); and
  - (e) public sector employees who do not have an entitlement to long service leave under an Act or under their conditions of employment (other than a person who is remunerated solely by fees, allowances or commission or a person employed by a statutory corporation).

- (2) However, the provisions of Schedule 1 Part 6 of the Act that provide for an entitlement to skills and experience retention leave under clause 7(1a) of Schedule 1 of the Act will not apply to—
  - (a) any person who is bound by the *South Australia Police Enterprise Agreement 2021*;
  - (b) any other person who is entitled under a determination of the Commissioner of Police to leave that corresponds to Police Service Leave under clause 38 of the *South Australia Police Enterprise Agreement 2021* (including a determination made before that clause came into effect).
- (3) Section 51 of the Act to the extent that it provides that the rights of an employee of a public sector agency to leave are governed by Schedule 1 clause 7(1), (1a), (2)(a) and (4a) to (5) (inclusive) of the Act applies to persons employed by the Return to Work Corporation of South Australia under Part 5 of the *Return to Work Corporation of South Australia Act 1994*.
- (4) Section 51 of the Act to the extent that it provides that the rights of an employee of a public sector agency to leave are governed by Schedule 1 clause 7(1), (1a), (2)(a), (2a) and (4a) to (5) (inclusive) of the Act applies to—
  - (a) persons employed under section 72 of the Act; and
  - (b) without limiting paragraph (a), persons employed in the position of Assistant or Research Officer to a Member of Parliament.
- (5) For the purposes of this clause, the service or effective service of an employee includes service that would be counted as service or effective service (as the case requires) under Schedule 1 clause 10 of the Act if the employee were a Public Service employee.

### 3—TAFE SA

- (1) Part 7 of the Act applies to an employee of the chief executive of TAFE SA under the *TAFE SA Act 2012* if—
  - (a) the employee is bound by—
    - (i) the *S.A. Public Sector Salaried Employees Interim Award*; or
    - (ii) the *South Australian Public Sector Enterprise Agreement: Salaried 2021*;  
or
  - (b) the employee is employed in executive level administrative duties.
- (2) Section 51 of the Act to the extent that it provides for an entitlement to skills and experience retention leave under Schedule 1 Part 6 of the Act (and to the extent that it does not apply under subclause (1)) applies to all employees of the chief executive of TAFE SA under the *TAFE SA Act 2012*.

### 4—Urban Renewal Authority

Part 7 Divisions 3 and 4 of the Act apply to an employee of the Urban Renewal Authority if, immediately before the commencement of the *Public Sector Regulations 2010*, Part 7 Division 3 of the *Public Sector Management Act 1995* applied to the employee.

## 5—Education and Early Childhood Services Registration and Standards Board of South Australia

- (1) Part 7 of the Act, as modified by subclause (2), applies in relation to an employee of the Education and Early Childhood Services Registration and Standards Board of South Australia (the **Board**) under the *Education and Early Childhood Services (Registration and Standards) Act 2011* if—
  - (a) the employee is bound by—
    - (i) the *S.A. Public Sector Salaried Employees Interim Award*; or
    - (ii) the *South Australian Public Sector Enterprise Agreement: Salaried 2021*; or
  - (b) the employee is employed in executive level administrative duties.
- (2) For the purposes of subclause (1), Part 7 of the Act is modified as follows:
  - (a) sections 42, 45(3), 46, 54(2) and 54(3) do not apply in relation to an employee of the Board;
  - (b) section 48 is taken to be modified such that each employee of the Board is, when engaged as an employee of the Board, at first on probation for 12 months, unless the Board determines that no probation is required or determines a lesser period of probation.

## 6—Lifetime Support Authority of South Australia

- (1) Part 7 of the Act, as modified by subclause (2), applies in relation to an employee of the Lifetime Support Authority of South Australia (the **Authority**) under the *Motor Vehicle Accidents (Lifetime Support Scheme) Act 2013* if the employee is bound by—
  - (a) the *S.A. Public Sector Salaried Employees Interim Award*; or
  - (b) the *South Australian Public Sector Enterprise Agreement: Salaried 2021*.
- (2) For the purposes of subclause (1), Part 7 of the Act is modified as follows:
  - (a) sections 42, 43, 44, 45(3), 46, 53(2), 54(2) and 54(3) do not apply in relation to an employee of the Authority;
  - (b) section 48 is taken to be modified such that each employee of the Authority is, when engaged as an employee of the Authority, at first on probation for 12 months, unless the Authority determines that no probation is required or determines a lesser period of probation.

## 7—Legal Profession Conduct Commissioner

- (1) Part 7 of the Act, as modified by subclause (2), applies in relation to an employee of the Legal Profession Conduct Commissioner (the **Commissioner**) under the *Legal Practitioners Act 1981* if the employee is bound by—
  - (a) the *S.A. Public Sector Salaried Employees Interim Award*; or
  - (b) the *South Australian Public Sector Enterprise Agreement: Salaried 2021*.

- (2) For the purposes of subclause (1), Part 7 of the Act is modified as follows:
- (a) sections 42, 43, 44, 45(3), 46, 53(2), 54(2) and 54(3) do not apply in relation to an employee of the Commissioner;
  - (b) section 48 is taken to be modified such that each employee of the Commissioner is, when engaged as an employee of the Commissioner, at first on probation for 12 months, unless the Commissioner determines that no probation is required or determines a lesser period of probation.

### **8—Health Care Act 2008**

- (1) Part 7 of the Act, as modified by subclause (2), applies in relation to an employee of an employing authority under the *Health Care Act 2008* if—
- (a) the employee is bound by the *South Australian Public Sector Enterprise Agreement: Salaried 2021*; or
  - (b) the employee is employed in executive level administrative duties.
- (2) For the purposes of subclause (1), section 45(3) of the Act does not apply in relation to an employee referred to in that subclause.

### **9—Commissioner for Children and Young People**

- (1) Part 7 of the Act, as modified by subclause (2), applies in relation to an employee of the Commissioner for Children and Young People under the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* (the **Commissioner**) if the employee is bound by—
- (a) the *S.A. Public Sector Salaried Employees Interim Award* ; or
  - (b) the *South Australian Public Sector Wages Parity Enterprise Agreement: Salaried 2014*.
- (2) For the purposes of subclause (1), Part 7 of the Act is modified as follows:
- (a) sections 42, 43, 44, 45(3), 46, 53(2), 54(2) and 54(3) do not apply in relation to an employee of the Commissioner;
  - (b) section 48 is taken to be modified such that each employee of the Commissioner is, when engaged as an employee of the Commissioner, at first on probation for 12 months, unless the Commissioner determines that no probation is required or determines a lesser period of probation.

### **10—South Australian Housing Trust**

- (1) Part 7 of the Act, as modified by subclause (2), applies in relation to an employee of the Chief Executive of the South Australian Housing Trust if the employee is bound by—
- (a) the *S.A. Public Sector Salaried Employees Interim Award*; or
  - (b) the *South Australian Public Sector Enterprise Agreement: Salaried 2021*.
- (2) For the purposes of subclause (1), Part 7 of the Act is modified so that sections 45(3) and 54(3) do not apply to an employee referred to in that subsection.

## 11—Teachers Registration Board of South Australia

- (1) Part 7 of the Act, as modified by subclause (2), applies in relation to an employee of the Teachers Registration Board of South Australia (the **Board**) under the *Teachers Registration and Standards Act 2004* if the employee is bound by—
  - (a) the *S.A. Public Sector Salaried Employees Interim Award*; or
  - (b) the *South Australian Public Sector Enterprise Agreement: Salaried 2021*.
- (2) For the purposes of subclause (1), Part 7 of the Act is modified as follows:
  - (a) sections 42, 43, 44, 45(3), 46, 53(2), 54(2) and 54(3) do not apply in relation to an employee of the Board;
  - (b) section 48 is taken to be modified such that each employee of the Board is, when engaged as an employee of the Board, at first on probation for 12 months, unless the Board determines that no probation is required or determines a lesser period of probation.

## 12—Regional landscape boards

- (1) Part 7 of the Act, as modified by subclause (2), applies in relation to a member of the staff of a regional landscape board who is employed under section 35(4) of the *Landscape South Australia Act 2019* if the employee is bound by—
  - (a) the *S.A. Public Sector Salaried Employees Interim Award*; or
  - (b) the *South Australian Public Sector Enterprise Agreement: Salaried 2021*.
- (2) For the purposes of subclause (1), Part 7 of the Act is modified as follows:
  - (a) sections 42, 43, 44, 45(3), 46, 53(2) and 54(3) do not apply to an employee referred to in that subclause;
  - (b) section 48 is taken to be modified such that each employee referred to in that subclause is, when engaged as an employee of the employing authority, at first on probation for 12 months, unless the employing authority determines that no probation is required or determines a lesser period of probation.

## Schedule 2—Repeal and transitional provision

### Part 1—Repeal of regulations

#### 1—Repeal of *Public Sector Regulations 2010*

The *Public Sector Regulations 2010* are repealed.

### Part 2—Transitional provision

#### 2—Transitional provision

A determination or approval made or given under or for the purposes of the repealed *Public Sector Regulations 2010* that is in force immediately before the commencement of these regulations continues in force as a determination or approval made or given under or for the purposes of any corresponding provision of these regulations, subject to—

- (a) the conditions (if any) of the determination or approval; and
- (b) amendment or repeal under these regulations.

**Editorial note—**

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

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 28 August 2025

No 98 of 2025

# STATE GOVERNMENT INSTRUMENTS

## BUILDING WORK CONTRACTORS ACT 1995

### *Exemption*

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

#### SCHEDULE 1

JEREMY THOMAS MILLS (BLD 254181)

#### SCHEDULE 2

Construction of a double storey detached dwelling at Allotment 2, Deposited Plan 129574, being a portion of the land described in Certificate of Title Volume 6271 Folio 902, more commonly known as 33 Holder Road, Hove SA 5048.

#### SCHEDULE 3

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

Dated: 25 August 2025

BRETT HUMPHREY  
Commissioner for Consumer Affairs  
Delegate for the Minister for Consumer and Business Affairs

## BUILDING WORK CONTRACTORS ACT 1995

### *Exemption*

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

#### SCHEDULE 1

JOSHUA PATRICK BUNFIELD (BLD 317434)

#### SCHEDULE 2

Construction of a single storey detached dwelling and shed at Allotment 33, Deposited Plan 3490, being a portion of the land described in Certificate of Title Volume 5295 Folio 175, more commonly known as 8 Greig Road, Crystal Brook SA 5523.

#### SCHEDULE 3

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

Dated: 21 August 2025

BRETT HUMPHREY  
Commissioner for Consumer Affairs  
Delegate for the Minister for Consumer and Business Affairs

## BUILDING WORK CONTRACTORS ACT 1995

*Exemption*

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

## SCHEDULE 1

MICHAEL JOHN HOWARD (BLD 339829)

## SCHEDULE 2

Construction of a two storey detached dwelling at Allotment 11, Deposited Plan 129099, being a portion of the land described in Certificate of Title Volume 6266 Folio 708, more commonly known as 10 St Marys Street, Willunga SA 5172.

## SCHEDULE 3

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

Dated: 21 August 2025

BRETT HUMPHREY  
Commissioner for Consumer Affairs  
Delegate for the Minister for Consumer and Business Affairs

## THE DISTRICT COURT OF SOUTH AUSTRALIA

## PORT AUGUSTA CIRCUIT COURT

*Sheriff's Office, Adelaide, 2 September 2025*

In pursuance of a precept from the District Court to me directed, I do hereby give notice that the said Court will sit as a Court of Oyer and Terminer and General Gaol Delivery at the Courthouse at Port Augusta on the day and time undermentioned and all parties bound to prosecute and give evidence and all jurors summoned and all others having business at the said Court are required to attend the sittings thereof and the order of such business will be unless a Judge otherwise orders as follows:

Tuesday, 2 September 2025 at 10am on the first day of the sittings the only business taken will be the arraignment of prisoners in gaol and the passing of sentences on prisoners in gaol committed for sentence; the surrender of prisoners on bail committed for sentence; the surrender of persons in response to ex officio informations or of persons on bail and committed for trial who have signified their intentions to plead guilty and the passing of sentences for all matters listed for disposition by the District Court.

Juries will be summoned for 4 August 2025 and persons will be tried on this and subsequent days of the sittings.

*Prisoners in H.M. Gaol and on Bail for Sentence and for Trial at the Sittings  
of the Port Augusta Courthouse, Commencing 2 September 2025*

Bilney, Shay Ellenn	Application for enforcement of breached bond.	On bail
Brady, Hadley Lee	Sexual abuse of a child.	On bail
Brown, Ali Jay	Aggravated threatening life; Aggravated assault (2); Aggravated criminal trespass in a place of residence	On bail
Burlison, Christopher Brian	Sexual abuse of a child; Aggravated indecent assault.	On bail
Campbell, Sabrina Serena	Aggravated serious criminal trespass in a place of residence; Aggravated assault causing harm; Aggravated assault (2).	On bail
Clarke, Craig Dustin	Rape.	On bail
Cong, Lin	Causing death by dangerous driving; Causing harm by dangerous driving (2).	
De Costa, Anthony Sydney	Adult, sexual abuse of a child; Unlawful sexual intercourse.	On bail
Dingaman, Irene Anne	Aggravated affray; Serious criminal trespass in a place of residence; Arson; Aggravated creating likelihood of harm.	On bail
Evans-Eldridge, Rikky Sam	Traffic (type unknown) in a controlled drug (2); Knowingly engage in money laundering; Traffic in large commercial quantity of controlled drug; Possess prescribed equipment.	On bail
Falciani, Brodie Pacifico	Rape (2); Assault (3); Aggravated assault; Damaging property.	On bail
Ginger, Edward Miller	Causing harm with intent to cause harm; Aggravated causing harm with intent to cause harm (2).	In gaol
Higgins, Joshua David	Aggravated assault (3); Unlawfully choking, suffocating or strangling another; Aggravated assault causing harm.	On bail
Joyce, Cody James	Trafficking in a controlled drug.	On bail
Puckridge, Ricki David		
Lawrie, Amanda Nicole	Traffic (type unknown) in a controlled drug (2); Knowingly engage in money laundering; Possess prescribed equipment.	On bail



Lynch, David William	Sexual abuse of a child.	In gaol
McMillan, Brooke Joy	Using a carriage service for child abuse material (by accessing) (5); Using a carriage service for child abuse material (by transmitting).	On bail
Mitchell, Gary Francis	Sexual abuse of a child; Indecent assault.	On bail
Nottage, Dylan Luke	Aggravated assault (5); Unlawfully choking, suffocating or strangling another; Aggravated threatening to cause harm.	In gaol
Nottage, Paul Mark (S)	Sexual abuse of a child (4).	In gaol
O'Toole, Keith Brandon	Aggravated serious criminal trespass in a place of residence; Aggravated assault (2); Assault; Damaging property; Theft.	On bail
Pearson, Kevin Maxwell	Cause death by dangerous driving (2).	On bail
Roach, Norris Oswald	Adult sexual abuse of a child.	On bail
Roberts, Seth Clifton	Aggravated serious criminal trespass in a place of residence; Assault; Aggravated assault.	In gaol
Roesch, Michael Arthur	Aggravated serious criminal trespass in a non-residential building.	On bail
Ross, Grant Anthony	Aggravated robbery; Attempting to dissuade a witness; Contravening an intervention order/Failing to comply with bail.	On bail
Sandimar, Owen Donald Curtis	Aggravated causing harm with intent to cause harm.	In gaol
Savaidis, Adrian John	Sexual abuse of a child; Unlawful sexual intercourse.	On bail
Smith, Eugene Anthony Barnes	Aggravated serious criminal trespass in a place of residence; Theft (2).	In gaol
Hayden Carl Alex		In gaol
Smith, Lisa-Anne	Theft.	On bail
Sorensen, Daniel James	Aggravated assault; Aggravated serious criminal trespass in a place of residence; Damaging property.	On bail
Sorensen, Tharren Jon		On bail
Taylor, Joshua James	Aggravated commit assault-worker other; Unknown; Aggravated commit theft using force; Enter or remain on licensed premise from which barred.	In gaol
Turbitt, Michael Patrick Thomas	Aggravated serious criminal trespass in a place of residence; Aggravated assault causing harm.	On bail
Turner, Shannon Graham	Causing death by dangerous driving.	On bail
Williams, Noel John	Sexual abuse of a child.	On bail
Willis, Brandon Stanley Thomas	Sexual abuse of a child; Gross indecency.	On bail
Wilton, Xavier Leslie Simon	Aggravated assault (3); Aggravated causing harm with intent to cause harm; Property damage.	In gaol

Prisoners on bail must surrender at 10am of the day appointed for their respective trials. If they do not appear when called upon their recognizances and those of their bail will be estreated and a bench warrant will be issued forthwith.

By order of the Court,

L. TURNER  
Sheriff

## EDUCATION AND CHILDREN'S SERVICES ACT 2019

### *Amending the Constitution of a Governing Council for a Government School*

I, Caroline Fishpool, Lead Director, Conditions for Learning, Schools and Preschools, consider it necessary to amend the constitution of:

Mannum Community College  
Modbury High School  
Naracoorte Area School

To ensure that it takes the form of the model constitution for either schools with or without a school-based preschool, and therefore in accordance with Section 40(1) and (2) of the *Education and Children's Services Act 2019*, I amend the governing councils' constitutions such that they now read as follows:

#### MANNUM COMMUNITY COLLEGE GOVERNING COUNCIL INCORPORATED

##### *Constitution*

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## GOVERNING COUNCIL MODEL CONSTITUTION

*(School without a school-based preschool)***1. Name**

The name of the council is Mannum Community College Governing Council Incorporated.

**2. Interpretation**

In this constitution, unless the contrary intention appears:

*'the Act'* means the *Education and Children's Services Act 2019* as amended.

*'administrative instructions'* means administrative instructions issued pursuant to Section 9 of the Act.

*'administrative unit'* means a government department or attached office.

*'adult'* means a person who has attained 18 years of age.

*'affiliated committee'* means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

*'chairperson'* means the presiding member of the governing council as referred to in Section 35(3) of the Act.

*'Chief Executive'* means the Chief Executive of the Department for Education.

*'governing council'* means the Mannum Community College Governing Council established under Section 34 of the Act.

*'council member'* are the members of the governing council.

*'department'* means the Department for Education.

*'financial year'* means the year ending 31 December or as varied by administrative instruction.

*'general meeting'* means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' means more than half the total number.

'Minister' means the person to whom the administration of the Act is committed, pursuant to the *Administrative Arrangements Act 1994*.

'parent'—the Act uses the term "person responsible for a child or student". In this constitution, the term "parent" will be used instead. This term includes parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

'principal' means the person for the time being designated by the Chief Executive as the principal of the school.

'regulations' means the *Education and Children's Services Regulations 2020*.

'school' means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

'school community' means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

'school improvement plan' means the agreement signed by the principal and the presiding member of the council that summarises the school's contribution to improving student learning at the site.

'special resolution' of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members specifying the intention to propose the resolution as a special resolution; and
- (2) it is passed by a majority of not less than three quarters of council members who vote in person or by proxy at that meeting.

'student' is a person enrolled in the school or approved learning program.

### 3. Object

The object of the council is to involve the school community in the governance of the school to strengthen and support public education in the community.

### 4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive
- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.

4.2 The council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

### 5. Functions of the Council

5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:

5.1.1 involve the school community in the governance of the school by:

- (i) providing a forum for the involvement of parents and others in the school community
- (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
- (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.

5.1.2 strategic planning for the school including:

- (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
- (ii) considering, approving and monitoring human resource and asset management plans.

5.1.3 determine local policies for the school.

5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.

5.1.5 present plans and reports on the council's operations to the school community and Minister.

5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.

5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:

- 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
- 5.3.2 residential facilities for the accommodation of students.

5.4 The council may raise money for school related purposes.

5.5 The council may perform other functions as determined by the Minister or Chief Executive.

5.6 The council may do all those acts and things incidental to the exercise of these functions.

5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

## 6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

- 6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.
- 6.2 The principal must also:
  - 6.2.1 implement the school's strategic plan, the school improvement plan and school policies
  - 6.2.2 provide accurate and timely reports, information and advice relevant to the council's functions
  - 6.2.3 report on learning, care, training and participation outcomes to council
  - 6.2.4 supervise and promote the development of staff employed by the council
  - 6.2.5 be responsible for the financial, physical and human resource management of the school
  - 6.2.6 be an *ex-officio* member of council with full voting rights
  - 6.2.7 be the returning officer for the election, nomination and appointment of council members
  - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
  - 6.2.9 contribute to the formulation of the agenda of council meetings.

## 7. Membership

- 7.1 The Mannum Community College Governing Council must comprise 15 council members including:
  - 1 Principal of the school (*ex-officio*)
  - 8 Elected parent members
  - 2 Staff members nominated by the staff of the school (as per ratio in the administrative instructions).
  - 2 Community members appointed by the council
  - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
  - 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
  - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
  - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

## 8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
  - 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
  - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 8.3 Any council member nominated by the Student Representative Council (or equivalent) or elected by the body of students will hold office for a term not exceeding one year or until the nomination is revoked, in writing, by the nominating body.
- 8.4 A council member elected by the staff of the school will hold office for a term not exceeding one year subject to being a member of the staff of the school.
- 8.5 Each council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members are eligible for subsequent re-election, re-nomination or re-appointment.

## 9. Office Holders and Executive Committee

- 9.1 *Appointment*
  - 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
  - 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
  - 9.1.3 The treasurer must not be a member of the staff of the school.

9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to

- (i) meet to carry out business delegated or referred by the council; and
- (ii) report to subsequent council meetings.

9.2 *Removal from Office*

9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.

9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:

- (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
- (ii) the office holder is given the right to be heard at the council meeting;
- (iii) voting on the special resolution is by secret ballot.

9.3 *The Chairperson*

9.3.1 The chairperson must:

- (i) call and preside at the meetings of the council and the executive committee;
- (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;
- (iii) include on the agenda any item requested by the principal;
- (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
- (v) report at the Annual General Meeting on the proceedings and operations of the council for the period since the date of the previous Annual General Meeting.

9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.

9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.

9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.

9.4 *The Secretary*

9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:

- (i) the constitution of the council and the code of practice;
- (ii) official records of the business of the council and a register of minutes of meetings;
- (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
- (iv) the register of council members;
- (v) contracts or agreements entered into by the council;
- (vi) copies of policies of the council.

9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.

9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.

9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.

9.4.6 The secretary must conduct the official correspondence of the council.

9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.

9.5.2 The treasurer must:

- (i) ensure that the council's financial budgets and statements are prepared
- (ii) submit a report of those finances to each council meeting;
- (iii) present the council's statement of accounts to the Annual General Meeting.

**10. Vacancies**

10.1 Membership of the council ceases when a council member:

10.1.1 dies;

10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;

10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;

- 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
  - 10.1.5 resigns by written notice to the council;
  - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
  - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
  - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
  - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
  - 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.
- 10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

## 11. Meetings

### 11.1 *General Meetings of the School Community*

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 11.1.2 The chairperson of the council must call and preside at general meetings of the school community, the timing to be agreed between the chairperson and the principal of the school.
- 11.1.3 At least 14 days written notice of the meeting must be given to the school community by the means generally used to communicate with the school community. The notice must specify the date, time and place of the meeting.
- 11.1.4 A general meeting must be held:
  - (i) at least once annually (the Annual General Meeting) to present reports, to elect parents to the council and/or declare election results;
  - (ii) for any other reason relating to the affairs, functions or membership of the council, determined by agreement between the chairperson and the principal.
- 11.1.5 The period between each Annual General Meeting must not exceed 16 months.
- 11.1.6 A general meeting must be held to elect council members, to discuss the finances of the council or for any other reason relating to the affairs or functions of the council:
  - (i) at the request of the Chief Executive;
  - (ii) by the resolution of the council;
  - (iii) at the request of 20 parents or one half of the parents of the school, whichever is less.
- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

### 11.2 *Council Meetings*

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

### 11.3 *Extraordinary Council Meetings*

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

### 11.4 *Voting*

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
  - (i) a contested election; or
  - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

## 12. Proceedings of the Council

### 12.1 *Meetings*

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members present and eligible to vote is the decision of the council.

- 12.1.4 The chairperson must have a deliberative vote only. In the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

#### 12.2 *Conflict of Interest*

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
  - (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
  - (ii) not take part in deliberations or decisions of the council with respect to that contract;
  - (iii) not vote in relation to the contract; and
  - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member discloses an interest in a contract or proposed contract:
  - (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
  - (ii) the member is not liable to account for the profits derived from the contract.

### 13. Election of Council Members

#### 13.1 *Eligibility for Nomination for Election*

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

#### 13.2 *Eligibility to Vote*

Only parents of the school may vote to elect parent council members.

#### 13.3 *Conduct of Elections for Parent Council Members*

The principal must conduct elections for parent council members by *one* of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

#### 13.4 *Notice of Election*

- 13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.
- 13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.
- 13.4.3 The notice must:
  - (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
  - (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
  - (iii) in the case of the postal ballot:
    - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
    - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.
- 13.4.4 In consultation with the council, the principal must determine the form for nominations and the period during which nominations will be accepted.
- 13.4.5 A nomination for election as a council member must be:
  - (i) in a form approved by the principal; and
  - (ii) received by the principal at or before the time the nomination is due.

#### 13.5 *Election without Ballot*

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

#### 13.6 *Contested Elections*

- 13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.
- 13.6.2 A contested election must be conducted by secret ballot.

#### 13.7 *Scrutineers*

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

**13.8 Declaration of Election**

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

**13.9 Further Nomination for Unfilled Positions**

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

**13.10 Nomination and Appointment of Council Members**

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

**14. Minutes**

14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.

14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

**15. Subcommittees****15.1 Committees**

The council may appoint committees, comprised of council members or both council members and non-council members, which will meet as directed by the council and report to the council at subsequent council meetings. Any committee must consist of at least three people and at least one of those must be a council member.

**15.2 Terms of Reference**

The council must specify terms of reference for its committees.

**15.3 Finance Advisory Committee**

15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:

- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
- (ii) the proposed expenditure to be made; and
- (iii) details of any funds held for special purposes.

15.3.2 The membership must be determined by the council and must include

- (i) the treasurer;
- (ii) the principal or nominee.

15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

**16. Finance and Accounts**

16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.

16.4 The funds of the council must only be expended for school related purposes.

16.5 The council may transfer funds as it thinks fit to:

- 16.5.1 an affiliated committee;
- 16.5.2 another existing or proposed Government school.

**17. Audit**

17.1 The council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.

17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.

17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.



**18. Reporting to the School Community and the Minister**

18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.

18.2 At that meeting:

18.2.1 the chairperson must report on:

(i) strategic and other plans;

(ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;

(iii) the outcomes of those proceedings in relation to the functions of the council; and

18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.

18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.

18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

**19. The Common Seal**

19.1 The council must have a common seal. The common seal must be affixed only by resolution of the council and in the presence of two council members, one of whom must be the principal or the chairperson of the council.

19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

**20. Records**

20.1 The council is responsible for the safe and proper storage of its records.

20.2 The council must make the records available at any time to the Minister or to any person authorised by the Minister and allow those records to be removed by any such person.

**21. Amendment of the Constitution**

21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.

21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.

21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

**22. Code of Practice**

Members of the council must comply with the code of practice approved by the Minister.

**23. Dispute Resolution**

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

**24. Public Access to the Constitution and Code of Practice**

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

**25. Dissolution**

In accordance with Section 43 of the Act, the Minister may dissolve the council.

**26. Prohibition against Securing Profits for Members**

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

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MODBURY HIGH SCHOOL GOVERNING COUNCIL INCORPORATED

*Constitution*

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GOVERNING COUNCIL MODEL CONSTITUTION  
(School without a School-based preschool)

**1. Name**

The name of the council is Modbury High School Governing Council Incorporated.

**2. Interpretation**

In this constitution, unless the contrary intention appears:

*'the Act'* means the *Education and Children's Services Act 2019* as amended.

*'administrative instructions'* means administrative instructions issued pursuant to Section 9 of the Act.

*'administrative unit'* means a government department or attached office.

*'adult'* means a person who has attained 18 years of age.

*'affiliated committee'* means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

*'chairperson'* means the presiding member of the governing council as referred to in Section 35(3) of the Act.

*'Chief Executive'* means the Chief Executive of the Department for Education.

*'governing council'* means the Modbury High School Governing Council established under Section 34 of the Act.

*'council member'* are the members of the governing council.

*'department'* means the Department for Education.

*'financial year'* means the year ending 31 December or as varied by administrative instruction.

*'general meeting'* means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' means more than half the total number.

'Minister' means the person to whom the administration of the Act is committed, pursuant to the *Administrative Arrangements Act 1994*.

'parent'—the Act uses the term "person responsible for a child or student". In this constitution, the term "parent" will be used instead. This term includes parents, guardians, and persons standing in *loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

'principal' means the person for the time being designated by the Chief Executive as the principal of the school.

'regulations' means the *Education and Children's Services Regulations 2020*.

'school' means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

'school community' means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

'school improvement plan' means the agreement signed by the principal and the presiding member of the council that summarises the school's contribution to improving student learning at the site.

'special resolution' of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members specifying the intention to propose the resolution as a special resolution; and
- (2) it is passed by a majority of not less than three quarters of council members who vote in person or by proxy at that meeting.

'student' is a person enrolled in the school or approved learning program.

### 3. Object

The object of the council is to involve the school community in the governance of the school to strengthen and support public education in the community.

### 4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive
- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.

4.2 The council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

### 5. Functions of the Council

5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:

5.1.1 involve the school community in the governance of the school by:

- (i) providing a forum for the involvement of parents and others in the school community
- (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
- (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.

5.1.2 strategic planning for the school including:

- (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
- (ii) considering, approving and monitoring human resource and asset management plans.

5.1.3 determine local policies for the school.

5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.

5.1.5 present plans and reports on the council's operations to the school community and Minister.

5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.

5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:

- 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
- 5.3.2 residential facilities for the accommodation of students.

5.4 The council may raise money for school related purposes.

5.5 The council may perform other functions as determined by the Minister or Chief Executive.

5.6 The council may do all those acts and things incidental to the exercise of these functions.

5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

## 6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

- 6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.
- 6.2 The principal must also:
  - 6.2.1 implement the school's strategic plan, the school improvement plan and school policies
  - 6.2.2 provide accurate and timely reports, information and advice relevant to the council's functions
  - 6.2.3 report on learning, care, training and participation outcomes to council
  - 6.2.4 supervise and promote the development of staff employed by the council
  - 6.2.5 be responsible for the financial, physical and human resource management of the school
  - 6.2.6 be an *ex-officio* member of council with full voting rights
  - 6.2.7 be the returning officer for the election, nomination and appointment of council members
  - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
  - 6.2.9 contribute to the formulation of the agenda of council meetings.

## 7. Membership

- 7.1 The Modbury High School Governing Council must comprise 20 council members including:
  - 1 Principal of the school (*ex-officio*)
  - 12 Elected parent members
  - 3 Staff members nominated by the staff of the school (as per ratio in the administrative instructions).
  - 2 Community members appointed by the council
  - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
  - 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
  - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
  - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

## 8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
  - 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
  - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 8.3 Any council member nominated by the Student Representative Council (or equivalent) or elected by the body of students will hold office for a term not exceeding one year or until the nomination is revoked, in writing, by the nominating body.
- 8.4 A council member elected by the staff of the school will hold office for a term not exceeding one year subject to being a member of the staff of the school.
- 8.5 Each council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members are eligible for subsequent re-election, re-nomination or re-appointment.

## 9. Office Holders and Executive Committee

- 9.1 *Appointment*
  - 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
  - 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
  - 9.1.3 The treasurer must not be a member of the staff of the school.

9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to

- (i) meet to carry out business delegated or referred by the council; and
- (ii) report to subsequent council meetings.

9.2 *Removal from Office*

9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.

9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:

- (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
- (ii) the office holder is given the right to be heard at the council meeting;
- (iii) voting on the special resolution is by secret ballot.

9.3 *The Chairperson*

9.3.1 The chairperson must:

- (i) call and preside at the meetings of the council and the executive committee;
- (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;
- (iii) include on the agenda any item requested by the principal;
- (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
- (v) report at the Annual General Meeting on the proceedings and operations of the council for the period since the date of the previous Annual General Meeting.

9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.

9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.

9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.

9.4 *The Secretary*

9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:

- (i) the constitution of the council and the code of practice;
- (ii) official records of the business of the council and a register of minutes of meetings;
- (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
- (iv) the register of council members;
- (v) contracts or agreements entered into by the council;
- (vi) copies of policies of the council.

9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.

9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.

9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.

9.4.6 The secretary must conduct the official correspondence of the council.

9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.

9.5.2 The treasurer must:

- (i) ensure that the council's financial budgets and statements are prepared
- (ii) submit a report of those finances to each council meeting;
- (iii) present the council's statement of accounts to the Annual General Meeting.

**10. Vacancies**

10.1 Membership of the council ceases when a council member:

10.1.1 dies;

10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;

10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;

- 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
  - 10.1.5 resigns by written notice to the council;
  - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
  - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
  - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
  - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
  - 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.
- 10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

## 11. Meetings

### 11.1 *General Meetings of the School Community*

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 11.1.2 The chairperson of the council must call and preside at general meetings of the school community, the timing to be agreed between the chairperson and the principal of the school.
- 11.1.3 At least 14 days written notice of the meeting must be given to the school community by the means generally used to communicate with the school community. The notice must specify the date, time and place of the meeting.
- 11.1.4 A general meeting must be held:
  - (i) at least once annually (the Annual General Meeting) to present reports, to elect parents to the council and/or declare election results;
  - (ii) for any other reason relating to the affairs, functions or membership of the council, determined by agreement between the chairperson and the principal.
- 11.1.5 The period between each Annual General Meeting must not exceed 16 months.
- 11.1.6 A general meeting must be held to elect council members, to discuss the finances of the council or for any other reason relating to the affairs or functions of the council:
  - (i) at the request of the Chief Executive;
  - (ii) by the resolution of the council;
  - (iii) at the request of 20 parents or one half of the parents of the school, whichever is less.
- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

### 11.2 *Council Meetings*

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

### 11.3 *Extraordinary Council Meetings*

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

### 11.4 *Voting*

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
  - (i) a contested election; or
  - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

## 12. Proceedings of the Council

### 12.1 *Meetings*

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members present and eligible to vote is the decision of the council.

- 12.1.4 The chairperson must have a deliberative vote only. In the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

#### 12.2 *Conflict of Interest*

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
  - (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
  - (ii) not take part in deliberations or decisions of the council with respect to that contract;
  - (iii) not vote in relation to the contract; and
  - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member discloses an interest in a contract or proposed contract:
  - (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
  - (ii) the member is not liable to account for the profits derived from the contract.

### 13. Election of Council Members

#### 13.1 *Eligibility for Nomination for Election*

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

#### 13.2 *Eligibility to Vote*

Only parents of the school may vote to elect parent council members.

#### 13.3 *Conduct of Elections for Parent Council Members*

The principal must conduct elections for parent council members by *one* of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

#### 13.4 *Notice of Election*

- 13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.
- 13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.
- 13.4.3 The notice must:
  - (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
  - (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
  - (iii) in the case of the postal ballot:
    - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
    - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.
- 13.4.4 In consultation with the council, the principal must determine the form for nominations and the period during which nominations will be accepted.
- 13.4.5 A nomination for election as a council member must be:
  - (i) in a form approved by the principal; and
  - (ii) received by the principal at or before the time the nomination is due.

#### 13.5 *Election without Ballot*

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

#### 13.6 *Contested Elections*

- 13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.
- 13.6.2 A contested election must be conducted by secret ballot.

#### 13.7 *Scrutineers*

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

**13.8 Declaration of Election**

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

**13.9 Further Nomination for Unfilled Positions**

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

**13.10 Nomination and Appointment of Council Members**

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

**14. Minutes**

14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.

14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

**15. Subcommittees****15.1 Committees**

The council may appoint committees, comprised of council members or both council members and non-council members, which will meet as directed by the council and report to the council at subsequent council meetings. Any committee must consist of at least three people and at least one of those must be a council member.

**15.2 Terms of Reference**

The council must specify terms of reference for its committees.

**15.3 Finance Advisory Committee**

15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:

- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
- (ii) the proposed expenditure to be made; and
- (iii) details of any funds held for special purposes.

15.3.2 The membership must be determined by the council and must include

- (i) the treasurer;
- (ii) the principal or nominee.

15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

**16. Finance and Accounts**

16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.

16.4 The funds of the council must only be expended for school related purposes.

16.5 The council may transfer funds as it thinks fit to:

- 16.5.1 an affiliated committee;
- 16.5.2 another existing or proposed Government school.

**17. Audit**

17.1 The council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.

17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.

17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.



**18. Reporting to the School Community and the Minister**

18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.

18.2 At that meeting:

18.2.1 the chairperson must report on:

(i) strategic and other plans;

(ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;

(iii) the outcomes of those proceedings in relation to the functions of the council; and

18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.

18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.

18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

**19. The Common Seal**

19.1 The council must have a common seal. The common seal must be affixed only by resolution of the council and in the presence of two council members, one of whom must be the principal or the chairperson of the council.

19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

**20. Records**

20.1 The council is responsible for the safe and proper storage of its records.

20.2 The council must make the records available at any time to the Minister or to any person authorised by the Minister and allow those records to be removed by any such person.

**21. Amendment of the Constitution**

21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.

21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.

21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

**22. Code of Practice**

Members of the council must comply with the code of practice approved by the Minister.

**23. Dispute Resolution**

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

**24. Public Access to the Constitution and Code of Practice**

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

**25. Dissolution**

In accordance with Section 43 of the Act, the Minister may dissolve the council.

**26. Prohibition against Securing Profits for Members**

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

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NARACORTE HIGH SCHOOL GOVERNING COUNCIL INCORPORATED

*Constitution*

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## GOVERNING COUNCIL MODEL CONSTITUTION

*(School without a school-based preschool)***1. Name**

The name of the council is Naracoorte High School Governing Council Incorporated.

**2. Interpretation**

In this constitution, unless the contrary intention appears:

*'the Act'* means the *Education and Children's Services Act 2019* as amended.

*'administrative instructions'* means administrative instructions issued pursuant to Section 9 of the Act.

*'administrative unit'* means a government department or attached office.

*'adult'* means a person who has attained 18 years of age.

*'affiliated committee'* means a committee affiliated with the governing council operating under the model constitution for affiliated committees or a constitution approved by the Minister in accordance with Section 36 and 39 of the Act.

*'chairperson'* means the presiding member of the governing council as referred to in Section 35(3) of the Act.

*'Chief Executive'* means the Chief Executive of the Department for Education.

*'governing council'* means the Naracoorte High School Governing Council established under Section 34 of the Act.

*'council member'* are the members of the governing council.

*'department'* means the Department for Education.

*'financial year'* means the year ending 31 December or as varied by administrative instruction.

*'general meeting'* means a public meeting of the school community.

'government school' means a school established under the Act, or a repealed Act and includes (other than for the purposes of Part 5 of the Act) a special purpose school.

'majority' means more than half the total number.

'Minister' means the person to whom the administration of the Act is committed, pursuant to the *Administrative Arrangements Act 1994*.

'parent'—the Act uses the term "person responsible for a child or student". In this constitution, the term "parent" will be used instead. This term includes parents, guardians, and persons standing *in loco parentis* to a student or child, but excludes any person whose custody or guardianship of a student or child, or whose responsibility for a student or child, has been excluded under any Act or law (for example, the *Family Law Act 1975* (Cth)).

'principal' means the person for the time being designated by the Chief Executive as the principal of the school.

'regulations' means the *Education and Children's Services Regulations 2020*.

'school' means a school at which primary or secondary education or both is, or is to be, provided (whether or not preschool education is also provided at the school).

'school community' means parents, students enrolled in or children who are to attend the school, staff of the school and all other persons who have a legitimate interest in or connection with the school.

'school improvement plan' means the agreement signed by the principal and the presiding member of the council that summarises the school's contribution to improving student learning at the site.

'special resolution' of the council means a resolution passed by a duly convened meeting of the council where:

- (1) at least 14 days written notice has been given to all council members specifying the intention to propose the resolution as a special resolution; and
- (2) it is passed by a majority of not less than three quarters of council members who vote in person or by proxy at that meeting.

'student' is a person enrolled in the school or approved learning program.

### 3. Object

The object of the council is to involve the school community in the governance of the school to strengthen and support public education in the community.

### 4. Powers of the Governing Council

4.1 In addition to the powers conferred under the Act, the council may:

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive
- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.

4.2 The council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

### 5. Functions of the Council

5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:

5.1.1 involve the school community in the governance of the school by:

- (i) providing a forum for the involvement of parents and others in the school community
- (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
- (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.

5.1.2 strategic planning for the school including:

- (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
- (ii) considering, approving and monitoring human resource and asset management plans.

5.1.3 determine local policies for the school.

5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.

5.1.5 present plans and reports on the council's operations to the school community and Minister.

5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.

5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:

- 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
- 5.3.2 residential facilities for the accommodation of students.

5.4 The council may raise money for school related purposes.

5.5 The council may perform other functions as determined by the Minister or Chief Executive.

5.6 The council may do all those acts and things incidental to the exercise of these functions.

5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

## 6. Functions of the Principal on Council

The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.

- 6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and regulations.
- 6.2 The principal must also:
  - 6.2.1 implement the school's strategic plan, the school improvement plan and school policies
  - 6.2.2 provide accurate and timely reports, information and advice relevant to the council's functions
  - 6.2.3 report on learning, care, training and participation outcomes to council
  - 6.2.4 supervise and promote the development of staff employed by the council
  - 6.2.5 be responsible for the financial, physical and human resource management of the school
  - 6.2.6 be an *ex-officio* member of council with full voting rights
  - 6.2.7 be the returning officer for the election, nomination and appointment of council members
  - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
  - 6.2.9 contribute to the formulation of the agenda of council meetings.

## 7. Membership

- 7.1 The Naracoorte High School Governing Council must comprise 13 council members including:
  - 1 Principal of the school (*ex-officio*)
  - 7 Elected parent members
  - 2 Staff members nominated by the staff of the school (as per ratio in the administrative instructions).
  - 1 Community member appointed by the council
  - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
  - 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
  - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
  - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

## 8. Term of Office

- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
- 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
  - 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
  - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.
- 8.3 Any council member nominated by the Student Representative Council (or equivalent) or elected by the body of students will hold office for a term not exceeding one year or until the nomination is revoked, in writing, by the nominating body.
- 8.4 A council member elected by the staff of the school will hold office for a term not exceeding one year subject to being a member of the staff of the school.
- 8.5 Each council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members are eligible for subsequent re-election, re-nomination or re-appointment.

## 9. Office Holders and Executive Committee

- 9.1 *Appointment*
  - 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
  - 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
  - 9.1.3 The treasurer must not be a member of the staff of the school.

9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to

- (i) meet to carry out business delegated or referred by the council; and
- (ii) report to subsequent council meetings.

9.2 *Removal from Office*

9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.

9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:

- (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
- (ii) the office holder is given the right to be heard at the council meeting;
- (iii) voting on the special resolution is by secret ballot.

9.3 *The Chairperson*

9.3.1 The chairperson must:

- (i) call and preside at the meetings of the council and the executive committee;
- (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;
- (iii) include on the agenda any item requested by the principal;
- (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
- (v) report at the Annual General Meeting on the proceedings and operations of the council for the period since the date of the previous Annual General Meeting.

9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.

9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.

9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.

9.4 *The Secretary*

9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.

9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:

- (i) the constitution of the council and the code of practice;
- (ii) official records of the business of the council and a register of minutes of meetings;
- (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
- (iv) the register of council members;
- (v) contracts or agreements entered into by the council;
- (vi) copies of policies of the council.

9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.

9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.

9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.

9.4.6 The secretary must conduct the official correspondence of the council.

9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.

9.5.2 The treasurer must:

- (i) ensure that the council's financial budgets and statements are prepared
- (ii) submit a report of those finances to each council meeting;
- (iii) present the council's statement of accounts to the Annual General Meeting.

**10. Vacancies**

10.1 Membership of the council ceases when a council member:

10.1.1 dies;

10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;

10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;

- 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
  - 10.1.5 resigns by written notice to the council;
  - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
  - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
  - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
  - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
  - 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.
- 10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

## 11. Meetings

### 11.1 *General Meetings of the School Community*

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 11.1.2 The chairperson of the council must call and preside at general meetings of the school community, the timing to be agreed between the chairperson and the principal of the school.
- 11.1.3 At least 14 days written notice of the meeting must be given to the school community by the means generally used to communicate with the school community. The notice must specify the date, time and place of the meeting.
- 11.1.4 A general meeting must be held:
  - (i) at least once annually (the Annual General Meeting) to present reports, to elect parents to the council and/or declare election results;
  - (ii) for any other reason relating to the affairs, functions or membership of the council, determined by agreement between the chairperson and the principal.
- 11.1.5 The period between each Annual General Meeting must not exceed 16 months.
- 11.1.6 A general meeting must be held to elect council members, to discuss the finances of the council or for any other reason relating to the affairs or functions of the council:
  - (i) at the request of the Chief Executive;
  - (ii) by the resolution of the council;
  - (iii) at the request of 20 parents or one half of the parents of the school, whichever is less.
- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

### 11.2 *Council Meetings*

- 11.2.1 The council must meet at least twice in each school term.
- 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
- 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

### 11.3 *Extraordinary Council Meetings*

- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
- 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
- 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

### 11.4 *Voting*

- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
  - (i) a contested election; or
  - (ii) a special resolution to remove an office holder from office.
- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

## 12. Proceedings of the Council

### 12.1 *Meetings*

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members present and eligible to vote is the decision of the council.

- 12.1.4 The chairperson must have a deliberative vote only. In the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

#### 12.2 *Conflict of Interest*

- 12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:
  - (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
  - (ii) not take part in deliberations or decisions of the council with respect to that contract;
  - (iii) not vote in relation to the contract; and
  - (iv) be absent from the meeting room when any such discussion or voting is taking place.
- 12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.
- 12.2.3 If a council member discloses an interest in a contract or proposed contract:
  - (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
  - (ii) the member is not liable to account for the profits derived from the contract.

### 13. Election of Council Members

#### 13.1 *Eligibility for Nomination for Election*

Subject to 7.5, all people who are parents of the school are eligible to nominate for election as a council member.

#### 13.2 *Eligibility to Vote*

Only parents of the school may vote to elect parent council members.

#### 13.3 *Conduct of Elections for Parent Council Members*

The principal must conduct elections for parent council members by *one* of the following methods, as determined by the council:

- (i) an election at a general meeting of the school community;
- (ii) a postal ballot of the parents of the school.

#### 13.4 *Notice of Election*

- 13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.
- 13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.
- 13.4.3 The notice must:
  - (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
  - (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
  - (iii) in the case of the postal ballot:
    - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
    - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.
- 13.4.4 In consultation with the council, the principal must determine the form for nominations and the period during which nominations will be accepted.
- 13.4.5 A nomination for election as a council member must be:
  - (i) in a form approved by the principal; and
  - (ii) received by the principal at or before the time the nomination is due.

#### 13.5 *Election without Ballot*

If the number of persons nominated is the same or less than the number of vacancies to be filled by election, the principal may declare that the vacancy or vacancies has or have been filled by the person or persons nominated.

#### 13.6 *Contested Elections*

- 13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.
- 13.6.2 A contested election must be conducted by secret ballot.

#### 13.7 *Scrutineers*

The principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes as the principal sees fit. A candidate in the election cannot be a scrutineer.

**13.8 Declaration of Election**

13.8.1 The principal must declare the candidate or candidates elected to fill the vacancy or vacancies:

- (i) at a general meeting of the school community; or
- (ii) in the form generally used to communicate with the school community.

13.8.2 The new council comes into operation at the declaration of the election.

**13.9 Further Nomination for Unfilled Positions**

After the result of an election has been declared and if the required number of positions of elected parent council member positions has not been filled, parents present at a general meeting may be invited to nominate and be elected by a further ballot to the remaining vacancies.

**13.10 Nomination and Appointment of Council Members**

13.10.1 As soon as is practicable after the declaration of the results of an election, the principal must call and preside at the first council meeting for the purpose only of:

- (i) receiving the nominations from nominating bodies and determining the direct appointment of members of the community; and
- (ii) electing office holders.

13.10.2 The first meeting of the council must be adjourned to a date decided by the meeting if the purpose of the meeting cannot be achieved.

13.10.3 If upon the resumption of the meeting the appointment of community members or receiving nominations cannot be resolved, the council may proceed to the election of office holders.

**14. Minutes**

14.1 Proper minutes of council meetings, the Annual General Meeting and general meetings of the school community must be appropriately kept.

14.2 The minutes must be confirmed at the next respective annual, general or council meeting and signed by the chairperson of the meeting at which the proceedings took place or by the chairperson of the subsequent meeting.

14.3 Upon reasonable notice, copies of the minutes of any meetings must be made available for inspection by any council member.

**15. Subcommittees****15.1 Committees**

The council may appoint committees, comprised of council members or both council members and non-council members, which will meet as directed by the council and report to the council at subsequent council meetings. Any committee must consist of at least three people and at least one of those must be a council member.

**15.2 Terms of Reference**

The council must specify terms of reference for its committees.

**15.3 Finance Advisory Committee**

15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:

- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
- (ii) the proposed expenditure to be made; and
- (iii) details of any funds held for special purposes.

15.3.2 The membership must be determined by the council and must include

- (i) the treasurer;
- (ii) the principal or nominee.

15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

**16. Finance and Accounts**

16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.

16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.

16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.

16.4 The funds of the council must only be expended for school related purposes.

16.5 The council may transfer funds as it thinks fit to:

- 16.5.1 an affiliated committee;
- 16.5.2 another existing or proposed Government school.

**17. Audit**

17.1 The council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.

17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.



17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

#### **18. Reporting to the School Community and the Minister**

18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.

18.2 At that meeting:

18.2.1 the chairperson must report on:

- (i) strategic and other plans;
- (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
- (iii) the outcomes of those proceedings in relation to the functions of the council; and

18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.

18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.

18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

#### **19. The Common Seal**

19.1 The council must have a common seal. The common seal must be affixed only by resolution of the council and in the presence of two council members, one of whom must be the principal or the chairperson of the council.

19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

#### **20. Records**

20.1 The council is responsible for the safe and proper storage of its records.

20.2 The council must make the records available at any time to the Minister or to any person authorised by the Minister and allow those records to be removed by any such person.

#### **21. Amendment of the Constitution**

21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.

21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.

21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

#### **22. Code of Practice**

Members of the council must comply with the code of practice approved by the Minister.

#### **23. Dispute Resolution**

The council must participate in a scheme for the resolution of disputes between the council and the department/principal, as prescribed in administrative instruction.

#### **24. Public Access to the Constitution and Code of Practice**

The council must keep available for public inspection a copy of its constitution (as in force from time to time) and the code of practice, at the school, during normal school hours.

#### **25. Dissolution**

In accordance with Section 43 of the Act, the Minister may dissolve the council.

#### **26. Prohibition against Securing Profits for Members**

The assets and income of the council must be applied exclusively for school related purposes and no portion may be paid or distributed directly or indirectly to council members in their role as a council member, except for expenses incurred on behalf of the council.

These amendments take effect from the date of publication of this notice in the Gazette.

Dated: 28 August 2025

CAROLINE FISHPOOL  
Lead Director  
Conditions for Learning, Schools and Preschools  
Delegate of the Minister of Education

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#### **ELECTORAL ACT 1985**

##### *Part 6—Registration of Political Parties*

Notice is hereby given, pursuant to Section 42 of the *Electoral Act 1985*, that I have this day registered the following political party:

Name of Party: For Unley

Dated: 28 August 2025

MICK SHERRY  
Electoral Commissioner

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## ELECTORAL ACT 1985

*Part 6—Registration of Political Parties*

Notice is hereby given that the following application for registration as a registered political party under the provisions of Part 6 of the *Electoral Act 1985*, has been received:

Name of Party: Libertarian Party SA  
Abbreviation of Party Name: Libertarians (Liberal Democrats)  
Name of Applicant: Joel Alexander Hocknell

Any elector who believes the application is not in accordance with the *Electoral Act 1985* can formally object in writing to the Electoral Commissioner, Level 6, 60 Light Square, Adelaide SA 5000 by 5pm (ACST) on Monday, 29 September 2025. Objections must contain the postal address and signature of the objector and detail the grounds upon which the objection is made.

Dated: 28 August 2025

MICK SHERRY  
Electoral Commissioner

## ELECTORAL ACT 1985

*Part 6—Registration of Political Parties*

Notice is hereby given that I have on this day de-registered the political party named below following application for de-registration made under the provision of Section 44 of the Act:

Name of Party: United Multicultural Alliance SA

Dated: 28 August 2025

MICK SHERRY  
Electoral Commissioner

## ENERGY RESOURCES ACT 2000

South Australia

## Energy Resources (Fees) Notice 2025 (2)

under the *Energy Resources Act 2000*

### 1—Short title

This notice may be cited as the *Energy Resources (Fees) Notice 2025 (2)*.

### 2—Commencement

This notice has effect on 1 September 2025.

**Note—**

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

### 3—Interpretation

In this notice, unless the contrary intention appears—

*Act* means the *Energy Resources Act 2000*.

### 4—Fees

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

## Schedule 1—Fees

### Part 1—Application fees

1	Application for a licence under the Act	\$5,494.00
2	Application for the renewal of a licence under the Act	\$2,749.00
3	Application to vary or revoke a discretionary condition of a licence	\$2,749.00
4	Application for the approval of the Minister to vary a work program	\$2,749.00
5	Application to convert a production licence into a retention licence	\$2,749.00
6	Application for the authorisation of the Minister to alter or modify a pipeline	\$2,749.00
7	Application to the Minister to consolidate adjacent licence areas, or to divide a licence area	\$2,749.00
8	Application to the Minister to suspend a licence for a specified period	\$2,749.00
9	Application to the Minister for the approval and registration of a registrable dealing	\$2,749.00
10	Application to have access to material included in the commercial register	\$275.00

### Part 2—Annual licence fees (Section 78 of Act)

11	Preliminary survey licence	\$4,647.00 or \$1.85 per km <sup>2</sup> of the total licence area, whichever is the greater
12	Speculative survey licence	\$4,647.00 or \$1.85 per km <sup>2</sup> of the total licence area, whichever is the greater
13	Exploration licence—	
	(a) in relation to the first term of the licence	\$4,647.00 or \$1.85 per km <sup>2</sup> of the total licence area, whichever is the greater
	(b) in relation to a licence granted on terms under which the licence is renewable for 1 further term—in relation to the second term	\$4,647.00 or \$2.60 per km <sup>2</sup> of the licence area during the second term, whichever is the greater
	(c) in relation to a licence granted on terms under which the licence is renewable for 2 further terms—	
	(i) in relation to the second term	\$4,647.00 or \$2.20 per km <sup>2</sup> of the licence area during the second term, whichever is the greater
	(ii) in relation to the third term	\$4,647.00 or \$4.10 per km <sup>2</sup> of the licence area during the third term, whichever is the greater
	(d) in relation to a licence granted on terms under which the licence is renewable for 3 further terms—	
	(i) in relation to the second term	\$4,647.00 or \$2.10 per km <sup>2</sup> of the licence area during the second term, whichever is the greater

**Part 2—Annual licence fees (Section 78 of Act)**

(ii) in relation to the third term	\$4,647.00 or \$2.60 per km <sup>2</sup> of the licence area during the third term, whichever is the greater
(iii) in relation to the fourth term	\$4,647.00 or \$5.25 per km <sup>2</sup> of the licence area during the fourth term, whichever is the greater
14 Retention licence—	
(a) in relation to a petroleum retention licence or a regulated substance exploration licence	\$4,647.00 or \$559.00 per km <sup>2</sup> of the total licence area, whichever is the greater
(b) in relation to a geothermal retention licence or a gas storage retention licence	\$4,647.00 or \$202.00 per km <sup>2</sup> of the total licence area, whichever is the greater
15 Production licence—	
(a) in relation to a petroleum production licence or a regulated substance production licence	\$4,647.00 or \$855.00 per km <sup>2</sup> of the total licence area, whichever is the greater
(b) in relation to a geothermal production licence or a gas storage licence	\$4,647.00 or \$202.00 per km <sup>2</sup> of the total licence area, whichever is the greater
16 Pipeline licence	\$4,647.00 or \$468.00 per km, whichever is the greater
17 Associated activities licence—	
(a) in relation to a licence to which Section 57(1)(a) of the Act applies	\$4,647.00 or \$2 325.00 per km <sup>2</sup> of the total licence area, whichever is the greater
(b) in relation to a licence to which Section 57(1)(b) of the Act applies	\$4 647.00
18 Special facilities licence	\$4,647.00 or \$2 482.00 per km <sup>2</sup> of the total licence area, whichever is the greater

**Made by the Minister for Energy and Mining**

On 14 August 2025

## 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	<u>Certificate of Title</u> Volume/Folio	Maximum Rental per week payable
Unit 1/26 Maitland Street, Mitcham SA 5062	Unit 1 Strata Plan 397 Hundred of Adelaide	CT5044/142	\$235.00

Dated: 28 August 2025

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
38 Midlow Road, Elizabeth Downs SA 5113	Allotment 2 Deposited Plan 32315 Hundred of Munno Para	CT5421/673
59 Currawong Crescent, Modbury (Heights SA 5092)	Allotment 2 Deposited Plan 32315 Hundred of Munno Para	CT5522/635
210 Fourteenth Street, Renmark SA 5341	Allotments 93 and 94 Filed Plan 208178 Hundred of Renmark	CT5491/577
24 Costello Road, Loveday SA 5345	Allotment 14 Deposited Plan 64866 Hundred of Loveday	CT5941/26
42 Hughes Street, Berri SA 5343 (PKA Lot 2, S.T.A. House No. 416)	Allotment 2 Deposited Plan 19584 Hundred Berri IA	CT5262/91
20049 Renmark Avenue, Renmark SA 5341 (AKA Lot 221)	Allotment 221 Filed Plan 13167 Hundred of Renmark ID	CT5241/407
200 Cutler Road, Loxton North SA 5333 (AKA 191 Cutler Road, PKA Section 450)	Section 450 Hundred Plan 710300 Hundred of Gordon	CL1097/27, CL6211/862
80 Tareena Street, Cooltong SA 5341 (AKA Lot 1) (PKA Block 8, Section 3, Block F, Renmark)	Allotment 1 Deposited Plan 18174 Hundred of Renmark ID	CT5290/781
45 The Parade, Blanchetown SA 5357 (PKA Section 134 Old Ferry Landing)	Section 134 Hundred Plan 121300 Hundred of Skurray	CL826/39, CT5898/669
18 Coats Crescent, Golden Heights SA 5322 (AKA Waikerie)	Allotment 38 Deposited Plan 7326 Hundred of Waikerie	CT5233/251
174 Melrose Street, Mount Pleasant SA 5235	Allotment 8 Deposited Plan 235 Hundred of Talunga	CT5416/872
19 Martini Street, Exeter SA 5019	Allotment 16 Filed Plan 2994 Hundred of Port Adelaide	CT5859/188

Dated 28 August 2025

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, Brett Humphrey, 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 8 September 2025 and expiring on 7 September 2035:

Kevin Edward WOODLAND  
Paul Darren John VICKERY  
Thang Do Mang TUNGNUNG  
Keshang TAMANG  
Ling SUN  
Anne Maureen SLATTERY  
Mamata SHRESTHA  
Elizabeth Ann ROWE  
Phoebe Evelyn Leah REDINGTON  
Ngan Phuong QUACH  
Lawrie Robert Alan MILLIGAN  
Dennis Brian MCEVOY  
Deena Flora MADTHA  
Cheryle MACDONALD  
Jacqueline Marilyn LANGSTRETH  
Kimberley Jean KILLICK  
Jane Wendy JUSUP  
Daryl Leslie HOWE  
Kai Arthur David GLAZIER  
Martin Richard Prior DRY  
Natalie Jane BORLASE

Dated: 26 August 2025

BRETT HUMPHREY  
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:

First: Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 13 in Deposited Plan 20900 comprised in Certificate of Title Volume 5441 Folio 580, and being the whole of the land identified as Allotment 100 in D138252 lodged in the Lands Titles Office;

Secondly: Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 15 in Deposited Plan 20900 comprised in Certificate of Title Volume 5441 Folio 504, and being the whole of the land identified as Allotments 102 and 103 in D138252 lodged in the Lands Titles Office;

Thirdly: Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 7 in Filed Plan 9840 comprised in Certificate of Title Volume 5490 Folio 407, and being the whole of the land identified as Allotment 105 in D138252 lodged in the Lands Titles Office;

Fourthly: Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 4 in Filed Plan 8554 comprised in Certificate of Title Volume 5186 Folio 805, and being the whole of the land identified as Allotments 107 and 108 in D138252 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: Petrula Pettas  
GPO Box 1533  
Adelaide SA 5001  
Telephone: 0439 743 183

Dated: 26 August 2025

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: 2021/02591/02

## 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 Section 165 in Hundred of Hynam comprised in Certificate of Title Volume 5701 Folio 592, and being the whole of the land identified as Allotment 300 in D138565 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: Petrula Pettas  
GPO Box 1533  
Adelaide SA 5001  
Telephone: 0439 743 183

Dated: 26 August 2025

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: 2021/02592/02

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 Allotments Comprising Pieces 1, 2, and 3 in Deposited Plan 94999 comprised in Certificate of Title Volume 6227 Folio 172, and being the whole of the land identified as Allotment 200 in D138602 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: Petrulea Pettas  
GPO Box 1533  
Adelaide SA 5001  
Telephone: 0439 743 183

Dated: 26 August 2025

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: 2025/01290/01

LAND ACQUISITION ACT 1969

SECTION 26F

*Form 6B—Notice of Acquisition of Underground Land*

**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:

An unencumbered estate in fee simple in the whole of Allotment 402 in D138152 lodged in the Lands Titles Office, being portion of the land comprised in Certificate of Title Volume 5146 Folio 471, expressly excluding easement(s) over the land marked 'F' for drainage purposes (RE 6434892) and expressly excluding easement(s) over the land marked 'F' for eaves and gutters (RE 6434892).

This notice is given under Section 26F of the *Land Acquisition Act 1969*.

**2. Compensation not payable unless certain water infrastructure or rights are affected**

You are not entitled to compensation in relation to the acquisition of the underground land to which this notice relates, unless the following conditions are satisfied:

- you held at least one of the following interests in relation to the underground land immediately before the notice of acquisition was published in relation to the land—
  - ownership of a lawful well that provides access to underground water in the underground land, and any underground infrastructure associated with the well; or
  - a right to take underground water from the underground land by means of such a well;
- you notified the Authority of your interest in response to a notice given under Section 26G of the *Land Acquisition Act 1969*;
- the acquisition of the underground land either—
  - involved the acquisition of your interest; or
  - resulted in the discharge of your interest; or
  - resulted in you being unable to take water by means of, or pursuant to, your interest;
- you make an application for compensation to the Authority under Section 26H of the *Land Acquisition Act 1969*.

**3. Application for compensation under Section 26H**

If you believe you are entitled to compensation, you must apply to the Authority for compensation within 6 months after the publication of the notice of acquisition in relation to the underground land to which this notice relates.

The application must be in the following manner and form:

“Application for Compensation for Acquisition of Underground Land” (enclosed) to be submitted by email to [DIT.ULAapplications@sa.gov.au](mailto:DIT.ULAapplications@sa.gov.au) or by mail marked attention: Property Acquisition c/- GPO Box 1533, Adelaide SA 5001.

The application must be accompanied by the following information or documents:

Any relevant supporting documentation including, but not limited to water licences, bore licences etc.

After receiving your application, the Authority may (but is not required to) make you a written offer of compensation not exceeding \$50,000.

See Section 26H(4) of the *Land Acquisition Act 1969* for further details on the payment of compensation.

**4. Inquiries**

Inquiries should be directed to: T2D Project Team  
GPO Box 1533  
Adelaide SA 5001  
Telephone: 1800 572 414

Dated: 25 August 2025

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

DIT: 2024/07191/01

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**LAND ACQUISITION ACT 1969****SECTION 26F***Form 6B—Notice of Acquisition of Underground Land***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:

An unencumbered estate in fee simple in the whole of Allotment 112 in D138132 lodged in the Lands Titles Office, being portion of the land comprised in Certificate of Title Volume 5074 Folio 241.

This notice is given under Section 26F of the *Land Acquisition Act 1969*.

**2. Compensation not payable unless certain water infrastructure or rights are affected**

You are not entitled to compensation in relation to the acquisition of the underground land to which this notice relates, unless the following conditions are satisfied:

- you held at least one of the following interests in relation to the underground land immediately before the notice of acquisition was published in relation to the land—
  - ownership of a lawful well that provides access to underground water in the underground land, and any underground infrastructure associated with the well; or
  - a right to take underground water from the underground land by means of such a well;
- you notified the Authority of your interest in response to a notice given under Section 26G of the *Land Acquisition Act 1969*;
- the acquisition of the underground land either—
  - involved the acquisition of your interest; or
  - resulted in the discharge of your interest; or
  - resulted in you being unable to take water by means of, or pursuant to, your interest;
- you make an application for compensation to the Authority under Section 26H of the *Land Acquisition Act 1969*.

**3. Application for compensation under Section 26H**

If you believe you are entitled to compensation, you must apply to the Authority for compensation within 6 months after the publication of the notice of acquisition in relation to the underground land to which this notice relates.

The application must be in the following manner and form:

“Application for Compensation for Acquisition of Underground Land” (enclosed) to be submitted by email to [DIT.ULAapplications@sa.gov.au](mailto:DIT.ULAapplications@sa.gov.au) or by mail marked attention: Property Acquisition c/- GPO Box 1533, Adelaide SA 5001.

The application must be accompanied by the following information or documents:

Any relevant supporting documentation including, but not limited to water licences, bore licences etc.

After receiving your application, the Authority may (but is not required to) make you a written offer of compensation not exceeding \$50,000.

See Section 26H(4) of the *Land Acquisition Act 1969* for further details on the payment of compensation.



**4. Inquiries**

Inquiries should be directed to: T2D Project Team  
GPO Box 1533  
Adelaide SA 5001  
Telephone: 1800 572 414

Dated: 25 August 2025

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

DIT: 2024/07216/01

## LAND ACQUISITION ACT 1969

## SECTION 26F

*Form 6B—Notice of Acquisition of Underground Land***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:

An unencumbered estate in fee simple in the whole of Allotment 202 in D138140 lodged in the Lands Titles Office, being portion of the land comprised in Certificate of Title Volume 5559 Folio 921.

This notice is given under Section 26F of the *Land Acquisition Act 1969*.

**2. Compensation not payable unless certain water infrastructure or rights are affected**

You are not entitled to compensation in relation to the acquisition of the underground land to which this notice relates, unless the following conditions are satisfied:

- you held at least one of the following interests in relation to the underground land immediately before the notice of acquisition was published in relation to the land—
  - ownership of a lawful well that provides access to underground water in the underground land, and any underground infrastructure associated with the well; or
  - a right to take underground water from the underground land by means of such a well;
- you notified the Authority of your interest in response to a notice given under Section 26G of the *Land Acquisition Act 1969*;
- the acquisition of the underground land either—
  - involved the acquisition of your interest; or
  - resulted in the discharge of your interest; or
  - resulted in you being unable to take water by means of, or pursuant to, your interest;
  - you make an application for compensation to the Authority under Section 26H of the *Land Acquisition Act 1969*.

**3. Application for compensation under Section 26H**

If you believe you are entitled to compensation, you must apply to the Authority for compensation within 6 months after the publication of the notice of acquisition in relation to the underground land to which this notice relates.

The application must be in the following manner and form:

“Application for Compensation for Acquisition of Underground Land” (enclosed) to be submitted by email to [DIT.ULApplications@sa.gov.au](mailto:DIT.ULApplications@sa.gov.au) or by mail marked attention: Property Acquisition c/- GPO Box 1533, Adelaide SA 5001.

The application must be accompanied by the following information or documents:

Any relevant supporting documentation including, but not limited to water licences, bore licences etc.

After receiving your application, the Authority may (but is not required to) make you a written offer of compensation not exceeding \$50,000.

See Section 26H(4) of the *Land Acquisition Act 1969* for further details on the payment of compensation.

**4. Inquiries**

Inquiries should be directed to: T2D Project Team  
GPO Box 1533  
Adelaide SA 5001  
Telephone: 1800 572 414

Dated: 25 August 2025

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

DIT: 2024/07229/01

## LAND ACQUISITION ACT 1969

## SECTION 26F

*Form 6B—Notice of Acquisition of Underground Land***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:  
An unencumbered estate in fee simple in the whole of Allotment 302 in D138145 lodged in the Lands Titles Office, being portion of the land comprised in Certificate of Title Volume 6217 Folio 360.

This notice is given under Section 26F of the *Land Acquisition Act 1969*.

**2. Compensation not payable unless certain water infrastructure or rights are affected**

You are not entitled to compensation in relation to the acquisition of the underground land to which this notice relates, unless the following conditions are satisfied:

- you held at least one of the following interests in relation to the underground land immediately before the notice of acquisition was published in relation to the land—
  - ownership of a lawful well that provides access to underground water in the underground land, and any underground infrastructure associated with the well; or
  - a right to take underground water from the underground land by means of such a well;
- you notified the Authority of your interest in response to a notice given under Section 26G of the *Land Acquisition Act 1969*;
- the acquisition of the underground land either—
  - involved the acquisition of your interest; or
  - resulted in the discharge of your interest; or
  - resulted in you being unable to take water by means of, or pursuant to, your interest;
- you make an application for compensation to the Authority under Section 26H of the *Land Acquisition Act 1969*.

**3. Application for compensation under Section 26H**

If you believe you are entitled to compensation, you must apply to the Authority for compensation within 6 months after the publication of the notice of acquisition in relation to the underground land to which this notice relates.

The application must be in the following manner and form:

“Application for Compensation for Acquisition of Underground Land” (enclosed) to be submitted by email to [DIT.ULAapplications@sa.gov.au](mailto:DIT.ULAapplications@sa.gov.au) or by mail marked attention: Property Acquisition c/- GPO Box 1533, Adelaide SA 5001.

The application must be accompanied by the following information or documents:

Any relevant supporting documentation including, but not limited to water licences, bore licences etc.

After receiving your application, the Authority may (but is not required to) make you a written offer of compensation not exceeding \$50,000.

See Section 26H(4) of the *Land Acquisition Act 1969* for further details on the payment of compensation.

**4. Inquiries**

Inquiries should be directed to: T2D Project Team  
GPO Box 1533  
Adelaide SA 5001  
Telephone: 1800 572 414

Dated: 25 August 2025

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

DIT: 2024/07250/01

## LAND ACQUISITION ACT 1969

## SECTION 26F

*Form 6B—Notice of Acquisition of Underground Land***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:  
An unencumbered estate in fee simple in the whole of Allotment 2141 in D136257 lodged in the Lands Titles Office, being portion of the land comprised in Certificate of Title Volume 6111 Folio 733.

This notice is given under Section 26F of the *Land Acquisition Act 1969*.

**2. Compensation not payable unless certain water infrastructure or rights are affected**

You are not entitled to compensation in relation to the acquisition of the underground land to which this notice relates, unless the following conditions are satisfied:

- you held at least one of the following interests in relation to the underground land immediately before the notice of acquisition was published in relation to the land—
  - ownership of a lawful well that provides access to underground water in the underground land, and any underground infrastructure associated with the well; or
  - a right to take underground water from the underground land by means of such a well;

- you notified the Authority of your interest in response to a notice given under Section 26G of the *Land Acquisition Act 1969*;
- the acquisition of the underground land either—
  - involved the acquisition of your interest; or
  - resulted in the discharge of your interest; or
  - resulted in you being unable to take water by means of, or pursuant to, your interest;
- you make an application for compensation to the Authority under Section 26H of the *Land Acquisition Act 1969*.

### 3. Application for compensation under Section 26H

If you believe you are entitled to compensation, you must apply to the Authority for compensation within 6 months after the publication of the notice of acquisition in relation to the underground land to which this notice relates.

The application must be in the following manner and form:

“Application for Compensation for Acquisition of Underground Land” (enclosed) to be submitted by email to [DIT.ULAapplications@sa.gov.au](mailto:DIT.ULAapplications@sa.gov.au) or by mail marked attention: Property Acquisition c/- GPO Box 1533, Adelaide SA 5001.

The application must be accompanied by the following information or documents:

Any relevant supporting documentation including, but not limited to water licences, bore licences etc.

After receiving your application, the Authority may (but is not required to) make you a written offer of compensation not exceeding \$50,000.

See Section 26H(4) of the *Land Acquisition Act 1969* for further details on the payment of compensation.

### 4. Inquiries

Inquiries should be directed to: T2D Project Team  
GPO Box 1533  
Adelaide SA 5001  
Telephone: 1800 572 414

Dated: 25 August 2025

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

DIT 2024/08161/01

## LAND ACQUISITION ACT 1969

### SECTION 26F

#### *Form 6B—Notice of Acquisition of Underground Land*

### 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:

An unencumbered estate in fee simple in the whole of Allotment 631 in D136256 lodged in the Lands Titles Office, being portion of the land comprised in Certificate of Title Volume 5273 Folio 443

This notice is given under Section 26F of the *Land Acquisition Act 1969*.

### 2. Compensation not payable unless certain water infrastructure or rights are affected

You are not entitled to compensation in relation to the acquisition of the underground land to which this notice relates, unless the following conditions are satisfied:

- you held at least one of the following interests in relation to the underground land immediately before the notice of acquisition was published in relation to the land—
  - ownership of a lawful well that provides access to underground water in the underground land, and any underground infrastructure associated with the well; or
  - a right to take underground water from the underground land by means of such a well;
- you notified the Authority of your interest in response to a notice given under Section 26G of the *Land Acquisition Act 1969*;
- the acquisition of the underground land either—
  - involved the acquisition of your interest; or
  - resulted in the discharge of your interest; or
  - resulted in you being unable to take water by means of, or pursuant to, your interest;
- you make an application for compensation to the Authority under Section 26H of the *Land Acquisition Act 1969*.

### 3. Application for compensation under Section 26H

If you believe you are entitled to compensation, you must apply to the Authority for compensation within 6 months after the publication of the notice of acquisition in relation to the underground land to which this notice relates.

The application must be in the following manner and form:

“Application for Compensation for Acquisition of Underground Land” (enclosed) to be submitted by email to [DIT.ULAapplications@sa.gov.au](mailto:DIT.ULAapplications@sa.gov.au) or by mail marked attention: Property Acquisition c/-GPO Box 1533, Adelaide SA 5001.

The application must be accompanied by the following information or documents:

Any relevant supporting documentation including, but not limited to water licences, bore licences etc.

After receiving your application, the Authority may (but is not required to) make you a written offer of compensation not exceeding \$50,000.

See Section 26H(4) of the *Land Acquisition Act 1969* for further details on the payment of compensation.

#### 4. Inquiries

Inquiries should be directed to: T2D Project Team  
GPO Box 1533  
Adelaide SA 5001  
Telephone: 1800 572 414

Dated: 25 August 2025

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

DIT 2024/08252/01

### LAND ACQUISITION ACT 1969

#### SECTION 26F

##### *Form 6B—Notice of Acquisition of Underground Land*

#### 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:

An unencumbered estate in fee simple in the whole of Allotment 2201 in D138393 lodged in the Lands Titles Office, being portion of the land comprised in Certificate of Title Volume 5775 Folio 719.

This notice is given under Section 26F of the *Land Acquisition Act 1969*.

#### 2. Compensation not payable unless certain water infrastructure or rights are affected

You are not entitled to compensation in relation to the acquisition of the underground land to which this notice relates, unless the following conditions are satisfied:

- you held at least one of the following interests in relation to the underground land immediately before the notice of acquisition was published in relation to the land—
  - ownership of a lawful well that provides access to underground water in the underground land, and any underground infrastructure associated with the well; or
  - a right to take underground water from the underground land by means of such a well;
- you notified the Authority of your interest in response to a notice given under Section 26G of the *Land Acquisition Act 1969*;
- the acquisition of the underground land either—
  - involved the acquisition of your interest; or
  - resulted in the discharge of your interest; or
  - resulted in you being unable to take water by means of, or pursuant to, your interest;
- you make an application for compensation to the Authority under Section 26H of the *Land Acquisition Act 1969*.

#### 3. Application for compensation under Section 26H

If you believe you are entitled to compensation, you must apply to the Authority for compensation within 6 months after the publication of the notice of acquisition in relation to the underground land to which this notice relates.

The application must be in the following manner and form:

“Application for Compensation for Acquisition of Underground Land” (enclosed) to be submitted by email to [DIT.ULAapplications@sa.gov.au](mailto:DIT.ULAapplications@sa.gov.au) or by mail marked attention: Property Acquisition c/- GPO Box 1533, Adelaide SA 5001.

The application must be accompanied by the following information or documents:

Any relevant supporting documentation including, but not limited to water licences, bore licences etc.

After receiving your application, the Authority may (but is not required to) make you a written offer of compensation not exceeding \$50,000.

See Section 26H(4) of the *Land Acquisition Act 1969* for further details on the payment of compensation.

#### 4. Inquiries

Inquiries should be directed to: T2D Project Team  
GPO Box 1533  
Adelaide SA 5001  
Telephone: 1800 572 414

Dated: 25 August 2025

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

DIT 2024/08249/01

## PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

## SECTION 76

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

It is necessary to amend the Planning and Design Code (the Code) in operation at 14 August 2025 (Version 2025.15) in order to make changes of form relating to the Code's spatial layers and their relationship with land parcels. Note: There are no changes to the application of zone, subzone or overlay boundaries and their relationship with affected parcels or the intent of policy application as a result of this amendment.

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

Dated: 26 August 2025

GREG VAN GAANS  
Director, Geospatial, Data Science and Analytics,  
Department for Housing and Urban Development  
Delegate of the Minister for Planning

## PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

## SECTION 76

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

It is necessary to amend the Planning and Design Code (the Code) in operation at 14 August 2025 (Version 2025.15) in order to make the following minor or operational amendments:

- to amend the referral relating to dams in Part 9.2 of the Code so that it aligns with policies/plans established under the *Landscape South Australia Act 2019*.
  - correct errors relating to:
    - property address details for several Local Heritage Places at Port Elliot
    - the misapplication of the Local Heritage Place Overlay over incorrect properties at Leabrook and Wayville
    - the misapplication of the Heritage Adjacency overlay over incorrect properties in Adelaide.
    - incorrect policy application to performance assessed 'fence' in several zones.
  - to remove irrelevant material (the Local Heritage Place Overlay) from properties that have been sub-divided/redeveloped at Port Elliot and Bowden.
  - to remove the Local Heritage Place Overlay from a Local Heritage Place that has been demolished in Port Elliot.
1. Pursuant to Section 76 of the *Planning, Development and Infrastructure Act 2016* (the Act), I hereby amend the Code in order to make the following minor or operational amendments:

- (a) In Part 9.2 of the Code, in the table of referrals, replace the row applying to 'Dams' with the following:

Dams	Except where located within the River Murray Flood Plain Protection Area Overlay, River Murray Tributaries Protection Area, Prescribed Surface Water Overlay, Prescribed Watercourse Overlay, Prescribed Water Resources Area Overlay, Mount Lofty Ranges Catchment (Area 1) Overlay or the Mount Lofty Ranges Catchment (Area 2) Overlay, development comprising the erection, construction, modification, enlargement or removal of a dam, wall or other structure that will collect or divert, or collects or diverts water flowing: (a) over land; or (b) in a watercourse that is not prescribed	To provide expert assessment and direction to the relevant authority on potential impacts from development on the health, sustainability and/or natural flow paths of water resources in accordance with the provisions of the relevant water allocation plan, water affecting activities control policy, regional landscape plan or equivalent.	Development of a class to which Schedule 9 Clause 3 item 12 of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i> applies.
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- (b) In Part 11—Local Heritage Places, in the section applying to 'Alexandrina' amend the Table of Local Heritage Places in accordance with the following:
- (i) replace the text 'Horseshoe Bay Port Elliot' with the text 'Horseshoe Bay Port Elliot';
  - (ii) replace the text 'Lot 173 Murray Street Port Elliot' with the text '28 The Strand (Lot 173) Port Elliot' and reorder the table so that this row is located immediately after the row applying to '28 The Strand Port Elliot, St Jude's Church of England, Heritage Number 15014';
  - (iii) replace the text '17 Murray Street Port Elliot' with the text '17 Murray Terrace Port Elliot';
  - (iv) replace the text 'Lot 180 North Terrace Port Elliot' with the text '29 North Terrace Port Elliot' and reorder the table so that this row is located immediately after the row applying to '28 North Terrace Lot 2, (28) Port Elliot, Arnella, Heritage Number 15018';
  - (v) for the row relating to House (Heritage Number 15006), replace the text '25 The Strand Port Elliot' with the text '23 The Strand Port Elliot' and reorder the table so that this row is located immediately after the row applying to '19 The Strand, Port Elliot, House (Ratowa), Heritage Number 15005'.
- (c) Amend the spatial layer of the Local Heritage Place Overlay so that it does not apply to 49 North Terrace, Port Elliot, and 37 Mason Street, Port Elliot, and update the Heritage Adjacency Overlay to reflect this change.
- (d) In Part 11—Local Heritage Places, in the section applying to 'Alexandrina', remove the following row from the Table of Local Heritage Places:

49 North Terrace, Port Elliot	Shops and Dwelling	a d	15009
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- (e) Amend the spatial layer of the Local Heritage Place Overlay, as it relates to 'Former school—Lots 68-77 North Terrace, Port Elliot—Heritage No. 14992' so that it only applies to Lot 69, CT6171/744 and update the Heritage Adjacency Overlay to reflect this change.
- (f) In Part 11—Local Heritage Places, in the section applying to 'Alexandrina', replace the text 'Lots 68-77 North Terrace Port Elliot' with '52-54 (Lot 69) North Terrace Port Elliot'.
- (g) Amend the spatial layer of the Local Heritage Place Overlay, as it relates to 'Shop with residence—45 The Strand, Port Elliot—Heritage No. 14997' so that it only applies to 45 The Strand, Port Elliot (CT6242/153) and update the Heritage Adjacency Overlay to reflect this change.

- (h) Amend the spatial layer of the Local Heritage Place Overlay, as it relates to ‘Resthaven Retirement Village—334-336 Kensington Road, Leabrook—Heritage No. 8229’ so that it only applies to the following allotments and update the Heritage Adjacency Overlay to reflect these changes:
- (i) Lot 108—334-336 Kensington Road Leabrook (CT5649/482)
  - (ii) Lot 109—334-336 Kensington Road Leabrook (CT5649/482)
  - (iii) Lot 110—334-336 Kensington Road Leabrook (CT5649/482)
  - (iv) Lot 111—334-336 Kensington Road Leabrook (CT5649/482)
  - (v) Lot 112—334-336 Kensington Road Leabrook (CT5649/482).
- (i) In Part 11—Local Heritage Places, in the section applying to ‘Burnside’, replace the text ‘336 Kensington Road Leabrook’ with ‘334-336 Kensington Road Leabrook’.
- (j) In Part 2—Zones and Subzones, in Table 3—Applicable Policies for Performance Assessed Development of the following zones for class of development ‘fence’, remove River Murray Flood Plain Protection Area Overlay PO 6.4 as applicable Overlay policy and instead apply River Murray Flood Plain Protection Area Overlay PO 6.5:
- (i) Business Neighbourhood
  - (ii) City Living
  - (iii) Established Neighbourhood
  - (iv) General Neighbourhood
  - (v) Golf Course Estate
  - (vi) Hills Neighbourhood
  - (vii) Housing Diversity Neighbourhood
  - (viii) Local Activity Centre
  - (ix) Master Planned Neighbourhood
  - (x) Master Planned Renewal
  - (xi) Master Planned Township
  - (xii) Neighbourhood
  - (xiii) Productive Rural Landscape
  - (xiv) Remote Areas
  - (xv) Residential Park
  - (xvi) Rural
  - (xvii) Rural Aquaculture
  - (xviii) Rural Horticulture
  - (xix) Rural Intensive Enterprise
  - (xx) Rural Living
  - (xxi) Rural Neighbourhood
  - (xxii) Rural Settlement
  - (xxiii) Rural Shack Settlement
  - (xxiv) Strategic Innovation
  - (xxv) Suburban Activity Centre
  - (xxvi) Suburban Business
  - (xxvii) Suburban Main Street
  - (xxviii) Suburban Neighbourhood
  - (xxix) Township
  - (xxx) Township Activity Centre
  - (xxxi) Township Main Street
  - (xxxii) Township Neighbourhood
  - (xxxiii) Urban Activity Centre
  - (xxxiv) Urban Renewal Neighbourhood
  - (xxxv) Waterfront Neighbourhood
- (k) Amend the spatial layer of the Local Heritage Place Overlay, as it relates to ‘Former Shop and Attached House—78 Gibson Street, Bowden—Heritage No. 9246’ so that it only applies to the (Lot 101, CT6274/225) and update the Heritage Adjacency Overlay to reflect these changes.
- (l) Amend the spatial layer of the Local Heritage Place Overlay, as it relates to ‘Wayville Showgrounds—Iron fence panels with new Kidman Entrance from Hamilton Boulevard—68 Goodwood Road (Hamilton Boulevard), Wayville—Heritage No. 26335’ so that it only applies to the following allotments and update the Heritage Adjacency Overlay to reflect these changes:
- (i) Lot 506—68 Goodwood Road, Wayville (CT6083/257)
  - (ii) Lot 1000—103-141 Rose Terrace, Wayville (CT6084/4)

- (m) Amend the spatial layer of the Local Heritage Place Overlay, as it relates to ‘Wayville Showgrounds—Ridley Memorial Gates and fencing—68 Goodwood Road, Wayville—Heritage No. 3846’ so that it only applies to Lot 506, CT6083/257 and update the Heritage Adjacency Overlay to reflect these changes.
  - (n) Amend the spatial layer of the Heritage Adjacency Overlay so that it does not apply to 178 East Terrace, Adelaide (CT5781/291).
  - (o) In Part 13—Table of Amendments, update the publication date, Code version number, amendment type and summary of amendments within the ‘Table of Planning and Design Code Amendments’ to reflect the amendments to the Code as described in this Notice.
2. Pursuant to Section 76(5)(a) of the Act, I further specify that the amendments to the Code as described in this Notice will take effect upon the date those amendments are published on the SA planning portal.

Dated: 26 August 2025

DAMIEN GENCARELLI  
Acting Manager, Planning and Design Code  
Department for Housing and Urban Development  
Delegate of the Minister for Planning

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RETURN TO WORK ACT 2014  
*Code of Conduct for Self-Insured Employers*

*Preamble*

Subsection 129(5)(d) of the *Return to Work Act 2014* (the Act) states that registration as a self-insured employer under that section is subject to a condition that the self-insured employer will comply with any code of conduct for self-insured employers determined by the Corporation from time to time and published in the Gazette.

NOTICE

Pursuant to subsection 129(5)(d) of the Act, I hereby give notice that the attached document is the Code of Conduct for Self-Insured Employers determined by the Corporation and published in the *South Australian Government Gazette*. The Code of Conduct for Self-Insured Employers will have effect from 1 January 2026.

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

Dated: 21 August 2025

G. MCCARTHY  
Board Chair

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ATTACHMENT 1



# Code of conduct for self-insured employers

Version 12.1

Author: Regulation

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



Government of  
South Australia

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## Code of conduct for self-insured employers

Please refer to the following definitions when reading and interpreting *the Code*.

## GLOSSARY

Term	Meaning
Act	the Return to Work Act 2014
Board	the Board of Management of <i>ReturnToWorkSA</i> as constituted by the RTWCA.
Code of conduct (Code)	the self-insured employer code as amended from time to time and published in the Gazette pursuant to section 129(5)(d)
Compensation Fund	the Compensation Fund pursuant to section 135 of the Act
Crown	the State of South Australia and any agency or instrumentality of the Crown in right of the State of South Australia.
Current Assets	cash and other assets that can be converted to cash within a year.
Current Liabilities	amounts due to be paid to creditors within twelve months.
employer	employer has the same meaning as in section 4 of the Act and includes where applicable a group of employers.
foreign company	has the same meaning as in section 129 of the Act
Full time equivalent employees	measure of employees based on no less than 35 hours per worker per week.
Gazette	as defined in section 4(1) of the Acts Interpretation Act 1915
group of self-insured employers	a group of self-insured employers registered under section 129(3) of the Act
holding company	has the same meaning as in section 129 of the Act
industrial association	as defined by section 4 of the Act
Labour hire worker	a labour hire worker is a person engaged through a labour hire company. These workers may be employed directly by the labour hire company, or by the labour hire company through a third party.
Loan Capital	current borrowings plus non-current borrowings
Net profit before tax	net profit before tax
Net Sales	revenue from sale of goods or services
non-compliance	a breach of, or failure to comply, with the Act, any Regulations or determinations made under the Act or a term or condition of registration
number of employees	for the purposes of section 129(11) of the Act the number of employees is calculated in a manner consistent with Clause 2.3.1
Operating Cash Flow	net cash flow from operating activities. Does not include cash flows from investing activities.
Regulations	the Return to Work Regulations 2015
related bodies corporate	has the same meaning as in section 129 of the Act

## Code of conduct for self-insured employers

Term	Meaning
relevant legislation	The relevant legislation includes: <ul style="list-style-type: none"> <li>• the Act</li> <li>• Regulations</li> <li>• the WHS Act</li> <li>• the WHS Regulations</li> <li>• the RTWCA</li> <li>• any other legislation of either the State or Commonwealth parliaments that may directly or indirectly affect the safety of workers in the self-insured employer's workplace or the management or administration of workers compensation claims</li> </ul>
RTWCA	the Return To Work Corporation of South Australia Act 1994
<i>ReturnToWorkSA</i>	the Return to Work Corporation of South Australia
self-insured fee	has the same meaning as in section 146 of the Act
Schedule 3	Schedule 3 to the Regulations
Scheme	the Return to Work Scheme
self-insured employer	an employer or group of employers registered by <i>ReturnToWorkSA</i> as a self-insured employer pursuant to section 129 of the Act
Standards	Injury Management Standards for Self-insured Employers and WHS Standards for Self-insured Employers
Total equity	shareholder funds (Equity)
Total liabilities	current liabilities plus non-current liabilities
Total tangible assets	total current and non-current assets less intangible assets
transferred liability	liabilities of the self-insured employer under section 64(2) and 64(3) of the Act.
WHS Act	the Work Health and Safety Act 2012 (SA)
WHS employer registration fee	the fee payable under the South Australia Work Health and Safety Act 2012
worker	has the same meaning as in section 4 of the Act
work injury	has the same meaning as in section 4 of the Act

# PREAMBLE

**Note:** Terms in *italics* are defined in the Glossary.

## A. The purpose of this Code

The purpose of the *Code* is to:

- constitute a *code of conduct for self-insured employers* that each *self-insured employer* must comply with as a condition of its registration pursuant to section 129(5)(d) of the *Act*; and
- ensure all *self-insured employers* are aware of the ongoing obligations of registration as a *self-insured employer*; and
- express those terms and conditions to which registration of all *self-insured employers* are subject to as determined by *ReturnToWorkSA* under section 129(5)(a)(iii) of the *Act* (but not those terms and conditions that have been determined by *ReturnToWorkSA* to be applicable to an individual *self-insured employer*.)

## B. Board Policy on Self-insurance

The *Board's* Policy on self-insurance is published on the *ReturnToWorkSA* website. An *employer* considering an application for registration as a *self-insured employer* or as a member of a group of *self-insured employers* should be familiar with the *Board* Policy.

Through the Policy on Self-insurance and the *Code*, the *Board* recognises,

- (1) The *Act* contains provision for *self-insured employer* status as an integral part of the *Scheme*.
- (2) The financial security of the *Scheme* is viewed as a relevant matter in the administration and continuation of *self-insured employer* registrations.
- (3) *Self-insured employer* status should only be made available to fit and proper *employers*, capable of achieving and maintaining the required level of performance as described in the *Code* and compliance with the requirements of the *Act*.
- (4) *Self-insured employer* status should only be made available to *employers* who can satisfy the *Board* as to their ability to continue to meet all obligations of registration as a *self-insured employer*, and that the granting of *self-insured employer* status is consistent with:
  - (a) the best interests of the *Compensation Fund* (not applicable to applications for renewal of a registration as a *self-insured employer*); and
  - (b) the achievement of the objects and functions specified in the *RTWCA* and the *Act*.
- (5) All *self-insured employers* are required to maintain compliance with the *Code* throughout the period of registration. Failure to comply may result in a potential revocation or reduction of a registration as a *self-insured employer*, conditions being placed on the *self-insured employer* registration, or refusal to renew a *self-insured employer* registration.



**C. Inconsistencies**

The *Code* and the relevant legislation operate concurrently.

Where there is an inconsistency between the *Code* and a provision of the relevant legislation, the relevant legislation will prevail.

# CHAPTER 1

## 1. Obligations of a self-insured employer

### 1.1. Application

This chapter applies to *employers* registered as *self-insured employers* under section 129 of the *Act*.

### 1.2. Obligations of a self-insured employer

Registration as a *self-insured employer* is subject to,

- a) compliance with the requirements of the *Act*
- b) such other terms and conditions as *ReturnToWorkSA* determines from time to time or as are prescribed by the Regulations
- c) a condition that a *self-insured employer* or a *group of self-insured employers* will comply with any code of conduct determined by *ReturnToWorkSA* from time to time and published in the Gazette; and
- d) any other terms and conditions determined by *ReturnToWorkSA* to be applicable to an individual *self-insured employer* or a *group of self-insured employers*.

### 1.3. Exercise of delegated powers and discretions

At all times, a *self-insured employer* must have available an employee (or employees) authorised to exercise delegated powers and discretions pursuant to s 134 of the *Act*. These powers and discretions cannot be further delegated to any person or to an unrelated body corporate.

### 1.4. Self-insured employer fee

- a) Pursuant to section 146 of the *Act*, a *self-insured employer* fee is payable by a *self-insured employer*.
- b) The fee for all *self-insured employers* is subject to an annual review by the *Board*. The outcome of any review is applied from the commencement of the following financial year (1 July each financial year).

### 1.5. Financial distress

Financial stability and the ability to continue to meet the financial obligations of self-insurance are essential to the maintenance of a self-insurance registration. Therefore, a *self-insured employer* must notify *ReturnToWorkSA* immediately if it is in, or reasonably expects to be in, financial distress.

- a) For the purposes of this clause, a *self-insured employer* is in financial distress if it:
  - (i) is in liquidation or provisional liquidation or under administration
  - (ii) has a controller (as defined in the *Corporations Act 2001*) or analogous person appointed to it or any of its property or if any steps are taken for such an appointment
  - (iii) is taken under section 459F(1) of the *Corporations Act 2001* to have failed to comply with a statutory demand

## Code of conduct for self-insured employers

- (iv) is unable to pay, or stops or suspends or threatens to stop or suspend payment of, its debts
- (v) an application or order, other than an application contested in good faith which is stayed, dismissed or withdrawn within 14 days, is made, or a resolution is passed, for its winding up or notice is given of an intention to make such an application or propose such a resolution other than a solvent reconstruction or amalgamation;
- (vi) is otherwise insolvent
- (vii) enters into a compromise or arrangement with, or an assignment for the benefit of, any of its members or creditors; or
- (viii) suffers an event analogous to any of the events described in this clause.

**1.6. Actuarial reports**

- a) A *self-insured employer* must submit an actuarial report within three months of the end of the *self-insured employer's* financial year.
- b) The actuarial report must be prepared by an actuary, following *ReturnToWorkSA's* actuarial guidelines for *self-insured employers*, as published on the *ReturnToWorkSA* Website.

**1.7. Guarantees**

- a) A *self-insured employer* must provide a financial guarantee determined in accordance with *Schedule 3*.
- b) The financial guarantee must be:
  - (i) an unconditional undertaking to pay money on demand
  - (ii) a continuing guarantee
  - (iii) provided by a financial institution that is not related to the *self-insured employer* and that has a Standard & Poor's credit rating not less than A+. *ReturnToWorkSA* will, accept a guarantee from an institution that has an A or A- rating provided that the guarantee from that institution in respect of any one *self-insured employer* does not exceed \$2million; and
  - (iv) provided by a financial institution that is subject to prudential regulation by the Australian Prudential Regulation Authority (APRA), unless *ReturnToWorkSA* decides otherwise.
- c) A *self-insured employer* may request *ReturnToWorkSA* to accept other forms of security, which provide a comparable level of security. *ReturnToWorkSA* will have the sole discretion as to whether to accept such alternative forms of security.

**1.8. Excess of loss insurance**

- a) A *Self-insured employer* must obtain and maintain an excess of loss insurance policy and provide a full copy of this policy to *ReturnToWorkSA*.
- b) Such excess of loss insurance must satisfy the following:
  - (i) not less than \$100 million on the sum insured,

## Code of conduct for self-insured employers

- (ii) a deductible of not less than \$500,000 per event or series of related events, and
- (iii) if the *self-insured employer* elects to include a stop loss excess or an aggregate excess, such stop loss or aggregate excess must not be less than the higher of:
  - (A) three times the individual event excess, or
  - (B) Ten percent above the average incurred claim cost for the three immediately prior years.
- c) The excess of loss policy must not be contingent on the solvency of the *self-insured employer*, a group of *self-insured employers* or member of a group of *self-insured employers*.
- d) *ReturnToWorkSA* must be listed as a beneficiary on the excess of loss policy. In the event the *Self-insured employer* ceases to be registered as a *Self-insured employer* and all or part of its liabilities are undertaken by *ReturnToWorkSA*, *ReturnToWorkSA* will claim the benefits for such liabilities otherwise payable to the former *Self-insured employer* in accordance with the terms and conditions of its excess of loss policy, which notes the respective rights and interests of *ReturnToWorkSA* as a joint reinsured party.

**1.9. Annual reports**

- a) A *Self-insured employer* must:
  - (i) Provide audited annual financial statements no later than five months after the expiry of the *self-insured employer's* financial year.
  - (ii) notify *ReturnToWorkSA* in the event of any change to the position of:
    - (A) Chief Executive Officer of the *self-insured employer*, or
    - (B) any officer or officers, who has responsibility for the compliance of the *employer* with the requirements of the *WHS Act* and injury management systems.

**1.10. Schedule 3 of the Regulations**

A *self-insured employer* must comply with any policies or requirements notified by *ReturnToWorkSA* from time to time in relation to the application of Schedule 3, including but not limited to the current version of the Self-Insured Employer EDI Technical Specification published on the *ReturnToWorkSA* website.

**1.11. Provision of data**

- a) A *self-insured employer* will have complied with these obligations if it establishes and maintains a consistent and regular pattern of data provision. For these purposes, a 'consistent and regular pattern' will be:
  - (i) data provided within the reporting period of 14 days or such other time as approved or stipulated by *ReturnToWorkSA*;
  - (ii) no more than two missed or failed/rejected data transmissions in any six-month period;
  - (iii) no occurrences of two or more consecutive missed or failed/rejected transmissions;
  - (iv) all errors at batch and line levels resolved within one month;

## Code of conduct for self-insured employers

- (v) all coding queries resolved within one month;
- (vi) when the *self-insured employer* changes its claims database, it should discuss the arrangements for data transmissions during the period of system transition with *ReturnToWorkSA*, to ensure any resulting lapse in data transmission does not exceed one month, or where delays are beyond the control of the *self-insured employer*, such other period as agreed between *ReturnToWorkSA* and the *self-insured employer*;
- (vii) when *ReturnToWorkSA* changes the data requirements, the *self-insured employer* meets those new data requirements within three months of being notified of those changes; and
- (viii) when an *employer* is first granted registration as a *self-insured employer*, an operational and compliant claims database must be implemented with transmissions commencing within three months after the first grant of registration.

**1.12. Notification of lump sum payments**

- a) Without limitation, lump sum payments will ordinarily include:
  - (i) redemptions of future:
    - (A) income maintenance; or
    - (B) costs pursuant to section 33 of the *Act*;
  - (ii) economic loss compensation payments pursuant to section 56 of the *Act*;
  - (iii) non-economic loss compensation payments pursuant to section 58 of the *Act*;
  - (iv) a commutation paid under section 59 of the *Act* in respect of weekly payments arising from the death of a *worker*; and
  - (v) a lump sum payment to a spouse, or dependant of a deceased *worker* under section 61 of the *Act*.
- b) Notification
  - (i) A *self-insured employer* must, within 14 days of making a payment:
    - (A) on a lump sum to a *worker*; or
    - (B) any addition or alteration to a determination in paragraph (A), complete and forward to *ReturnToWorkSA* a notification of that lump sum determination, addition, or alteration.
  - (ii) The notification must be in such form as *ReturnToWorkSA* may approve from time to time.
  - (iii) The notification must be accompanied by a copy of the determination.
  - (iv) The following information must also accompany the notification:
    - (A) for any redemption, a copy of the redemption agreement and SAET orders

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- (B) for any income maintenance redemption, the amount of weekly income maintenance redeemed and the current rate of notional weekly earnings
- (C) a copy of the most recent determination of weekly payment entitlements stating the section 49(2) amount
- (D) for a non-economic loss compensation payment, the determinations stating percentage of injury upon which the calculation is based
- (E) for economic loss compensation payments, the determination which identifies all factors specified by section 56 (4) demonstrating how the lump sum was calculated; and
- (F) for recoveries against a third party wrongdoer under section 66 of the *Act*, a copy of the deed of release stating the amount of damages retained by the *worker* and the rate of payments the *worker* will be taken to be receiving under section 49 (3) of the *Act*.

**1.13. Application of the Statement of Service Standards**

In applying the statement of service standards, the *employer or self-insured employer* will:

- a) ensure procedures are in place which describe how the *self-insured employer* will meet the requirements of the statement of service standards
- b) ensure that all providers of relevant services engaged by the *self-insured employer* meet the requirements of the statement of service standards
- c) provide to *ReturnToWorkSA* within 30 days of receipt a copy of any investigation report provided to it by the State Ombudsman; and
- d) any investigation report provided by the Ombudsman and provided to *ReturnToWorkSA* must be accompanied by written details of any corrective actions undertaken or being undertaken by the *self-insured employer* to address any substantiated complaint.

**1.14. Employer's duty to provide suitable employment and notice of termination of employment**

- a) A *self-insured employer* must ensure compliance with sections 18 and 20 of the *Act*.
- b) *Self-insured employers*, as large and diverse businesses, in the main will be able to create opportunities to provide suitable employment to injured workers. Situations will however arise where *self-insured employers* may not be able to achieve this.
- c) A *self-insured employer* must on informing a worker of an inability to provide suitable employment, also notify *ReturnToWorkSA* of the non-provision of suitable employment.
- d) *Self-insured employers* are also encouraged to proactively report situations where their compliance with section 18 and/or section 20 may potentially come into question.
- e) *Self-insured employers* acknowledge that a contravention or failure to comply with the provisions of section 18 and/or section 20 will be a matter which *ReturnToWorkSA* will consider (under section 129(11) of the *Act*) in determining whether a self-insured registration is to be renewed.

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- f) A contravention or failure to comply with section 18 and/or section 20 of the *Act* may result in *ReturnToWorkSA* applying a term or condition to the *employer's* registration. Furthermore, *ReturnToWorkSA* may revoke, or reduce the registration of an *employer* as a *self-insured employer* or take such alternative action, proportionate to the severity of the failure to comply with its obligations, as is deemed appropriate in the circumstances. A notification under clause 1.14 c) must include information used to assess suitable employment options, including details of:
- (A) the nature of the *worker's* incapacity and previous employment
  - (B) the *worker's* age, education, skills and work experience
  - (C) the *worker's* place of residence
  - (D) medical information relating to the *worker* that is reasonably available, including in any medical certificate or report
  - (E) if any recovery/return to work services are being provided to or for the *worker*
  - (F) the *worker's* recovery/return to work plan, if any
  - (G) the process and the outcome of the process undertaken by the self-insurer to assess the suitable employment options with the *self-insured employer* or the *group of self-insured employers* when taking into account its assessment of items A to F above; and
  - (H) factors relating to the exclusions detailed in section 18(2) (b) to (e) of the *Act*.
- g) A *self-insured employer* must provide *ReturnToWorkSA* with 28 days' notice of the termination of a worker who has suffered a work injury unless,
- (A) the *worker's* employment was terminated on the grounds of serious and wilful misconduct. The burden of establishing that an *employer* terminated a worker's employment on the ground of serious and wilful misconduct lies on the *employer*
  - (B) the worker is neither participating in a recovery/return to work plan, nor receiving compensation for the *work injury*; or
  - (C) the *worker's* rights to compensation for the injury have been exhausted or the time for making a claim for compensation has expired.
- h) A *self-insured employer's* notice of termination under clause 1.14 (g) must include:
- (A) the information required under clause 1.14 (f)
  - (B) the grounds for termination
  - (C) the proposed date of termination
  - (D) the last date of compensation (weekly payments or medical expenses); and
  - (E) factors relating to the exclusions detailed in section 20(2) (a) to (c) of the *Act*.

**1.15. Cooperation on information exchange**

This clause applies where:

## Code of conduct for self-insured employers

- a) a *worker* or former worker of a *self-insured employer* has suffered a compensable injury;
- b) the *worker* or former *worker* of the *self-insured employer* became entitled to weekly payments from the *self-insured employer* in respect of that *compensable injury*; and
- c) the *worker* or former *worker* of the *self-insured employer* suffers a subsequent *compensable injury* whilst employed by a different *employer*.

The *self-insured employer* must cooperate with:

- (i) *ReturnToWorkSA*;
- (ii) *ReturnToWorkSA*'s claims agents; or another *self-insured employer*,

(as the case may be) by providing information to *ReturnToWorkSA* regarding such information as is reasonably required by *ReturnToWorkSA* or the other *self-insured employer* (as determined by *ReturnToWorkSA*) for:

- a) the calculation of the *worker's* or former *worker's* entitlements arising from the subsequent *compensable injury*; or
- b) the management of the *worker's* or former *worker's* claim for compensation or recovery and return to work arising from the subsequent *compensable injury*.

#### 1.16. Incidence of Liability

In connection with the assumption of liability by a *self-insured employer* under Section 64 (3) of the *Act*, *ReturnToWorkSA* will determine the value of any payment, payable by or to *ReturnToWorkSA*, in accordance with guidelines published on the *ReturnToWorkSA* website.

#### 1.17. Continuous Disclosure

- a) An employer granted registration as a self-insured employer has an ongoing obligation to notify *ReturnToWorkSA* of any change to its circumstances or conditions, which are relevant to that registration.
- b) A self-insured employer must notify *ReturnToWorkSA* as soon as practicable of:
  - i. any breach or failure to comply with the *Act* or a term or condition of registration
  - ii. any change to its circumstances, which may cause them to be in breach of a term or condition of registration
  - iii. any death where there is a connection, or potential connection with the *self-insured employer's* workplace or the activities associated with the *self-insured employer's* operations
  - iv. Any significant change in labour hire arrangements

#### 1.18. Other terms

The Corporation may impose other conditions, relating to the self-insured employer's record of compliance with this *Code* or a legislative obligation, on a *self-insured employer's* registration, as it considers reasonable and appropriate, during the course of the registration period. Such conditions need not be imposed at the time of registration. The Corporation may also vary, or remove a condition so imposed. The Corporation will, within 30 days of its decision to impose or vary a



*Code of conduct for self-insured employers*

condition on a self-insured employer's registration, notify the self-insured employer, in writing, of that decision, the reasons for its decision and the period for which the condition is imposed.

## CHAPTER 2

### 2. ELIGIBILITY AND ASSESSMENT CRITERIA

#### 2.1. Application

This chapter applies to all *employers* or *self-insured employers* including an *employer* applying for an initial grant of registration as a *self-insured employer*.

#### 2.2. Satisfaction of *ReturnToWorkSA*

- a) An *employer* or *self-insured employer* must establish, to the satisfaction of *ReturnToWorkSA*, it has reached the standard that must be achieved before a grant or renewal of self-insured status will be considered.
- b) In addition to the considerations *ReturnToWorkSA* must have regard to under section 129(11) of the *Act*, *ReturnToWorkSA* may have regard to such other matters as it considers relevant, when deciding whether to grant or renew registration as a *self-insured employer*.

#### 2.3. Section 129 (11) of the *Act* assessment criteria

##### 2.3.1. Number of employees employed by the employer or group (s129 11(a) of the *Act*)

Ordinarily the *number of employees* required for an application for an initial grant of registration as a *self-insured employer* or a renewal of *self-insured employer* registration will be 200 or more *full time equivalent* employees.

Note: This requirement is not on its own a bar to registration as a *self-insured employer* if all other requirements are met.

##### 2.3.2. Financial viability

- a) An *employer* or *self-insured employer* must demonstrate it is likely to continue to be able to meet its liabilities.
- b) Performance against the following benchmarks is a relevant indicator of the likelihood of the *employer* or *self-insured employer* continuing to be able to meet its liabilities. This list should not be considered as exhaustive:

##### Performance Benchmarks

- (i) Balance sheet test, being *total tangible assets* divided by *total liabilities*.
- (ii) Gearing ratio, being *loan capital* divided by *total equity*.
- (iii) Liquidity ratio, being *current assets* divided by *current liabilities*.
- (iv) Cash Flow Margin, being *operating cash flow* divided by *net sales*.
- (v) Profitability ratio, being *net profit before tax* divided by *total equity*.

## Code of conduct for self-insured employers

- c) The following industry specific benchmarks apply:

Industry Group	Balance Sheet	Gearing	Liquidity	Cash flow margin	Profitability
Manufacturing	≥1.6	≤60%	≥1.3	≥5%	≥10%
General Contracting	≥1.2	≤50%	≥1.3	≥5%	≥5%
Not for Profit	≥1.2	≤50%	≥1.3	≥5%	≥n/a
Retail	≥1.2	≤50%	≥1.3	≥3%	≥10%
Other	≥1.2	≤50%	≥1.3	≥7%	≥5%

- d) *ReturnToWorkSA* may consider an employer that provides financial guarantees on behalf of another *self-insured employer* as meeting the required level of financial performance.

### 2.3.3.Claims administration resources

When assessing whether the *employer* or *self-insured employer* has sufficient resources for administering claims for compensation, *ReturnToWorkSA* will have regard to the following matters:

- a) the qualifications and experience of the officers responsible for claims administration
- b) the number, frequency, complexity and duration of claims
- c) job description of the officers responsible; and
- d) the performance of the *employer* or *self-insured employer* as measured against the *Code* and Injury management standards.

### 2.3.4.Incidence and severity of injuries

- a) The incidence and severity of injuries for an *employer* or *self-insured employer* will be evaluated taking into account:
  - (i) the mechanism, nature, and agency of injuries sustained in the *employer's* workplace
  - (ii) the consequence of injuries sustained in the workplace
  - (iii) the strategies and activities implemented by the *employer* to reduce the incidence and severity of injuries.

### 2.3.5.Effect of working conditions

When assessing the effect, or likely effect, of the working conditions under which *workers* are employed by the *employer* or *self-insured employer* on the health and safety of those *workers*, *ReturnToWorkSA* will have regard to all relevant circumstances including:

- a) the performance of the *employer* or *self-insured employer* evaluated against the *WHS standards*
- b) the death of a person in the workplace including details of the incident leading to the fatality and any remedial action taken by the *employer* or *self-insured employer*

## Code of conduct for self-insured employers

- c) any successful prosecution against an *employer* or *self-insured employer* for a breach of the *WHS Act* resulting in a death; and
- d) any work health and safety prosecution, not being a prosecution for a death of a person in the workplace, of an *employer* or *self-insured employer* which, in the opinion of *ReturnToWorkSA*, indicates a non-conformance with the standards.

**2.3.5.1. Effect of working conditions for other workers**

- a) *ReturnToWorkSA* considers the working conditions under which *labour hire workers* and contract workers are employed at the workplace(s) of the *employer* or *self-insured employer* to be a relevant matter in deciding whether to grant, renew, revoke, or reduce a period of registration as a *self-insured employer*.
- b) Self-insured employers are expected to ascertain that all labour hire workers performing work for them are employed by companies which are registered for injury insurance (either premium-paying or self-insured).

**2.3.6. Return to Work Services**

When assessing the record of the *employer* or *self-insured employer* in relation to the provision of recovery and return to work services to *workers* who suffer work injuries, *ReturnToWorkSA* will have regard to all relevant circumstances including the:

- a) performance of the *employer* or *self-insured employer* evaluated against the Injury Management Standards, as relevant to the recovery and return to work of *workers*
- b) *employer* or *self-insured employer's* record in relation to recovery and return to work, including:
  - (i) sustainable early return to work outcomes
  - (ii) placement of *workers* in suitable and sustainable employment
  - (iii) record of compliance with the requirements of *ReturnToWorkSA* in relation to sections 18, 20 and 25 of the *Act*
  - (iv) provision of lifetime care and support for seriously injured workers
  - (v) the resources applied to supporting recovery and return to work, and
  - (vi) nature and outcomes of any program, whether it is officially recorded and described or simply a practice whereby treatment is offered and provided for a limited or extended period of time without a claim being lodged.

**2.3.7. Provision of suitable employment**

When assessing the record of the *employer* or *self-insured employer* in providing suitable employment to *workers* who suffer work injuries, *ReturnToWorkSA* will have regard to all relevant circumstances including:

- a) The employer's or *self-insured employer's* record and attitude towards the provision of suitable employment for workers who have suffered work injuries, including any action taken by *ReturnToWorkSA*, or any application for SAET orders by the employer's *workers*, concerning sections 18, 20 and 25 of the *Act*; and

## Code of conduct for self-insured employers

- b) The employer's or *self-insured employer's* record and attitude towards the provision of suitable employment to labour hire and contract workers who have suffered a work *injury* in the employer's or *self-insured employer's* Workplace(s).

**2.3.8. Views of relevant industrial associations**

- a) *ReturnToWorkSA* must have regard to the opinions of any *industrial association* that has, in the opinion of *ReturnToWorkSA*, a proper interest in the matter.
- b) *ReturnToWorkSA* will ordinarily consider the following *industrial associations* as having a proper interest in the matter:
  - (i) an *industrial association*, including State level officials of an association, that may have members employed by the *self-insured employer*
  - (ii) on-site representatives of any relevant industrial association
  - (iii) other workers or their nominated representatives as considered appropriate by *ReturnToWorkSA*; and
  - (iv) any employer, business, or industry associations of which the *self-insured employer* is a member.
- c) The *employer* or *self-insured employer* must identify and contact in writing all *industrial associations* that have a proper interest and must satisfy *ReturnToWorkSA* that all such *industrial associations* have been identified and have been consulted in writing but doing so will not prohibit *ReturnToWorkSA* from making contact with *industrial associations* to inform it of their opinions.
- d) If four weeks after being contacted by the *employer* or *self-insured employer* there has been no response from the relevant *industrial associations*, the *industrial associations* will be deemed by the *employer* or *self-insured employer* and *ReturnToWorkSA* to have no objection to the application.

**2.3.9. Effect on the fund**

- a) Except in relation to an application for renewal, *ReturnToWorkSA* may consider the effect on the *Compensation Fund* of granting *self-insured employer* registration to a particular *employer* or group of *employers*.
- b) When assessing the effect of an application for *self-insured employer* registration on the *Compensation Fund*, *ReturnToWorkSA* will have regard to all relevant circumstances.

## CHAPTER 3

### 3. APPLICATIONS FOR INITIAL GRANT OF REGISTRATION AS A SELF-INSURED EMPLOYER.

#### 3.1. Scope

This chapter applies to an application for the grant of registration as a *self-insured employer* under section 129(1) of the *Act*.

It does not apply to:

- a) an existing *self-insured employer* who has applied for renewal of its registration as a *self-insured employer* pursuant to section 129(1) of the *Act*, or
- b) an application by a *self-insured employer* or *group of self-insured employers* under section 129(7)(a) of the *Act*.

#### 3.2. How to apply

- a) Prior to commencing an application, an *employer* should contact *ReturnToWorkSA* to discuss the application process and ongoing requirements of registration as a *self-insured employer*.
- b) An Application will consist of both:
  - (i) An Expression of Interest.
  - (ii) An Application for registration as a *self-insured employer*.

#### 3.3. Expression of interest

- a) An *employer* is required to complete the Expression of Interest template published on the *ReturnToWorkSA* website and submit it to *ReturnToWorkSA*.

#### 3.4. Application

- a) An *employer* must apply to *ReturnToWorkSA* for registration as a *self-insured employer*.
- b) An application for registration as a *self-insured employer* must:
  - (i) include a completed Application template as published on the *ReturnToWorkSA* website; and
  - (ii) be accompanied by the payment of the prescribed fee.

#### 3.5. Assessment process

##### 3.5.1.Expression of Interest

*ReturnToWorkSA* will review the completed *Expression of Interest* and provide advice to the *employer* on its suitability for registration as a *self-insured employer*.

**3.5.2. Application for an initial grant of registration**

- a) On submission of an Application for an initial grant of registration as a *self-insured employer*, and payment of the prescribed fee, *ReturnToWorkSA* will arrange with the *employer* to:
  - (i) review the *employer's* application
  - (ii) evaluate the *employer's* work health, safety and injury management systems.
- b) Evaluation of the *employer's* work, health and safety and injury management systems will be in accordance with the *ReturnToWorkSA* Self-insured Evaluation Practice Manual as published on the *ReturnToWorkSA* website.
- c) At the conclusion of the evaluation process, the *employer* will receive an Evaluation Report. On receipt of an Evaluation Report, an *employer* may elect to:
  - (i) cease the application process; or
  - (ii) proceed to the consideration of its application by the *Board* of *ReturnToWorkSA*.
- d) An *employer* may choose to make a submission in response to the Evaluation Report, which will be provided to the *Board* of *ReturnToWorkSA* in conjunction with the *employer's* Application and the Evaluation Report. The submission may include details of corrective actions in response to any non-conformances identified.

**3.6. Valuation of Liability Transfer Payment**

Prior to *Board* consideration of an application for the initial grant of registration as a *self-insured employer*, the *employer* will need to agree the terms and conditions for the transfer of liabilities (including all the necessary financial calculations and adjustments) pursuant to section 64(3) and 64(4) of the *Act* with *ReturnToWorkSA*.

**3.7. Decision by the Board**

- a) The *Board* must determine an Application for the initial grant of registration as a *self-insured employer*.
- b) The *Board's* decision to reject an application for *self-insured employer* registration is subject to appeal as set out in Chapter 6.
- c) *ReturnToWorkSA* acknowledges that it is obliged to determine applications for self-insurance as expeditiously as is reasonably possible once an Application for an initial grant of registration has been completed.

**3.8. Group registration**

- a) Pursuant to section 129(12) of the *Act*:
  - (i) Where *related bodies corporate* are registered as a *group of self-insured employers*, the *employer* so nominated by the group shall be treated as the *self-insured employer* of all workers employed by the various members of the group.
  - (ii) All members of the group are jointly and severally liable to satisfy the liabilities of the nominated *self-insured employer*.

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- b) Pursuant to section 129(13) of the *Act*, *ReturnToWorkSA* may, on application from the group, change the nominated employer. When considering an application to do so *ReturnToWorkSA* will take into account the following principles:
  - (i) whether it would be a significant change to the *group of self-insured employers*
  - (ii) the effect of the change on the financial status of the group. Any material deterioration in financial status will require consideration of whether or not the group can still be supported as an *ongoing group of self-insured employers*
  - (iii) whether the change requires any amendments to financial guarantee or excess of loss insurance arrangements. If so, they must be satisfactorily resolved prior to or concurrent with approval of the change; and
  - (iv) a change of name of an existing company where there is no change of the Australian Company Number does not require an application to change nominated employer.

**3.9. Effective date of registration**

- a) Registration takes effect from a date fixed by *ReturnToWorkSA*.
- b) The *employer* and *ReturnToWorkSA* can agree the registration take effect from a date after the date fixed under paragraph (a) but no extension will be given beyond six months. If the registration is not taken up by that time, the original approval of self-insurance will be considered to have lapsed.
- c) *ReturnToWorkSA* cannot backdate a registration.
- d) Once the application is approved, the *employer* will need to submit the required financial guarantee and evidence of the existence of the excess of loss insurance policy before its registration as a *self-insured employer* can commence.

**3.10. Initial period of registration**

- a) Registration will be subject to evaluation against the *Injury Management Standards* within the first year of registration. Should the *self-insured employer* fail such evaluation, *ReturnToWorkSA* may take such action, as it deems appropriate in the circumstances, having regard to the nature of the *non-compliance*.



# CHAPTER 4

## 4. EVALUATIONS

### 4.1. Application

This chapter applies to all *employers* who are either:

- a) applying for an initial grant or renewal of registration as a *self-insured employer*; or
- b) registered as a *self-insured employer*, where evaluations may occur with respect to whether they maintain that registration.

### 4.2. Application for renewal

A *self-insured employer* wishing to renew its registration as a *self-insured employer* must notify *ReturnToWorkSA* of its intention to renew its registration.

### 4.3. Evaluations

#### 4.3.1. Grant or renewal of registration

- a) *ReturnToWorkSA* will evaluate the *employer's* performance against the terms and conditions of registration.
- b) A validation of the *employer's* data provided in accordance with *Schedule 3* may occur from time to time.
- c) *ReturnToWorkSA* will undertake evaluations in line with the methodology set out in the Evaluation Practice Manual published on the *ReturnToWorkSA* website.

#### 4.3.2. Ongoing evaluation

- a) *ReturnToWorkSA* may require a *self-insured employer* or an applicant for an initial period of registration as a *self-insured employer*, to provide submissions on compliance with the terms and condition of registration as they apply from time to time.
- b) *ReturnToWorkSA* will monitor *self-insured employers* on an ongoing basis between programmed evaluations.
- c) A self-insured employer is required to cooperate and participate with any enquiry or monitoring activity, pertaining to the *self-insured employer's* compliance with relevant legislation and/or this *Code*, undertaken by *ReturnToWorkSA* under terms agreed with the *self-insured employer*.

### 4.4. Review process

- a) Where an *employer* or *self-insured employer* disagrees with an assessment made by *ReturnToWorkSA* in respect of any of the criteria contained in section 129 of the *Act* or the *Code* as part of an evaluation, a review process will be available as follows:
  - (i) The *employer* or *self-insured employer* must write to the General Manager Regulation within 30 calendar days of receiving the written provisional findings. The *employer* or

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*self-insured employer* must ensure that it specifies the area(s) of disagreement and provides evidence supporting its position.

- (ii) *ReturnToWorkSA* will review the evaluation findings and the *employer's* or *self-insured employer's* submission and, if appropriate: change its findings; or
- (iii) If the matter is not resolved, the *employer* or *self-insured employer* may request that *ReturnToWorkSA* appoint a different evaluator to undertake a peer review. The peer review will consider the *employer's* or *self-insured employer's* response to the initial findings and make a final assessment for consideration by the *Board* or its delegate.
- (iv) The *employer* or *self-insured employer* will be provided with the final assessment and recommendation to the *Board* or its delegate.

## CHAPTER 5

### 5. GROUP SELF-INSURED EMPLOYERS AND CORPORATE RESTRUCTURE

#### 5.1. Application

This chapter applies to all *employers* registered under section 129 of the *Act*.

#### 5.2. Group employers

- a) A *self-insured employer* must at all times ensure any *related body corporate* to any member of the group that employs a *worker* or *workers* in employment to which this *Act* applies is a member of the group.
- b) A request to amend a *self-insured employer* registration under s129(7) of the *Act* must include the following details in relation to all new, existing, and exiting related *Body corporate*:
  - (i) *the structure of the group showing the relationships between all related bodies corporate within the new group registration*
  - (ii) *the trading name of all related bodies corporate included in the new group registration*
  - (iii) *the entity Name of all related bodies corporate included in the new group registration*
  - (iv) *ACN and/or ABN of all related bodies corporate included in the new group registration*
  - (v) *number of employees of all related bodies corporate included in the new group registration*
  - (vi) *the name of the employer nominated pursuant to section 129(12)*
  - (vii) *whether a body corporate is a related body corporate to the self-insured employer by virtue of it being a subsidiary of a foreign company*
  - (viii) *the plan of arrangements for inclusion of all new related bodies corporate into the registration of the new group of self-insured employers.*
- c) A group of *self-insured employers* must, prior to the commencement of the new group registration, provide an updated financial guarantee and excess of loss insurance policy to reflect changes to the group of *self-insured employers*.
- d) If adding a new related body corporate, transfer of liability arrangements will apply.

#### 5.3. Subsidiary of a foreign company which is a holding company

- a) A *self-insured employer* must notify *ReturnToWorkSA* if a body corporate exists that may be considered a *related body corporate* to the *self-insured employer* by virtue of it being a subsidiary of a *foreign company*.
- b) *ReturnToWorkSA* in determining *related bodies corporate* under clauses 3.8 and 5.2 of the *Code* will ordinarily consider the following when those *related bodies corporate* are subsidiaries of a *foreign company*:

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- (i) workforce structure of the subsidiary and the *self-insured employer*
  - (ii) management and reporting structure
  - (iii) the relevant size of the subsidiary and the *self-insured employer*
  - (iv) industry the subsidiary operates in
  - (v) the views of the subsidiary and the *self-insured employer*; and
  - (vi) any other matter *ReturnToWorkSA* considers relevant.
- c) Where *ReturnToWorkSA* determines that a body corporate that would otherwise be a *related body corporate* should be excluded from the self-insured group by virtue of the fact the relationship occurs solely through a *foreign company*, *ReturnToWorkSA* will advise the *self-insured employer* of each exclusion.
- d) If *ReturnToWorkSA* determines that the *related body corporate* should be included in a self-insured registration, the *self-insured employer* must apply to add that *related body corporate* to its self-insurance registration.
- e) *ReturnToWorkSA* may review or change each determination to exclude the body corporate from the self-insured group, if the facts relating to that consideration change for any reason.

**5.4. Amalgamations**

- a) Where a member of a group of *self-insured employers* acquires another *self-insured employer*, or all the members of another group of *self-insured employers*, they may apply, in former case, to add that *self-insured employer* to the group pursuant to section 129(7)(a) of the *Act* and, in the latter case, apply to amalgamate their registrations so as to form a group pursuant to section 129(7)(c) of the *Act*.
- b) A failure by the *self-insured employer* or group of *self-insured employers* to make such an application (or the refusal of such an application by *ReturnToWorkSA*) will be taken into account by *ReturnToWorkSA* when considering whether to cancel or not renew the *self-insured employer* or group of *self-insured employer's* current registration as a *self-insured employer* or group of *self-insured employers*.
- c) If required to submit a new application for registration as a group of *self-insured employers*, appropriate consideration will be given to the performance of the previously registered *self-insured employer*. Where new entities that were not previously self-insured are added to existing groups or a previously single registration becomes a new group, *ReturnToWorkSA* will consider submissions from the entity on the timing of the full application of the entity or entities added to the group.

## CHAPTER 6

### 6. REDUCTION, REVOCATION, AND APPEALS

#### 6.1. Application

This chapter applies to all *self-insured employers* whose period of registration is being considered for reduction or revocation by *ReturnToWorkSA*.

#### 6.2. Notification

Pursuant to a *self-insured employer's* obligations of notification set out in Chapter 1 and paragraph 10 of *Schedule 3*, a *self-insured employer* must notify *ReturnToWorkSA* as soon as practicable of:

- a) any breach or failure to comply with the *Act* or a term or condition of registration; or
- b) any change to its circumstances, which may cause them to be in breach of a term or condition of registration.

#### 6.3. Statutory criteria

- a) In deciding whether to reduce or revoke the registration of a *self-insured employer*, *ReturnToWorkSA*:
  - (i) will have regard to the considerations *ReturnToWorkSA* must have regard to pursuant to section 129 of the *Act*; and
  - (ii) may have regard to such other matters, as it considers relevant.

#### 6.4. Process of reduction or revocation of registration.

- a) *ReturnToWorkSA* recognises that a reduction or revocation of registration as a *self-insured employer* has potentially serious consequences for a *self-insured employer*.
- b) Prior to *ReturnToWorkSA* making a recommendation to the *Board* that the registration of a *self-insured employer* should be reduced or revoked, *ReturnToWorkSA* will (unless there are good reasons for proceeding urgently):
  - (i) request the *self-insured employer* to show cause why *ReturnToWorkSA* should not revoke or reduce the period of registration
  - (ii) provide to the *self-insured employer* a reasonable period of time during which the *self-insured employer* may respond to the notification
  - (iii) provide to the *self-insured employer* a reasonable period of rectification during which the *self-insured employer* may demonstrate to *ReturnToWorkSA* its compliance with the *Act* and the terms and conditions of registration; and
  - (iv) in the circumstances of a revocation, inform the self-insured employer of its rights to appeal the decision of *ReturnToWorkSA* prior to the decision taking effect.
- c) Without limitation, clauses 6.4 (b)(i), 6.4 (b)(ii) and 6.4 (b)(iii) will not apply if *ReturnToWorkSA* is of the opinion that the circumstances require an immediate revocation of the registration.

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- d) Clause 6.4 (b)(iii) will not apply if *ReturnToWorkSA* is of the opinion that the breach or failure to comply with the *Act* or a term or condition of registration is of such a nature that it cannot be rectified within a reasonable period.

**6.5. Removal of delegation**

- a) Pursuant to section 134(7) of the *Act*, *ReturnToWorkSA* may consider the removal of delegation of a power or discretion if it is exercised unreasonably by the *self-insured employer*.
- b) *ReturnToWorkSA* will consider the removal of delegation of a power where in all the circumstances it is appropriate to do so, including where the serious or fundamental breach is the exercise of a power or discretion unreasonably but the *self-insured employer* is otherwise complying with the *Act*.
- c) In the circumstances referred to in this clause, *ReturnToWorkSA* may withdraw the delegation until such time it is satisfied the power or discretion will be exercised reasonably.

**6.6. Prosecution**

Pursuant to sections 198 of the *Act*, *ReturnToWorkSA* may consider prosecution where a *self-insured employer* is in breach or fails to comply with the *Act*.

**6.7. Appeals to the Minister**

Pursuant to section 133 of the *Act*, *self-insured employers* may appeal to the Minister against a decision of *ReturnToWorkSA* in circumstances outlined in section 133(1) of the *Act*. This must be done in writing to the Minister.

- a) A *self-insured employer* must commence an appeal within one month after the *employer* receives notice of *ReturnToWorkSA*'s decision unless the Minister allows an extension of time for the appeal.
- b) If an appeal to the Minister is against a decision of *ReturnToWorkSA* to refuse to renew, or to cancel the registration of the *employer*, as a *self-insured employer*, *ReturnToWorkSA* may extend or renew the registration of the *employer* for a period of up to 3 months (pending resolution of the appeal).

# CHAPTER 7

## 7. TERMINATION/EXPIRATION OF REGISTRATION

### 7.1. Application

This chapter applies to any *employer* whose registration as a *self-insured employer* ceases for any reason.

### 7.2. Delegation of powers and discretions

- a) Pursuant to section 134(8) of the *Act*, *ReturnToWorkSA* may determine that the delegation of powers and discretions to an *employer* is to continue notwithstanding that the *employer* has ceased to be a *self-insured employer*.
- b) If *ReturnToWorkSA* determines that the delegation of powers and discretions are to continue, the delegation continues only to such extent as *ReturnToWorkSA* thinks fit in relation to injuries that occurred before cessation of registration.
- c) Any act or omission of an *employer* whose registration as a *self-insured employer* has ceased that is within the scope of the continued delegation will be taken for the purposes of the *Act*, to be the act or omission of a *self-insured employer*.

### 7.3. Assumption of liabilities

- a) As insurer of last resort, pursuant to s167 of the *Act*, *ReturnToWorkSA* must undertake the liabilities of any *self-insured employer* that ceases to be registered as a *self-insured employer* if the *employer*:
  - (i) becomes insolvent; or
  - (ii) ceases to carry on business in the State and fails to make provision that *ReturnToWorkSA* considers adequate for dealing with claims, liabilities and responsibilities relating to work injuries arising from employment during the period of *self-insured employer* registration.

### 7.4. Valuation of capitalised liabilities

- a) Where *ReturnToWorkSA* determines to undertake the outstanding liabilities of any *self-insured employer*, *ReturnToWorkSA* will:
  - (i) determine the process for valuation of claims at the time claims liability is assumed by *ReturnToWorkSA*; and
  - (ii) appoint or approve an actuary to assess the value of the outstanding claims liability.

### 7.5. Run off of claims

- a) Where *ReturnToWorkSA* is satisfied of the ability of the *employer* to continue to manage and bear financial responsibility for any claims by its *workers* in relation to *work injuries*, it may allow the former *self-insured employer* to retain responsibility for such liabilities for such a period as *ReturnToWorkSA* determines appropriate (a 'run off period').

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- b) In circumstances where *ReturnToWorkSA* has decided not to undertake all of the liabilities of the former *self-insured employer* and to continue the delegation of powers and discretions to the former *self-insured employer* for a period, *ReturnToWorkSA* may require the former *self-insured employer* to enter into an agreement with *ReturnToWorkSA*.
- c) The former *self-insured employer* must maintain compliance with the *Act*, Regulations, and Injury Management Standards during the run-off period.
- d) *ReturnToWorkSA* may terminate the run off if *ReturnToWorkSA* considers there are substantive grounds for doing so.
- e) Upon cessation of the run off period, *ReturnToWorkSA* will approve or appoint an actuary to assess the value of the outstanding claims liability at that time, in order to calculate the capitalised sum (if any) the *employer* must pay to *ReturnToWorkSA*.

**7.6. Treatment of Claim files on cessation of self-insurance**

- a) On cessation of self-insurance and transfer of liabilities to the *ReturnToWorkSA* under section 167 of the *Act*, the claim files in relation to the claims that have been assumed by *ReturnToWorkSA* must be provided to *ReturnToWorkSA* before the financial guarantee document is released to the *employer*.
- b) Claim files required will include both closed and open files but will not extend to any files that have been properly destroyed under the provisions of *Regulations* relating to claim file retention.





The information in this publication is compiled by *ReturnToWorkSA*. The data and facts referred to are correct at the time of publishing and provided as general information only. It is not intended that any opinion as to the meaning of legislation referred to is to be relied upon by readers. You should seek independent or legal advice as to any specific issues that are relevant to you, your workplace or organisation.

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The following free information support services are available:

If you are deaf or have a hearing or speech impairment you can call ReturnToWorkSA on **13 18 55** through the National Relay Service (NRS) [www.relayservice.gov.au](http://www.relayservice.gov.au).

For languages other than English call the Interpreting and Translating Centre on **1800 280 203** and ask for an interpreter to call ReturnToWorkSA on **13 18 55**.

For braille, audio or e-text of the information in this brochure call **13 18 55**.

**Government  
of South Australia**

## ROADS (OPENING AND CLOSING) ACT 1991

## SECTION 24

**NOTICE OF CONFIRMATION OF  
ROAD PROCESS ORDER***Road Closure—Portion of Hamley Street, Peterhead*

By Road Process Order made on 7 April 2025, the City of Port Adelaide Enfield ordered that:

1. Portion of Hamley Street, Peterhead, situated adjoining Allotments 1 to 4 in Deposited Plan 1113 and Allotments 58 to 60 in Filed Plan 4425, Hundred of Port Adelaide, more particularly delineated and lettered 'A' to 'G' in Preliminary Plan 24/0001 be closed.
2. Transfer the whole of the land subject to closure lettered 'A' to Jerry Soldo and Rozmari Soldo in accordance with the Agreement for Transfer dated 20 March 2025 entered into between the City of Port Adelaide Enfield and Jerry Soldo and Rozmari Soldo.
3. Transfer the whole of the land subject to closure lettered 'B' to Ricky Roy Dean in accordance with the Agreement for Transfer dated 10 February 2025 entered into between the City of Port Adelaide Enfield and Ricky Roy Dean.
4. Transfer the whole of the land subject to closure lettered 'C' to Desmarie Angela Nicolopoulos in accordance with the Agreement for Transfer dated 5 February 2025 entered into between the City of Port Adelaide Enfield and Desmarie Angela Nicolopoulos.
5. Transfer the whole of the land subject to closure lettered 'D' to Francis James Darling and Deanna Kathryn Darling in accordance with the Agreement for Transfer dated 4 February 2025 entered into between the City of Port Adelaide Enfield and Francis James Darling and Deanna Kathryn Darling.
6. Transfer the whole of the land subject to closure lettered 'E' to Kelli-Ann Lewis in accordance with the Agreement for Transfer dated 18 February 2025 entered into between the City of Port Adelaide Enfield and Kelli-Ann Lewis.
7. Transfer the whole of the land subject to closure lettered 'F' and 'G' to Ross Alexander Synnott in accordance with the Agreement for Transfer dated 17 March 2025 entered into between the City of Port Adelaide Enfield and Ross Alexander Synnott.

On 14 August 2025 that order was confirmed by the Minister for Planning conditionally upon the deposit by the Registrar-General of Deposited Plan 137264 being the authority for the new boundaries.

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

Dated: 28 August 2025

B. J. SLAPE  
Surveyor-General

2024/00567/01

[REPUBLICATED]

The notice published in the *South Australian Government Gazette* No. 47, dated 14 August 2025, on page 3430, under the heading *Summary Offences Act 1953—Event Declaration*, was published with an incorrect authorising signature and should be replaced with the following:

## SUMMARY OFFENCES ACT 1953

*Event Declaration*

Notice is hereby given in accordance with Section 66ZE of the *Summary Offences Act 1953*, that the following public event has been declared for the duration of the event between the listed dates:

Event: Royal Adelaide Show 2025  
Place: Public place known as the Adelaide Showgrounds  
Boundary of Rose Terrace, Goodwood Road, Leader Street and Richards Terrace  
Date: 30 August to 7 September 2025  
Conditions: May be subject to conditions specified in the notice

At this event a police officer may carry out a metal detector search in relation to any person who is in, or attempting to enter or leave the event and any property in the person's possession.

Dated: 28 August 2025

PHILIP NEWITT  
Assistant Commissioner SEMS  
Delegate of the Commissioner

# LOCAL GOVERNMENT INSTRUMENTS

## CITY OF ADELAIDE

### LOCAL GOVERNMENT ACT 1999

#### *Draft City of Adelaide Community Engagement Charter and Draft City of Adelaide Community Engagement Policy for Public Consultation*

The City of Adelaide is consulting on its draft City of Adelaide Community Engagement Charter and draft City of Adelaide Community Engagement Policy.

Pursuant to the provisions of Section 50 of the *Local Government Act 1999*, the City of Adelaide is required to conduct public consultation on its draft Community Engagement Policy before it can be formally adopted.

A copy of the draft City of Adelaide Community Engagement Charter and draft City of Adelaide Community Engagement Policy will be available for inspection at the Council's principal office (25 Pirie Street, Adelaide SA 5000), and at its libraries and community centres.

For further information on the consultation process or to provide feedback you can visit [ouradelaide.sa.gov.au](http://ouradelaide.sa.gov.au) at any time, or Council's principal office, its libraries and community centres during ordinary office hours.

Consultation is open from Monday, 1 September 2025.

**All submissions on the draft City of Adelaide Community Engagement Charter and draft City of Adelaide Community Engagement Policy must be received by 5pm, Sunday, 5 October 2025.**

Dated: 26 August 2025

MICHAEL SEDGMAN  
Chief Executive Officer

## CITY OF BURNSIDE

### LOCAL GOVERNMENT ACT 1999

#### *By-law No. 1 of 2025—Permits and Penalties By-law 2025*

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

#### PART 1—PRELIMINARY

##### 1. Short Title

This by-law may be cited as the *Permits and Penalties By-law 2025*.

##### 2. Commencement

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

##### 3. Definitions

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

3.1.1 **authorised person** means a person appointed as an authorised person pursuant to Section 260 of the *Local Government Act 1999*;

3.1.2 **Council** means the City of Burnside;

3.1.3 **drive a vehicle** means to be in control of the steering, movement or propulsion of the vehicle;

3.1.4 **driver of a vehicle** means the person driving the vehicle;

3.1.5 **motor vehicle** has the same meaning as in the *Road Traffic Act 1961*;

3.1.6 **person** includes a natural person, a body corporate or incorporated association;

3.1.7 **road** has the same meaning as in the *Local Government Act 1999*;

3.1.8 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and the *Australian Road Rules*.

3.2 In this by-law:

3.2.1 **owner** has the same meaning as in the *Road Traffic Act 1961*;

3.2.2 **prescribed offence** means an offence against a by-law of the Council relating to the driving, parking or standing of vehicles.

##### 4. Construction

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

#### PART 2—PERMITS

##### 5. Council May Grant Permits

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

5.1 The permit must be in writing.

5.2 The Council may:

5.2.1 attach conditions to the permit;

5.2.2 change or revoke a condition, by notice in writing; or

5.2.3 add new conditions, by notice in writing.

5.3 A person who holds a permit must comply with every condition attached to it. Failure to do so constitutes a breach of this by-law.

5.4 The Council may revoke a permit, by notice in writing, if:

5.4.1 the holder of the permit fails to comply with a condition attached to it; or

5.4.2 the permit is of a continuing nature, and the Council has reasonable grounds for revoking it.

5.5 The Council may, by resolution, fix, vary or revoke fees or charges for the granting of a permit to do a specified thing.

## PART 3—ENFORCEMENT

**6. Penalties**

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

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

- 7.1 Without derogating from the liability of any other person, but subject to this paragraph, if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of an offence and liable to the same penalty as is prescribed for the principal offence and the expiation fee that is fixed for the principal offence applies in relation to an offence against this paragraph.
- 7.2 The owner and driver of a vehicle are not both liable through the operation of this paragraph to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the driver and conversely conviction of the driver exonerates the owner.
- 7.3 An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged prescribed offence involving the vehicle must be accompanied by a notice inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:
  - 7.3.1 setting out the name and address of the driver; or
  - 7.3.2 if they had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer—setting out details of the transfer (including the name and address of the transferee).
- 7.4 Before proceedings are commenced against the owner of a vehicle for an offence against this section involving the vehicle, the complainant must send the owner a notice:
  - 7.4.1 setting out particulars of the alleged prescribed offence; and
  - 7.4.2 inviting the owner, if he or she was not the driver at the time of the alleged prescribed offence, to provide the complainant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subparagraph 7.3.
- 7.5 Subparagraph 7.4 does not apply to:
  - 7.5.1 proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
  - 7.5.2 proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this section as the driver of the vehicle.
- 7.6 Subject to subparagraph 7.7, in proceedings against the owner of a vehicle for an offence against this paragraph, it is a defence to prove:
  - 7.6.1 that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or
  - 7.6.2 that the owner provided the complainant with a statutory declaration in accordance with an invitation under this paragraph.
- 7.7 The defence in paragraph 7.6.2 does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.
- 7.8 If:
  - 7.8.1 an expiation notice is given to a person named as the alleged driver in a statutory declaration under this paragraph; or
  - 7.8.2 proceedings are commenced against a person named as the alleged driver in such a statutory declaration,the notice or information, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.
- 7.9 The particulars of the statutory declaration provided to the person named as the alleged driver must not include the address of the person who provided the statutory declaration.

**8. Evidence**

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

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

## PART 4—MISCELLANEOUS

**9. Revocation**

*Council's By-law No. 1—Permits and Penalties*, published in the Gazette on 6 September 2018, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the City of Burnside held on the 19<sup>th</sup> day of August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 28 August 2025

JULIA GRANT  
Chief Executive Officer

## CITY OF BURNSIDE

## LOCAL GOVERNMENT ACT 1999

*By-law No. 2 of 2025—Moveable Signs By-law 2025*

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

## PART 1—PRELIMINARY

**1. Short Title**

This by-law may be cited as the *Moveable Signs By-law 2025*.

**2. Commencement**

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

**3. Definitions**

In this by-law:

- 3.1 **banner** means a moveable sign constituted of a strip of cloth, plastic or other material hung or attached to a pole, fence or other structure;
- 3.2 **business** means the business to which a moveable sign relates;
- 3.3 **business premises** means the premises from which a business, trade or calling is conducted;
- 3.4 **footpath area** means:
  - 3.4.1 that part of the road between the property boundary of the road and the edge of the carriageway on the same side as that boundary; or
  - 3.4.2 a footway, laneway or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 3.5 **moveable sign** has the same meaning as in the *Local Government Act 1999*;
- 3.6 **road** has the same meaning as in the *Local Government Act 1999*.

## PART 2—PROVISIONS APPLICABLE TO MOVEABLE SIGNS

**4. Design and Construction**

A moveable sign must:

- 4.1 in the case of an 'A' frame or sandwich board sign:
  - 4.1.1 be hinged or joined at the top;
  - 4.1.2 be of such construction that its sides can be and are securely fixed or locked in position when erected;
- 4.2 in the case of an inverted 'T' sign, contain no struts or members than run between the display area of the sign and the base of the sign;
- 4.3 be designed, constructed and maintained in good condition so as not to present a hazard to any member of the public;
- 4.4 be of strong construction so as to be stable when in position and to be able to keep its position in adverse weather conditions;
- 4.5 not contain any sharp or jagged edges or corners;
- 4.6 not be unsightly or offensive in appearance or content;
- 4.7 not rotate or contain moving parts;
- 4.8 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 4.9 not contain flashing lights or be illuminated internally;
- 4.10 not be more than 1 metre high, 600mm wide and 600mm deep;
- 4.11 not have a display area exceeding 700mm square in total or, if the sign is two sided, 700mm square on each side; and
- 4.12 be stable when in position.

**5. Appearance**

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

- 5.1 be painted or otherwise detailed in a competent and professional manner;
- 5.2 be aesthetically appealing, legible and simply worded to convey a precise message;
- 5.3 be of such design and contain such colours as are compatible with the architectural design of the premises adjacent to the sign, and which relate well to the townscape and overall amenity of the locality in which it is situated and not detract from or conflict with traffic, safety or direction signs or signals; and
- 5.4 contain combinations of colour and typographical styles which blend in with and reinforce the heritage qualities of the locality and the buildings where it is situated;
- 5.5 not have attached any balloons, flags, streamers or other things.

## 6. Placement

A moveable sign must:

- 6.1 only be placed on the footpath area of a road;
- 6.2 where there is no kerb to define the footpath area, be set back from the edge of the carriageway by no less than 400mm;
- 6.3 in the case of a flat sign, the message of which only contains newspaper headlines and the name of a newspaper, be in line with and against the business to which it relates;
- 6.4 be no less than 2 metres from any structure, fixed object, tree, bush or plant (including another moveable sign);
- 6.5 be placed directly in front of the business premises to which it relates;
- 6.6 not be placed on a sealed part of any footpath area unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare of at least 1.8 metres;
- 6.7 not be placed within 10 metres of the corner of a road;
- 6.8 be adjacent to the premises of the business to which it relates;
- 6.9 not be placed on a landscaped area;
- 6.10 not be placed on a designated parking area or within 1 metre of an entrance to or exit from premises; and
- 6.11 not unreasonably restrict the use of the footpath area.

## 7. Restrictions

A moveable sign must:

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

## 8. Banners

A person must not erect or display a banner on a building or structure on a road without the Council's permission.

### PART 3—ENFORCEMENT

## 9. Removal of Non-complying Moveable Signs

9.1 If:

- 9.1.1 a moveable sign has been placed on any road or footpath in contravention of this by-law or of Sections 226 or 226A of the *Local Government Act 1999*, an authorised person may order the owner of the sign to remove the moveable sign from the road or footpath;
- 9.1.2 the authorised person cannot find the owner, or the owner fails to comply immediately with the order, the authorised person may remove and dispose of the sign;
- 9.1.3 a moveable sign is removed under subparagraph 9.1.2 of this by-law and is not claimed within 30 days of such removal the authorised person may sell, destroy or otherwise dispose of the moveable sign as the authorised person thinks fit.

9.2 Any person who displays an unauthorised moveable sign or who is the owner of an unauthorised moveable sign which has been removed under subparagraph 9.1 of this by-law must pay the Council any reasonable costs incurred in removing, storing or attempting to dispose of the moveable sign before being entitled to recover the moveable sign.

## 10. Removal of Complying Moveable Signs

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

### PART 4—MISCELLANEOUS

## 11. Specified Exemptions

11.1 This by-law does not apply to a moveable sign which:

- 11.1.1 is a moveable sign that is placed on a public road pursuant to an authorisation under the *Local Government Act 1999* or another Act;
- 11.1.2 directs people to the open inspection of any land or building that is available for purchase or lease;
- 11.1.3 directs people to a garage sale that is being held on residential premises;
- 11.1.4 directs people to a charitable function;
- 11.1.5 is related to a State or Commonwealth election and is otherwise authorised to be exhibited under Sections 226 and 226A of the *Local Government Act 1999* or the *Electoral Act 1985*;
- 11.1.6 is related to an election held under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* and is otherwise authorised to be exhibited under Section 226 of the *Local Government Act 1999*;

- 11.1.7 is related to a referendum and is displayed during the course and for the purpose of that referendum;
- 11.1.8 is displayed with permission of the Council and in accordance with any conditions attached to that permission; or
- 11.1.9 is a sign of a class prescribed in regulations.

11.2 Clauses 7.1, 7.2 and 7.3 of this by-law do not apply to a flat sign containing only the banner or headlines of a newspaper or magazine.

## 12. Prohibition

- 12.1 The Council may, by resolution, prohibit the display of moveable signs on a road or part of road subject to this clause.
- 12.2 A resolution made by the Council under sub-clause 12.1 may prohibit the display of moveable signs absolutely, or at particular times or on particular days.
- 12.3 The Council may only make a resolution under sub-clause 12.1 if, in the opinion of the Council, the display of movable signs on the road would endanger the safety of road users, be incompatible with the amenity of a particular locality, or otherwise be unsuitable.
- 12.4 Notwithstanding any other clause of this by-law, a person must not display a moveable sign on a road or part of a road contrary to a prohibition made by the Council under this clause.

## 13. Revocation

Council's *By-law No 2—Moveable Signs*, published in the Gazette on 6 September 2018, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the City of Burnside held on the 19<sup>th</sup> day of August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 28 August 2025

JULIA GRANT  
Chief Executive Officer

### CITY OF BURNSIDE

#### LOCAL GOVERNMENT ACT 1999

#### *By-law No. 3 of 2025—Local Government Land By-law 2025*

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

#### PART 1—PRELIMINARY

### 1. Short Title

This by-law may be cited as the *Local Government Land By-law 2025*.

### 2. Commencement

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

### 3. Interpretation

In this by-law:

- 3.1 **animal** includes birds, insects, fish and other aquatic animals;
- 3.2 **boat** includes a raft, canoe, personal watercraft or any other similar device;
- 3.3 **camp** includes setting up a camp, or causing a tent, caravan or motorhome to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 3.4 **electoral matter** has the same meaning as in the *Electoral Act 1985*;
- 3.5 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 3.6 **local government land** has the same meaning as in the *Local Government Act 1999*, but does not include any road;
- 3.7 **open container** means a container which:
  - 3.7.1 after the contents thereof have been sealed at the time of manufacture and:
    - 3.7.1.1 being a bottle, has had its cap, cork or top removed (whether or not it has since been replaced);
    - 3.7.1.2 being a can, has been opened or punctured;
    - 3.7.1.3 being a cask, has had its tap placed in a position to allow it to be used;
    - 3.7.1.4 being any other form of container, has been opened, broken, punctured or manipulated in such a way as to allow access to the contents thereof; or
  - 3.7.2 is a flask, glass, mug or other container used for drinking purposes;
- 3.8 **park** has the same meaning as in the *Local Government Act 1999*;
- 3.9 **public place** has the same meaning as in the *Local Government Act 1999*;
- 3.10 **reserve** has the same meaning as in the *Local Government Act 1999*; and
- 3.11 **waters** means any body of water, including a pond, lake, river, creek or wetland, under the care, control and management of the Council.

#### PART 2—MANAGEMENT OF LOCAL GOVERNMENT LAND

### 4. Activities Requiring Permission

A person must not on any local government land, without the permission of the Council:

#### 4.1 Advertising

display any sign for the purpose of commercial advertising other than a moveable sign which is displayed in accordance with the *Moveable Signs By law 2025*;



**4.2 Amplification**

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

**4.3 Animals**

4.3.1 cause or allow any animal to stray onto, move over, graze or be left unattended;

4.3.2 cause or allow any animal to enter, swim, bathe or remain in any waters located on local government land to which the Council has resolved this subparagraph shall apply;

4.3.3 lead or drive a horse, cattle or sheep, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind;

**4.4 Annoyance**

do anything likely to offend or unreasonably interfere with any other person:

4.4.1 using that land; or

4.4.2 occupying nearby premises,  
by making a noise or creating a disturbance;

**4.5 Aquatic Life**

introduce any aquatic life to any waters;

**4.6 Athletic and Ball Sports**

4.6.1 promote, organise or take part in any organised athletic sport;

4.6.2 play any organised competition sport, as distinct from organised social play;

4.6.3 play or practise the game of golf;

**4.7 Attachments to Trees etc.**

attach, hang or fix any rug, blanket, sheet, rope or other material to any tree, shrub, plant, tree guard, notice board, seat, fence, post or other item or structure;

**4.8 Camping and Tents**

4.8.1 camp or stay overnight; or

4.8.2 erect any tent, booth, marquee or other structure for the purpose of habitation for a period of 24 hours or more; or

4.8.3 camp in a motorhome, except where a sign or signs erected by the Council indicates that camping on the land in such a vehicle is permitted;

**4.9 Canvassing and Preaching**

preach, canvass, harangue or otherwise solicit for religious purposes except on any land or part thereof where the Council has, by resolution, determined this restriction shall not apply;

**4.10 Cemeteries**

comprising a cemetery:

4.10.1 bury or inter any human or animal remains;

4.10.2 erect any memorial;

**4.11 Closed Lands**

enter or remain on any part of local government land:

4.11.1 at any time during which the Council has declared that part to be closed to the public and which closure is indicated by a sign on or adjacent to that land to that effect;

4.11.2 where land is enclosed with fences and/or walls and gates, at any time when the gates have been closed and locked; or

4.11.3 where admission charges are payable to enter without paying those charges;

**4.12 Defacing Property**

deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or other property of the Council;

**4.13 Dispose of Dead Animals**

dispose of any dead animals or part thereof in any Council rubbish bin;

**4.14 Distributing**

distribute any handbill, book, notice, leaflet, or other printed matter to any bystander, passer-by or other person;

**4.15 Donations**

ask for, receive or indicate that they desire, a donation of money or any other thing;

**4.16 Encroachment**

erect or place any fencing, posts or other structures or any other items or substances so as to encroach onto the land;

**4.17 Entertaining**

4.17.1 sing, busk or play a recording or musical instrument for the purpose of, or so as to appear to be for the purpose of, entertaining others whether or not receiving money;

4.17.2 conduct or hold any concert, festival, show, public gathering, circus, meeting, performance or other similar activity;

**4.18 Filming**

conduct or participate in any filming where the filming is for a commercial purpose;

**4.19 Fires**

light any fire except:

4.19.1 in a place provided by the Council for that purpose; or

4.19.2 in a portable barbecue, as long as the barbecue is used in an area that is clear of flammable material for a distance of at least four metres; and

4.19.3 in accordance with the Fire and *Emergency Services Act 2005*;

**4.20 Fireworks**

ignite, explode or use any fireworks or rockets;

**4.21 Flora and Fauna**

subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:

4.21.1 damage, pick, disturb, interfere with or remove any plant or flower;

4.21.2 lead or drive any animal, or stand or walk, on any flower bed or garden plot;

4.21.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;

4.21.4 take, interfere with, tease, harm or disturb any animal or the eggs or young of any animal;

4.21.5 disturb, interfere with or damage any burrow, nest or habitat of any animal;

4.21.6 use, possess or have control of any device for the purpose of killing or capturing any animal;

4.21.7 burn any timber or dead wood;

**4.22 Games**

4.22.1 promote, organise or participate in any game, recreation or amusement which involves the use of a ball, missile or other object which by the use thereof may cause or be likely to cause injury or discomfort to any person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land;

4.22.2 fly any model aircraft, drone or operate any power model boat;

4.22.3 participate in any game, recreation or amusement which is likely to cause damage to lawns, gardens, trees or other property; or

4.22.4 participate in any game, recreation or event where the Council has caused a notice to be erected indicating the playing of such a game, recreation or event is prohibited,

and, where taking part in any of the activities referred to in subparagraphs 4.22.1, 4.22.2, 4.22.3 or 4.22.4, all persons must cease those activities in favour of other persons making use of the land unless in a designated sporting area identified by goal posts, cricket pitches or similar equipment or improvements;

**4.23 Kites**

fly a kite in an area that Council has resolved this subparagraph will apply;

**4.24 Liquor**

excepting sealed containers, consume, carry or be in possession or charge of any liquor in an open container between the hours of 9:00pm on any day and 9:00am on the day immediately following (provided the land constitutes a park or reserve) except on premises in respect of which a licence is in force pursuant to the *Liquor Licensing Act 1997*;

**4.25 Overhanging Articles**

suspend or hang any article or thing from any building, verandah, pergola, post or other structure where it might present a nuisance or danger to any person using local government land;

**4.26 Picking Fruit**

pick fruit, nuts or berries or native seeds from any trees or bushes;

**4.27 Removing Soil**

carry away or remove any soil, sand, clay, timber, stones, pebbles, gravel, other organic or inorganic materials or any part of the land;

**4.28 Repairs to Vehicles**

perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except running repairs in the case of breakdown;

**4.29 Rubbish Dumps and Rubbish Bins**

4.29.1 interfere with, remove or take away any rubbish that has been discarded at any rubbish dump;

4.29.2 remove, dispense or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a Council rubbish bin;

**4.30 Smoking**

4.30.1 smoke tobacco or any other substance in any building;

4.30.2 smoke tobacco or any other substance on any local government land or part thereof to which the Council has resolved this subparagraph shall apply;

**4.31 Structures**

erect or allow to remain erected any bouncing castles or other similar inflatable structure, shed, tent, hut or other structure provided that this sub-paragraph does not apply to the erection of any portable shading cover placed on the land for no longer than any eight hour period and not overnight, provided no pegs are used to stabilise such cover;

**4.32 Swimming and Aquatic Activity**

enter, swim or engage in any aquatic activity in or on any waters except:

4.32.1 waters that the Council has set aside for that purpose; or

4.32.2 in an area where a nearby sign states that such activity is allowed and in accordance with any conditions stated in the sign;

**4.33 Trading**

- 4.33.1 carry on the business of buying, selling, offering or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing including, but not limited to, any vehicle, watercraft or aircraft;
- 4.33.2 set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing including, but not limited to, any vehicle, watercraft or aircraft;

**4.34 Vehicles**

- 4.34.1 drive or propel any vehicle on local government land unless on an area or road that is constructed or set aside by the Council for that purpose;
- 4.34.2 ride a bicycle in an area where the Council has resolved that this subparagraph shall apply;

**4.35 Weddings, Funerals or Special Events**

hold, conduct or participate in a marriage ceremony, game, picnic, other event or entertainment on any local government land except where the number of persons attending the event or entertainment does not exceed sixty.

**5. Prohibited Activities**

A person must not on any local government land:

**5.1 Glass**

wilfully break any glass, china or other brittle material;

**5.2 Interference with Land**

- 5.2.1 interfere with the land such as levelling or flattening land, planting grass, lawn or other vegetation, paving the land, or otherwise use the land in a manner contrary to the purpose for which the land was designed to be used; or
- 5.2.2 destroy, damage or deface, or cause or permit to be destroyed, damaged or defaced any local government land or any article, structure, building or thing fixed thereto;

**5.3 Interference with Permitted Use**

interrupt, disrupt or interfere with any person's use of parks or reserves for which permission has been granted;

**5.4 Missiles**

throw, roll or discharge any stone, substance or missile to the danger of any person or animal;

**5.5 Nuisance**

behave in an unreasonable manner so as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language;

**5.6 Obstruction**

obstruct:

- 5.6.1 any footpath or bicycle track;
- 5.6.2 any door, entrance, stairway or aisle in any building; or
- 5.6.3 any gate or entrance;

**5.7 Public Conveniences**

in any public convenience:

- 5.7.1 urinate other than in a urinal or pan or defecate other than in a pan provided for that purpose;
- 5.7.2 smoke tobacco or any other substance;
- 5.7.3 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
- 5.7.4 use it for a purpose for which it was not designed or constructed;
- 5.7.5 subject to paragraph 5.7.6, enter the public convenience unless the person is of the gender indicated in writing or on a sign located on the public convenience;
- 5.7.6 paragraph 5.7.5 does not apply:
  - 5.7.6.1 in a genuine emergency; or
  - 5.7.6.2 to a vulnerable person being assisted by the vulnerable person's caregiver, parent or guardian; or
  - 5.7.6.3 to a person that is intersex, transgender or gender diverse; or
  - 5.7.6.4 to a person with a disability; or
  - 5.7.6.5 to a person assisting a person with a disability;

**5.8 Solicitation**

tout or solicit customers for the parking of vehicles or for any other purpose;

**5.9 Use of Equipment**

use any item of equipment and/or facilities or other Council property:

- 5.9.1 other than in the manner and for the purpose for which it was designed or set aside; and
- 5.9.2 where any nearby sign states the conditions of use, except in accordance with such conditions;

**5.10 Waste**

deposit any domestic or commercial waste or other rubbish emanating from domestic or commercial premises in any Council rubbish bin.

**6. Removal of Encroachment or Interference**

Any person who encroaches onto or interferes with local government land contrary to this by law must, at the request of an authorised person, whether verbal or written, cease the encroachment or interference and remove the source of the encroachment or interference and reinstate the land to the same standard as the state of the land prior to the encroachment or interference.

**7. Council May Do Work**

If a person fails to remove an encroachment or interference on local government land in accordance with a request of an authorised person pursuant to paragraph 6 of this by-law, the Council may:

- 7.1 undertake the work itself; and
- 7.2 recover the cost of doing so from that person.

**PART 3—MISCELLANEOUS****8. Directions**

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

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

**9. Removal of Animals and Directions to Persons**

- 9.1 If any animal, person or object is found on any local government land in breach of a by-law:
  - 9.1.1 any person in charge of the animal, person or object shall remove it from the local government land on the request of an authorised person; and
  - 9.1.2 an authorised person may remove the animal or object from the land if a person fails to comply with the request, or if no person is in charge of it.
- 9.2 Any person who is committing or has committed a breach of this by-law must immediately comply with a direction of an authorised person to leave the local government land.

**10. Exemptions**

- 10.1 The restrictions in this by-law do not apply to any Police Officer, Council Officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or to an emergency worker performing emergency duties.
- 10.2 The restriction in paragraph 4.18 does not apply to any filming conducted for the purposes of gathering or reporting the news.
- 10.3 The restrictions in paragraphs 4.7 of this by-law does not apply to:
  - 10.3.1 electoral matters related to a State or Commonwealth election and is otherwise authorised to be exhibited under Sections 226 or 226A of the *Local Government Act 1999* or the *Electoral Act 1985*; or
  - 10.3.2 matters which relate to and occur during the course of and for the purpose of a referendum.
- 10.4 The restrictions in paragraph 4.2, 4.9, 4.14 and 4.17.2 of this by-law do not apply to:
  - 10.4.1 electoral matters authorised by a candidate and which relate to a Commonwealth or State election that occurs during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day;
  - 10.4.2 electoral matters authorised by a candidate and which relate to an election under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
  - 10.4.3 matters which relate to and occur during the course of and for the purpose of a referendum.

**11. Application**

Any of paragraphs 4.3.2, 4.23, 4.30.2 and 4.34.2 of this by law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

**12. Revocation**

Council's *By-law No 3—Local Government Land*, published in the Gazette on 6 September 2018, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the City of Burnside held on the 19<sup>th</sup> day of August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 28 August 2025

JULIA GRANT  
Chief Executive Officer

## CITY OF BURNSIDE

## LOCAL GOVERNMENT ACT 1999

*By-law No. 4 of 2025—Roads By-law 2025*

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

## PART 1—PRELIMINARY

**1. Short Title**

This by-law may be cited as the *Roads By-law 2025*.

**2. Commencement**

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

**3. Interpretation**

In this by-law:

- 3.1 **animal** includes birds and poultry but does not include a dog;
- 3.2 **camp** includes setting up a camp, or causing a tent, caravan or motorhome to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 3.3 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 3.4 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 3.5 **model aircraft** includes a drone; and
- 3.6 **moveable sign** has the same meaning as in the *Local Government Act 1999*.

## PART 2—MANAGEMENT OF ROADS

**4. Activities Requiring Permission**

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

**4.1 Advertising**

- 4.1.1 display any sign for the purpose of commercial advertising, other than a moveable sign which is displayed on a public road in accordance with the Council's *Moveable Signs By-law 2025*;
- 4.1.2 place or maintain any goods on the road or park or stand a vehicle on the road for the purpose of:
  - 4.1.2.1 soliciting any business from any person; or
  - 4.1.2.2 offering or exposing goods or services for sale; or
  - 4.1.2.3 conveying any advertising, religious or other message to any bystander, passerby or other person,provided that this subparagraph 4.1.2 shall not apply to a person who is simply travelling along a road;

**4.2 Amplification**

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

**4.3 Animals**

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

**4.4 Annoyance**

do anything likely to offend or unreasonably interfere with any other person:

- 4.4.1 using the road; or
  - 4.4.2 occupying nearby premises,
- by making a noise or creating a disturbance;

**4.5 Camping**

- 4.5.1 erect any tent or other structure of calico, canvas, plastic or similar material as a place of habitation;
- 4.5.2 camp or remain overnight; or
- 4.5.3 camp in a motorhome, except where a sign or signs erected by the Council indicates that camping on the road in such a vehicle is permitted;

**4.6 Defacing Property**

deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or other property of the Council;

**4.7 Dispose of Dead Animals**

dispose of any dead animals or part thereof in any Council rubbish bin;

**4.8 Distributing**

distribute any handbill, book, notice, leaflet, or other printed matter to any bystander, passer-by or other person;

**4.9 Donations**

ask for or receive or indicate that they desire a donation of money or any other thing or otherwise solicit for charitable purposes;

**4.10 Exhibition or Display**

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

4.10.2 conduct or hold any concert, festival, show, public gathering, street party, circus, meeting, performance or other similar activity;

4.10.3 cause any public exhibitions or displays;

**4.11 Fireworks**

ignite, explode or use any fireworks or rockets;

**4.12 Flora and Fauna**

subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:

4.12.1 damage, pick, disturb, interfere with or remove any plant or flower;

4.12.2 lead or drive any animal, or stand or walk, on any flower bed or garden plot;

4.12.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or other organic material from the road;

4.12.4 take, interfere with, tease, harm or disturb any animal or the eggs or young of any animal;

4.12.5 disturb, interfere with or damage any burrow, nest or habitat of any animal;

4.12.6 use, possess or have control of any device for the purpose of killing or capturing any animal;

4.12.7 burn any timber or dead wood;

**4.13 Games**

4.13.1 promote, organise or participate in any game, recreation or amusement which involves the use of a ball, missile or other object which by the use thereof may cause or be likely to cause injury or discomfort to any person being on or in the vicinity of that road or detract from or be likely to detract from another person's lawful use and enjoyment of that road;

4.13.2 fly any model aircraft;

4.13.3 participate in any game, recreation or amusement which is likely to cause damage to lawns, gardens, trees or other property; or

4.13.4 participate in any game, recreation or event where the Council has caused a notice to be erected indicating the playing of such a game, recreation or event is prohibited;

**4.14 Overhanging Articles**

suspend or hang any article or thing from any building, verandah, pergola, post or other structure where it might present a nuisance or danger to any person using a road;

**4.15 Picking Fruit**

pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;

**4.16 Preaching**

preach, harangue or otherwise solicit for religious purposes;

**4.17 Repairs to Vehicles**

perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except for running repairs in the case of breakdown;

**4.18 Rubbish Bins**

4.18.1 deposit any domestic or commercial waste or other rubbish emanating from domestic or commercial premises in any Council rubbish bin;

4.18.2 remove, dispense or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a Council rubbish bin;

**4.19 Solicitation**

tout or solicit customers for the parking of vehicles or for any other purpose;

**4.20 Use of Equipment**

use any item of equipment and/or facilities or other Council property:

4.20.1 other than in the manner and for the purpose for which it was designed or set aside; and

4.20.2 where any nearby sign states the conditions of use, except in accordance with such conditions.

**PART 3—MISCELLANEOUS****5. Directions**

A person must comply with any reasonable direction or request from an authorised person relating to:

5.1 that person's use of the road;

5.2 that person's conduct and behaviour on the road;

5.3 that person's safety on the road;

- 5.4 the safety and enjoyment of other persons on the road; and
- 5.5 the possible damage to lawn, grass, trees, shrubs, buildings, structures or objects on the road.

## 6. Removal of Animals and Directions to Persons

- 6.1 If any animal is found on a road in breach of a by-law any person in charge of the animal shall remove it on the request of an authorised person.
- 6.2 An authorised person may:
  - 6.2.1 remove the animal if a person fails to comply with the request, or if no person is in charge of the animal;
  - 6.2.2 direct any person who is considered to be committing or has committed a breach of this by-law to leave that part of the road, and failure to comply with that direction forthwith is a breach of this by-law; and
  - 6.2.3 direct any person who is considered to be committing or has committed a breach of this by-law to cease that action and to take specified action to remedy the breach.

## 7. Exemptions

- 7.1 The restrictions in this by-law do not apply to any Police Officer, Council Officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or to an emergency worker performing emergency duties.
- 7.2 The restriction in paragraph 4.1.2.3 of this by-law does not apply to:
  - 7.2.1 electoral matters authorised by a candidate related to a State or Commonwealth election that are otherwise authorised to be exhibited under Sections 226 or 226A of the *Local Government Act 1999* or the *Electoral Act 1985*;
  - 7.2.2 electoral matters authorised by a candidate related to an election held under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that are otherwise authorised to be exhibited under Section 226 of the *Local Government Act 1999*; or
  - 7.2.3 matters which relate to and occur during the course of and for the purpose of a referendum.
- 7.3 The restrictions in paragraph 4.2, 4.8, 4.10.2 and 4.10.3 of this by-law do not apply to:
  - 7.3.1 electoral matters authorised by a candidate and which relate to a Commonwealth or State election that occurs during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day;
  - 7.3.2 electoral matters authorised by a candidate and which relate to an election under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
  - 7.3.3 matters which relate to and occur during the course of and for the purpose of a referendum.

## 8. Revocation

Council's *By-law No 4—Roads*, published in the Gazette on 6 September 2018, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the City of Burnside held on the 19<sup>th</sup> day of August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 28 August 2025

JULIA GRANT  
Chief Executive Officer

CITY OF BURNSIDE  
LOCAL GOVERNMENT ACT 1999  
DOG AND CAT MANAGEMENT ACT 1995  
*By-law No. 5 of 2025—Dogs By-law 2025*

For the management and control of dogs within the Council's area.

PART 1—PRELIMINARY

### 1. Short Title

This by-law may be cited as the *Dogs By-law 2025*.

### 2. Commencement

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

### 3. Definitions

In this by-law:

- 3.1 **approved kennel establishment** means a building, structure or area approved by the relevant authority, pursuant to the *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
- 3.2 **assistance dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.3 **control**, in relation to a dog, includes the person having ownership, possession or charge of, or authority over, the dog;
- 3.4 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.5 **effective control** means a person exercising effective control of a dog either:
  - 3.5.1 by means of a physical restraint;
  - 3.5.2 by command, the dog being in close proximity to the person, and the person being able to see the dog at all times;
- 3.6 **keep** includes the provision of food or shelter;

- 3.7 **leash** includes any chain, cord or leash;
- 3.8 **local government land** has the same meaning as in the *Local Government Act 1999*;
- 3.9 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.10 **premises** includes:
  - 3.10.1 land;
  - 3.10.2 a part of any premises or land;
- 3.11 **public place** has the same meaning as in the *Dog and Cat Management Act 1995*.

## PART 2—DOG MANAGEMENT AND CONTROL

**4. Dog Free Areas**

- 4.1 A person must not allow a dog in that person's control to be in or remain in a dog free area.
- 4.2 For the purposes of this paragraph, a **dog free area** is any local government land or public place to which the Council has resolved this paragraph applies.
- 4.3 The restrictions in subparagraph 4.1 do not apply to any assistance dog.

**5. Dog on Leash Areas**

- 5.1 A person must not allow a dog under that person's control to be in, or remain in, a dog on leash area unless the dog is secured by a strong leash not exceeding two metres in length which is either:
  - 5.1.1 tethered securely to a fixed object capable of securing the dog; or
  - 5.1.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.
- 5.2 For the purposes of this paragraph, a **dog on leash area** is any local government land or public place to which the Council has resolved that this paragraph applies.

**6. Dog Exercise Areas**

- 6.1 Subject to paragraphs 4 and 5, a person may enter any dog exercise area for the purpose of exercising a dog under their control.
- 6.2 For the purposes of this paragraph, a **dog exercise area** is any:
  - 6.2.1 park; or
  - 6.2.2 local government land that the Council has resolved is a dog exercise area.
- 6.3 A person must ensure that any dog under their control remains under effective control while the dog is in a dog exercise area.

**7. Events with Dogs**

Subject to paragraphs 4, 5 and 6, a person must not, without permission, conduct, promote, organise or participate in any event involving ten or more dogs on local government land to which this paragraph applies.

**8. Limit on Dog Numbers**

- 8.1 A person must not, without permission, keep any dog on any premises where the number of dogs on the premises exceeds the prescribed limit.
- 8.2 Subject to subparagraph 8.3, the **prescribed limit** on the number of dogs to be kept on premises is two dogs.
- 8.3 For the purposes of calculating the prescribed limit, any dog that is under three months of age is to be disregarded.
- 8.4 The prescribed limit does not apply to:
  - 8.4.1 an approved kennel establishment operating in accordance with all required approvals and consents;
  - 8.4.2 a veterinary practice;
  - 8.4.3 a pet shop;
  - 8.4.4 any premises that the Council has exempted from the requirements of this paragraph; or
  - 8.4.5 any business involving dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995*.

## PART 3—MISCELLANEOUS

**9. Application**

- 9.1 The Council may from time to time, by resolution, identify local government land as a dog exercise area in accordance with subparagraph 6.2.2 of this by law.
- 9.2 Any of paragraphs 4.2.1, 5.2 and 7 of this by-law shall apply only in such portion or portions of the area as the Council may from time to time, by resolution, direct in accordance with Section 246 of the *Local Government Act 1999*.
- 9.3 Where the Council makes a resolution under either of subparagraphs 9.1 or 9.2, the Council's Chief Executive Officer must ensure that:
  - 9.3.1 the area is denoted by signs erected by the Council; and
  - 9.3.2 information is provided to the public on the Council's website and in any other manner determined by the Council's Chief Executive Officer.

**10. Revocation**

Council's *By-law No 5—Dogs*, published in the Gazette on 6 September 2018, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the City of Burnside held on the 19<sup>th</sup> day of August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 28 August 2025

JULIA GRANT  
Chief Executive Officer



## CITY OF BURNSIDE

## LOCAL GOVERNMENT ACT 1999

*By-law No. 6 of 2025—Waste Management By-law 2025*

To regulate and control the removal of domestic, recyclable and green organic waste from premises, for the prevention and suppression of nuisances, and for regulating the management of Council property.

## PART 1—PRELIMINARY

**1. Short Title**

This by-law may be cited as the *Waste Management By-law 2025*.

**2. Commencement**

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

**3. Interpretation**

In this by-law:

- 3.1 **certified compostable good and packaging** means good and packaging suitable for commercial composting. Examples include compostable grocery bags, compostable dog waste bags, compostable coffee cups, compostable cutlery, plates and bowls as well as compostable bioplastics or other compostable goods and packaging specified on Council's website;
- 3.2 **domestic waste** means any kind of waste generated from households, including, but not limited to, polystyrene, clothing, broken crockery, broken glass items, ropes, nappies, and other materials specified on Council's website, but excluding liquids, metals, food scraps, building materials, stones, bricks, soil, lithium batteries, lead acid batteries, electronic waste, any dangerous or toxic waste, and any waste banned from landfill by any State or Commonwealth legislation;
- 3.3 **domestic waste container** means a container provided or designated by the Council for the reception of domestic waste;
- 3.4 **green organics** means any clean organic matter free from excess soil, consisting of lawn clippings, plants, leaves, prunings, dog waste, food scraps, certified compostable packing or other green organics specified on Council's website but excludes any garden items larger than 15 cm in diameter;
- 3.5 **green organics container** means a container provided or designated by the Council for the reception of green organics;
- 3.6 **hard waste** means the waste collection service provided by Council for some household items which are not suitable for collection using a kerbside bin system such as whitegoods, entertainment appliances, furniture and mattresses, where these items are able to be lifted and carried by two persons but excludes any domestic waste, hazardous waste or other waste that is not deemed suitable, and as further specified on Council's website;
- 3.7 **recyclables** means newspapers, magazines, clean paper and cardboard, clean plastic containers of a type specified by the Council, clean tins and cans, clean glass and clean milk and juice containers and other materials specified on Council's website;
- 3.8 **recyclables container** means a container provided or designated by the Council for the reception of recyclables;
- 3.9 **service-entitled property** means any premises entitled to a collection service as set out in Council's Kerbside Waste Management Policy. For the purposes of waste collection, service entitlement is based on ratable properties not on allotments or titles of land.

## PART 2—MANAGEMENT OF WASTE

**4. Provide Containers**

Every occupier of a service-entitled property shall keep on their premises those containers designated from time to time by resolution of the Council for the reception of green organics, household waste and recyclables unless exempted by the Council.

**5. Management of Waste Collection Service**

An occupier of premises must:

**5.1 Domestic Waste**

- 5.1.1 ensure that the domestic waste container conforms with the container provided by the Council or otherwise designated from time to time by resolution of the Council;
- 5.1.2 ensure that the domestic waste container has a hinged lid that, when closed, keeps the container rain and fly proof and is designed in such a way so as to allow it to be mechanically lifted from the position in which it was placed for emptying by apparatus on trucks employed in the collection of rubbish;
- 5.1.3 ensure that the domestic waste container contains only domestic waste;

**5.2 Recyclables**

- 5.2.1 ensure that the recyclables container conforms with the container provided by the Council or otherwise designated from time to time by resolution of the Council;
- 5.2.2 ensure that the recyclables container has a hinged lid that, when closed, keeps the container rain and fly proof and is designed in such a way so as to allow it to be mechanically lifted from the position in which it was placed for emptying by apparatus on trucks employed in the collection of rubbish;
- 5.2.3 ensure that the recyclables container contains only recyclables;

**5.3 Green Organics**

- 5.3.1 ensure that the green organics container conforms with the container provided by the Council or otherwise designated from time to time by resolution of the Council;
- 5.3.2 ensure that the green organics container has a hinged lid that, when closed, keeps the container rain and fly proof and is designed in such a way so as to allow it to be mechanically lifted from the position in which it was placed for emptying by apparatus on trucks employed in the collection of rubbish;
- 5.3.3 ensure that the green organics container contains only green organics;

**5.4 Keep Container Clean**

cause each container to be kept in a clean and sanitary condition, maintained in good order and repair, and kept watertight at all times;

**5.5 Sealing of Container**

cause each container to be continuously and securely covered or sealed except when waste is being deposited in or removed from the container;

**5.6 Damage**

ensure that each container is maintained so that it is not damaged or worn to the extent that:

- 5.6.1 it is not robust or watertight;
- 5.6.2 it is unable to be moved on its wheels (if any) efficiently;
- 5.6.3 the lid does not seal on the container when closed;
- 5.6.4 its efficiency or use is otherwise impaired;

**5.7 Collection Services**

5.7.1 facilitate the collection and removal of domestic waste, recyclables or green organics from the premises should be placed on the kerbside by 6:00am on the day of waste collection and not before 4:00pm the day prior to collection;

5.7.2 ensure that, prior to the time appointed by the Council (but not outside the times provided in subparagraph 5.7.1) for the collection of a particular kind of domestic waste, recyclables or green organics from the premises, the container containing that kind of waste is placed out for collection in a position:

- 5.7.2.1 on the street in front of and on the same side as the premises, abutting the edge of (but not on) the carriageway and positioned so that the side of the container on which the hinges of the lid are situated faces the premises; or
- 5.7.2.2 as otherwise approved by the Council; and
- 5.7.2.3 it is not under the overhanging branches of street trees; and
- 5.7.2.4 the container is removed from that position on the kerbside within 24 hours of being emptied; and
- 5.7.2.5 the number of containers placed out for collection does not exceed the number permitted by the council for a service-entitled property; and
- 5.7.2.6 any container placed for collection does not exceed maximum weight specified by Council's Kerbside Waste Management Policy.

**PART 3—ENFORCEMENT****6. Interference with Domestic Waste, Recyclables, Green Organics and Hard Waste**

Other than the persons from the service-entitled property to which waste services have been provided, no person shall remove, disturb, interfere or add to any domestic waste, recyclables, green organics or hard waste that has been placed:

- 6.1 for disposal in or near a domestic waste container, a recyclables container or a green organics container; or
- 6.2 on a public street or road for collection by the Council, its agents or contractors, except with the permission of the Council or the authority of the persons from the service-entitled property to which waste services have been provided.

**7. Exemptions**

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

**PART 4—MISCELLANEOUS****8. Revocation**

Council's *By-law No 6—Waste Management*, published in the Gazette on 16 September 2018, is revoked on the day on which this by law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the City of Burnside held on the 19<sup>th</sup> day of August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 28 August 2025

JULIA GRANT  
Chief Executive Officer

**CITY OF BURNSIDE****LOCAL GOVERNMENT ACT 1999*****By-law No. 7 of 2025—Lodging Houses By-law 2025***

For controlling, licensing, inspecting, and regulating lodging houses.

**PART 1—PRELIMINARY****1. Short title**

This by-law may be cited as the *Lodging Houses By-law 2025*.

**2. Commencement**

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

### 3. Interpretation

In this by-law:

- 3.1 **authorised officer** means a person appointed by the Council as an authorised person under the *Local Government Act 1999*, an authorised officer under the *Planning, Development and Infrastructure Act 2016* or a local authorised officer under the *South Australian Public Health Act 2011*;
- 3.2 **bedding** includes any mattress, blanket, sheet, pillow, pillowcase, rug, quilt or other covering or coverings;
- 3.3 **bedroom** includes any dormitory, sleep-out or any other place where lodgers sleep;
- 3.4 **board and lodgings** means the use and occupation of any lodging house by any person to whom meals are served on the premises;
- 3.5 **common room** means a dining room, lounge, main entrance hall, or other compartment where lodgers may congregate;
- 3.6 **flat** includes any self-contained suite of rooms including any self-contained suite of rooms designed, intended or adopted for separate occupation including bathroom and sanitary conveniences provided for that occupation;
- 3.7 **lodger** means any occupant of a lodging house not being the proprietor or a member of the proprietor's family;
- 3.8 **lodging house** includes any building or part thereof which is let, proposed to be let or available to be let as lodgings, or board and lodgings, and occupied by more than five persons not being members of the proprietor's family, but does not include the residential portion of hotels and motels, schools, institutional buildings accommodating members of the staff of an institution, supported residential facilities or any building which comes within the definition of flat in Clause 3.6 of this by-law;
- 3.9 **lodgings** means the use and occupation of any lodging house or part thereof by any person who is not served with meals by the proprietor;
- 3.10 **premises** means property which is licensed as a lodging house or used or apparently used as such, whether for gain or otherwise;
- 3.11 **person** includes anybody or persons whether corporate or unincorporated;
- 3.12 **proprietor** includes:
  - 3.12.1 the owner of the premises; and
  - 3.12.2 the owner or manager of the undertaking carried on at the premises, or their representative; and
  - 3.12.3 the person by whom or on whose behalf a premises or part of a premises is let as lodgings or for the purpose of board and lodgings and who receives or is entitled to receive the rents and profits arising from such letting; and
- 3.13 **supported residential facility** has the same meaning as in the *Supported Residential Facilities Act 1992*.

### 4. Application of By-law

The provisions of this by-law apply to all lodging houses.

#### PART 2—MINIMUM STANDARDS OF LODGING HOUSES

### 5. Accommodation

- 5.1 The proprietor of any lodging house must, in respect of bedroom accommodation, provide not less than 16m<sup>3</sup> of space and not less than 6m<sup>2</sup> of floor area for every lodger.
- 5.2 In determining the minimum number of m<sup>3</sup> of (free air) space per person as required by this clause, a room height of more than 3m must be excluded from the calculation.
- 5.3 The proprietor must not use or allow or suffer to be used as a bedroom any room through which other persons gain access to any part of the premises.
- 5.4 The proprietor must mark or cause to be marked in legible and durable character on the entrance door of every bedroom or immediately external to the entrance door of every bedroom used for the accommodation of any lodger an identification number or letter, and immediately below such number a letter or figure indicating the number of persons that may occupy such bedroom under the provisions of Clause 5.1 of this by-law. The room numbers must correspond with the numbers shown on the sketch plan required to be submitted under the provisions of Clause 15.2 of this by-law.
- 5.5 The proprietor must not use or allow or suffer to be used as a bedroom any room which can be directly accessed through a dining room, kitchen, servery or any place where food is kept, cooked, prepared or stored with specific permission from the Council.
- 5.6 The proprietor must at all times ensure that the lodging house has a minimum requirement for each lodger:
  - 5.6.1 a mattress;
  - 5.6.2 not less than three blankets at least 2,050mm in length or an equivalent down filled quilt;
  - 5.6.3 two sheets at least 2,510mm in length;
  - 5.6.4 a pillow;
  - 5.6.5 two pillow cases;
  - 5.6.6 a towel;
  - 5.6.7 a towel rail;
  - 5.6.8 a bed head and base;
  - 5.6.9 a chair;
  - 5.6.10 a bedside locker;
  - 5.6.11 separate wardrobe facilities;
  - 5.6.12 a personal lamp; and
  - 5.6.13 a power outlet.

- 5.7 The proprietor must not allow or permit or suffer a larger number of beds in a bedroom at any time than is sufficient for the accommodation of the number of persons allowable for that particular bedroom under Clause 5.1 of this by-law.
- 5.8 The proprietor must not install or cause or permit or allow to be installed a cooking stove of any description in any bedroom, corridor, passage or landing.
- 5.9 The proprietor must provide for the use of lodgers one or more approved common room(s) of a total area of at least 2m<sup>2</sup> for every lodger occupying or intending to occupy the lodging house. The minimum floor area for a common room must not be less than 7.5m<sup>2</sup>.
- 5.10 The proprietor must provide for the use of lodgers, external open space of at least 2m<sup>2</sup> for every lodger occupying or likely to occupy the lodging house.

## **6. Kitchen Facilities**

- 6.1 The proprietor must provide at all times facilities to enable lodgers to prepare hot and cold refreshments and meals.
- 6.2 In order to comply with Clause 6.1, kitchens and kitchen areas must be provided to the following standard and must contain the following facilities:
  - 6.2.1 oven;
  - 6.2.2 grill;
  - 6.2.3 microwave;
  - 6.2.4 cook top (at least 4 hobs);
  - 6.2.5 double bowl sink and drainer (of suitable size);
  - 6.2.6 worktop (at least 1 m<sup>2</sup>);
  - 6.2.7 4 electric sockets (at least 2 sockets to be at the worktop);
  - 6.2.8 refrigerator;
  - 6.2.9 electric kettle;
  - 6.2.10 cupboard (for food storage);
  - 6.2.11 access to hot and cold running water.
- 6.3 Kitchens and kitchen areas must have a minimum floor area of 3.7 m<sup>2</sup> and be so arranged to allow safe access and use.
- 6.4 The kitchen area must have a suitable washable floor covering.
- 6.5 In a premises where meals are served to lodgers, the proprietor must ensure that the kitchen is fitted with a double bowl stainless steel sink and drainer and a separate hand basin together with soap and a suitable single use hand-drying facility.

## **7. Natural Lighting**

The proprietor of a lodging house must:

- 7.1 ensure that any room used as a bedroom, common room or kitchen has at least one wall exposed to the open air having a window with a total glass area equal to at least 1m<sup>2</sup> or 1/15<sup>th</sup> of the floor area, (whichever is the greater) having a sill height of not more than 1.5m above the floor;
- 7.2 ensure that toilets, shower rooms and bathrooms have a window area to the external air of not less than 0.2m<sup>2</sup> or ensure that toilets, shower rooms and bathrooms are provided with artificial lighting in accordance with this by-law;
- 7.3 not use or allow or suffer to be used as a bedroom any room unless it complies with the requirements of this Clause.

## **8. Artificial Lighting and Electrical Installations**

The proprietor of a lodging house must ensure that:

- 8.1 The supply of electricity and all electrical installations including all connected equipment and artificial lighting complies with the provisions of Australian Standard AS/NZS 3000:2018;
- 8.2 bedrooms, common rooms, kitchens, stairways, landings, passageways, water closets, laundries, shower rooms and bathrooms are provided with artificial lighting in accordance with the following:
  - 8.2.1 incandescent lighting—9W (nominal) per m<sup>2</sup> of floor space;
  - 8.2.2 fluorescent lighting—3W (nominal) per m<sup>2</sup> of floor space.

## **9. Ventilation**

The proprietor of a lodging house must ensure that:

- 9.1 a cooking stove is provided with an approved mechanically ventilated canopy and flue (which provides the room with not less than six air changes per hour);
- 9.2 toilets, shower rooms and bathrooms are provided with openable windows or are mechanically ventilated so as to provide not less than ten air changes per hour;
- 9.3 a toilet, shower room or bathroom must not open directly into any dining room, kitchen, servery, and common room or room used for the preparation or storage of food; and
- 9.4 the air space between the ground surface and the floor (except in the case of concrete or other solid floors) is efficiently ventilated in accordance with the provisions of the Building Code of Australia.

## **10. Drainage**

The proprietor of a lodging house must:

- 10.1 keep and maintain all drains, waste pipes, traps, fixtures and fittings in a satisfactory and sanitary condition;
- 10.2 cause all roofs, skylights, rainwater gutters and downpipes to be kept in a state of good repair;
- 10.3 provide such drains as may be necessary to convey storm waters to the street water table or such other approved discharge point; and
- 10.4 cause the land and yards to be suitably graded away from the building to prevent the accumulation of storm waters.

**11. Toilets, Showers, Bathrooms and Laundries**

The proprietor of a lodging house must:

- 11.1 provide on the premises toilets and showers which are properly constructed and conveniently situated.
- 11.2 ensure the lodging house has:
  - 11.2.1 one toilet for every eight persons who may at any one time be or likely to be occupying the premises. However, if a toilet is situated in a bathroom or shower room without separate and private access to such toilet, such toilet must be deemed sufficient for not more than four persons;
  - 11.2.2 one shower for every eight persons who may at any one time be or likely to be occupying the premises. However, if a shower is situated in a bathroom without separate and private access to such shower, such shower must be deemed sufficient for not more than four persons;
  - 11.2.3 wash basins (which must be in the same room as the toilet).
- 11.3 Where ensuite facilities are provided to a bedroom, the requirements of Clauses 11.2.1 to 11.2.3 must be calculated as if that bedroom and ensuite did not form part of the lodging house.
- 11.4 The proprietor of a lodging house must provide on the premises:
  - 11.4.1 laundry facilities fitted with troughs;
  - 11.4.2 a washing machine for use by lodgers; and
  - 11.4.3 a clothesline, electronic tumble dryer or other means of clothes drying for the use of lodgers.

**12. Water Supply**

- 12.1 The proprietor of a lodging house must cause a continuous cold water supply to be provided to all toilets, showers, baths, hand basins, kitchen sinks, and laundry troughs.
- 12.2 The proprietor of a lodging house must cause a continuous hot water supply to be provided to all showers, baths, hand basins, kitchen sinks and laundry troughs.

**13. General Sanitary Provisions**

- 13.1 The proprietor of a lodging house must:
  - 13.1.1 maintain the premises in such condition as to discourage the harbourage and/or breeding of vermin and must take all practicable measure for the destruction of any vermin on the premises;
  - 13.1.2 at all times keep (or cause to be kept) the premises, in a clean and sanitary condition and in a state of good repair;
  - 13.1.3 make provision for the storage and disposal of rubbish;
  - 13.1.4 keep (or cause to be kept) all yards forming part of the premises (including sheds and outbuildings) clean and free from rubbish, garbage and offensive matter;
  - 13.1.5 conduct (or cause to be conducted) inspections at least once a month of any room or rooms which are maintained or cleaned by any lodger or person residing on the premises for the purpose of ensuring that such room or rooms are being maintained in a clean condition;
  - 13.1.6 provide sufficient and appropriate staff for the proper control and management of the premises;
  - 13.1.7 retain possession of a duplicate key to the door of every room;
  - 13.1.8 not use, suffer or permit:
    - 13.1.8.1 any verandah, balcony, balconette, portico, passage, stairway, landing, bathroom, toilet, laundry or bedroom to be used as a kitchen or for cooking purposes;
    - 13.1.8.2 any room (other than a kitchen) to be used as a kitchen or for cooking purposes;
    - 13.1.8.3 any room in use as a kitchen, pantry, scullery or common room or any passage, stairway or landing to be used or occupied as a bedroom.
  - 13.1.9 cause each towel, sheet and pillow case which any lodger must have used to be laundered before being used by any other lodger;
  - 13.1.10 cause the floors of all common rooms, sanitary compartments, passages and stairs to be vacuumed, swept and/or cleansed regularly;
  - 13.1.11 provide and maintain in effective condition at all times fly proofing of all external openings; and
  - 13.1.12 cause every bedstead and all bedding to be kept clean, free from vermin and in good repair and appropriate standard.
- 13.2 A lodger or person resident in a lodging house must not:
  - 13.2.1 use any part of the premises as a shop, store or factory, or for manufacturing or trading purposes;
  - 13.2.2 use any bath, shower or wash hand basin for any purpose other than ablutions;
  - 13.2.3 use any bathroom for laundry purposes;
  - 13.2.4 use any sink installed in any kitchen for any purpose other than for the washing and cleansing of food utensils, vessels, kitchenware and for culinary purposes.
- 13.3 A person must not place or keep any luggage, clothing, bedding or furniture in any part of a lodging house if such articles are infested with vermin.
- 13.4 A lodger or person who occupies any room in a lodging house must not obstruct or prevent the proprietor of such lodging house from making an inspection or examination of the room occupied by such lodger or person.

## PART 3—LICENSING

**14. Prohibition on use of Premises as Lodging House without Licence**

A person must not use or allow or suffer to be used any premises as a lodging house unless and until:

- 14.1 such premises are licensed as a lodging house pursuant to this by-law; and
- 14.2 the proprietor of such premises is the holder of a licence pursuant to this by-law.

**15. Requirements for Licence Application**

- 15.1 When applying for a licence for a lodging house or application for renewal every applicant must submit the application in the form prescribed for that purpose in Schedule 'A' of this by-law.
- 15.2 Every application must be accompanied by:
  - 15.2.1 a sketch plan of the building or buildings drawn to scale of not less than 1 to 100 showing the position and dimensions of each compartment and the purpose for which it is intended to use each compartment. The bedrooms shown on the plan must be identified in accordance with the provisions of Clause 5.4 of this by-law; and
  - 15.2.2 a certificate of a licensed electrician, certifying that the lodging house complies with Clauses 8, 9.1 and 9.2 of this by-law;
  - 15.2.3 an appropriate certificate of insurance for the lodging house and its contents.
- 15.3 Every application must be accompanied by a statement of relevant qualifications and experience of the proprietor, and where the resident manager is not the proprietor, a statement of relevant qualifications and experience of the resident manager.
- 15.4 Where there is change of proprietor a statement of relevant experience and qualifications of the new proprietor or resident manager must be forwarded to the Council within 14 days of the change taking place.
- 15.5 The plan required to be provided by Clause 15.2 must be retained by the Council and it must not be necessary for the proprietor to submit a further plan when applying for renewal of the licence for the premises unless changes are proposed to the layout or the use of rooms or the number of lodgers.
- 15.6 Every proprietor of a lodging house whose application for licence has been approved must be issued with a licence in the form set forth in Schedule 'B' of this by-law.
- 15.7 The proprietor of any licensed lodging house may apply to the Council for its consent to have such licence transferred into the name of the person named in such application for transfer and a fee as determined by the Council from time to time must be paid with every application for transfer. The fee must be repaid to the applicant in the event of the application being refused. If the Council approves of such application for transfer it must endorse its approval upon the licence and the transferee must then become liable in every respect under this by-law as if the transferee had been the original holder of the licence.
- 15.8 Every application for a renewal of the licence of a lodging house must be submitted to the Council on or before the first day of June in each year and must be accompanied by the annual fee set by the Council.
- 15.9 An authorised officer of the Council may, by written notice, require the proprietor of a lodging house to provide the information necessary for the licensing a lodging house including (but not limited to):
  - 15.9.1 total number of rooms in the lodging house;
  - 15.9.2 total number of lodgers proposed to be received at any time in the lodging house;
  - 15.9.3 number of toilets, shower and bathrooms in the lodging house; and
  - 15.9.4 a sketch plan of the premises in accordance with the provisions of Clause 15.2.
- 15.10 The proprietor must, within 10 days of service of a notice under Clause 15.9 of this by-law, provide the information required by the notice to the Council, in writing.

**16. Licence Term**

- 16.1 The licence of every lodging house will continue in force for twelve months from the first day of July in each year.
- 16.2 Every licence which has not been renewed after the thirtieth day of June each year will be deemed to have lapsed and the lodging house referred to in such lapsed licence will be deemed to be an unlicensed lodging house.

**17. Licence Fees**

- 17.1 Annual fees as determined by the Council from time to time are due and payable to the Council by the applicant for a licence or renewal of a licence (as the case may be) for a lodging house and must be deposited with the application.
- 17.2 Such annual fee must, when deposited, be kept to the credit of the applicant and must, if a licence or renewal is granted, be applied in payment for the fees thereof.
- 17.3 If such licence or renewal (as the case may be) is not granted such deposit must be refunded to the applicant within thirty days after notice to him/her by the Council of such refusal to grant such licence or renewal.

**18. Licence Conditions**

The granting or the renewal of any licence may be made subject to such conditions in any particular case as the Council may think fit.

**19. Refusal or Revocation of Licence**

- 19.1 The Council may at its discretion refuse to grant any application for licensing of a lodging house if it is of the opinion that:
  - 19.1.1 the lodging house, unsuitable, not in conformity or does not comply with this by-law; or
  - 19.1.2 the proprietor or resident manager referred to in the application is not a fit and proper person.
- 19.2 The Council may revoke any licence issued under this by-law for:
  - 19.2.1 any breach of the by-law; or
  - 19.2.2 if the Council is of the opinion that the premises are in such a state as to be a nuisance or injurious to health or offensive; or
  - 19.2.3 if the Council has reasonable cause to believe that the proprietor has committed an offence against this by-law or under any of the following legislation:

- 19.2.3.1 the *Local Government Act 1999*;
  - 19.2.3.2 the *South Australian Public Health Act 2011*;
  - 19.2.3.3 the *Food Act 2001*;
  - 19.2.3.4 the *Development Act 1993*;
  - 19.2.3.5 the *Planning, Development and Infrastructure Act 2016*;
  - 19.2.3.6 the *Supported Residential Facilities Act 1992*; or
  - 19.2.3.7 the *Residential Tenancies Act 1995*; or
- 19.2.4 if the Council considers that the proprietor is unsuitable to continue as the proprietor of the lodging house.
- 19.3 Before the Council revokes or refuses to renew a licence issued under the by-law notice must be given to the proprietor to show cause why the licence should not be revoked, cancelled or renewal refused, as the case may be. In such case, the proprietor will be given a period of two weeks to make written representations to the Council as to why the licence should not be revoked, cancelled or renewal refused.

#### PART 4—GENERAL RESPONSIBILITIES OF PROPRIETOR

### 20. General Duty

The proprietor of a lodging house is responsible for the proper oversight of lodgers and for the cleanliness, safety and management of the lodging house.

### 21. Register of Lodgers

- 21.1 The proprietor of a lodging house must keep and maintain a register, which must be available for inspection by an authorised officer.
- 21.2 The register must record:
- 21.2.1 the full name, age, sex and last known place of abode of every lodger;
  - 21.2.2 the date on which any lodger commences residing at the lodging house;
  - 21.2.3 the bedroom used by the lodger;
  - 21.2.4 the name and home address of next of kin of every lodger; and
  - 21.2.5 the date on which any lodger leaves the lodging house.

### 22. Access to By-law

The proprietor of a lodging house must make a copy of this by-law available for perusal by lodgers.

#### PART 5—GENERAL AND SUPPLEMENTARY PROVISIONS

### 23. Inspections

- 23.1 An authorised officer may, for the purposes of any inspection:
- 23.1.1 enter into and upon any premises;
  - 23.1.2 open up drains and execute any other necessary works.
- 23.2 Where the proprietor of a lodging house occupies or resides in any part of the premises or retains a general possession or control of the premises, such proprietor must, when required by the authorised officer, facilitate free access to the interior of the premises and to all rooms for the purpose of the inspection by such officer.
- 23.3 Where the proprietor of a lodging house does not occupy or reside in any part of the premises, or retain a general possession or control of the premises, every lodger or other person who is entitled to have or to exercise the control of the outer door of the premises must, when required by an authorised officer, facilitate free access to the interior of the premises for the purpose of inspection by such officer.
- 23.4 Every lodger in a lodging house must, when required by an authorised officer, afford free access to the interior of any room or rooms, which may have been let to such lodger, for the purpose of inspection by such officer.
- 23.5 A person must not wilfully:
- 23.5.1 obstruct any authorised officer in the inspection of any part of a lodging house;
  - 23.5.2 without reasonable excuse, neglect or refuse, when required by any authorised officer, to render the officer such assistance as may be reasonably necessary for the purpose of such inspection.
- 23.6 For the purpose of any inspection, an authorised officer may be assisted and accompanied by such persons as her or she considers necessary in the circumstances.

### 24. No Holding Out

A person must not represent that they are the proprietor of a lodging house until such time as they have been licensed in accordance with the provisions contained of this by law.

#### PART 6—MISCELLANEOUS

### 25. Revocation

Council's *By-law No 7—Lodging Houses By-law 2014*, published in the Gazette on 16 September 2018, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the City of Burnside held on the 19<sup>th</sup> day of August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 28 August 2025

JULIA GRANT  
Chief Executive Officer

Description or Use of Each Room	Room Number	Floor Area	Maximum Number of Lodgers



## CITY OF NORWOOD PAYNEHAM &amp; ST PETERS

## LOCAL GOVERNMENT (ELECTIONS) ACT 1999

*Supplementary Election of Councillor for West Norwood/Kent Town Ward—Call for Nominations*

Nominations open on Thursday, 28 August 2025 and close at 12 noon Thursday, 11 September 2025. Candidates must submit a profile of not more than 1,000 characters with their nomination and may also provide a photograph, predominantly head and shoulders, taken within the previous 12 months.

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

Nominate online at: [ecsa.sa.gov.au](https://ecsa.sa.gov.au).

Dated: 28 August 2025

MICK SHERRY  
Returning Officer

## ADELAIDE PLAINS COUNCIL

## ROADS (OPENING AND CLOSING) ACT 1991

*Road Opening and Closing—Mallala Road and Windmill Road, Two Wells*

Notice is hereby given, pursuant to Section 10 of the *Roads (Opening and Closing) Act 1991* that the Adelaide Plains Council proposes to make a Road Process Order to close and merge with Section 180 Hundred of Port Gawler portion of the public road (Windmill Road) adjoining Section 180 Hundred of Port Gawler more particularly delineated and lettered 'A' on Preliminary Plan 25/0020 in exchange for land taken for new road.

The Preliminary Plan is available for public inspection at the offices of the Adelaide Plains Council, 2A Wasleys Road, Mallala, and the Adelaide Office of the Surveyor-General located at Level 10, 83 Pirie Street, Adelaide, during normal office hours. The Preliminary Plan can also be viewed at [www.sa.gov.au/roadsactproposals](https://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 Adelaide Plains Council, PO Box 18, Mallala SA 5502, within 28 days of this notice and a copy must be forwarded to the Surveyor-General at GPO Box 1815, Adelaide 5001. Where a submission is made, the applicant must be prepared to support their submission in person upon council giving notification of a meeting at which the matter will be considered.

Dated: 28 August 2025

JAMES MILLER  
Chief Executive Officer

## DISTRICT COUNCIL OF CLEVE

## PERMITS AND PENALTIES BY-LAW 2025

## By-law No. 1 of 2025

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

## PART 1 – PRELIMINARY

1. **Title**  
This By-law may be cited as the *Permits and Penalties By-law 2025* and is By-law No. 1 of the District Council of Cleve.
  2. **Authorising law**  
This By-law is made under section 246 of the Act.
  3. **Purpose**  
The objectives of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:
    - 3.1 creating a permit system for Council By-laws;
    - 3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and
    - 3.3 clarifying the construction of Council By-laws.
  4. **Commencement, revocation and expiry**
    - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:
      - 4.1.1 *By-Law No.1 – Permits and Penalties 2018*.<sup>2</sup>
    - 4.2 This By-law will expire on 1 January 2033.<sup>3</sup>
- Note**
1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
  2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
  3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**  
This By-law applies throughout the Council's area.
  6. **Interpretation**  
In this By-law, unless the contrary intention appears;
    - 6.1 **Act** means the *Local Government Act 1999*;
    - 6.2 **Council** means the District Council of Cleve; and
    - 6.3 **person** includes a natural person or a body corporate.
- Note-**
- Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.
7. **Construction of By-laws generally**
    - 7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
    - 7.2 In any By-law of the Council and unless the contrary intention appears, permission means permission granted by the Council (or its delegate) prior to the act, event or activity to which it relates and includes:
      - 7.2.1 permission granted specifically to an applicant; or
      - 7.2.2 permission of general application granted by way of the Council adopting a policy of general application for that purpose.

## PART 2 – PERMITS AND PENALTIES

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

**Note**

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

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

This By-law was duly made and passed at a meeting of the District Council of Cleve held on 19 August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

## DISTRICT COUNCIL OF CLEVE

## MOVEABLE SIGNS BY-LAW 2025

## By-law No. 2 of 2025

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

## PART 1 – PRELIMINARY

1. **Title**  
This By-law may be cited as the *Moveable Signs By-law 2025* and is By-law No. 2 of the District Council of Cleve.
2. **Authorising law**  
This By-law is made under sections 226, 238, 239 and 246 of the Act.

3. **Purpose**

The objectives of this By-law are to set standards for moveable signs on roads:

- 3.1 to protect the comfort and safety of road users and members of the public;
- 3.2 to enhance the amenity of roads and surrounding parts of the Council's area;
- 3.3 to prevent nuisances occurring on roads;
- 3.4 to prevent unreasonable interference with the use of a road; and
- 3.5 for the good rule and government of the Council's area.

4. **Commencement, revocation and expiry**

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

4.1.1 *By-Law No.2 - Moveable Signs 2018.*<sup>2</sup>

4.2 This By-law will expire on 1 January 2033.<sup>3</sup>

**Note-**

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

5. **Application**

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.

5.2 This By-law applies throughout the Council's area and is subject to the exemptions set out in clause 11.

6. **Interpretation**

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
- 6.3 **banner** means a strip of cloth, plastic or other material hung up or attached to a pole, fence or other structure;
- 6.4 **business premises** means premises from which a business is being conducted;
- 6.5 **Council** means the District Council of Cleve;
- 6.6 **footpath area** means:
  - 6.6.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;
  - 6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.7 **Local Government land** has the same meaning as in the Act;
- 6.8 **moveable sign** has the same meaning as in the Act, being a moveable advertisement or sign but excludes a banner;
- 6.9 **road** has the same meaning as in the Act; and
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

**Note-**

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

**PART 2 – MOVEABLE SIGNS**7. **Construction and design**

A moveable sign must:

- 7.1 be of a kind known as:
  - 7.1.1 an 'A' frame or sandwich board sign;
  - 7.1.2 an inverted 'T' sign;
  - 7.1.3 a flat sign; or
  - 7.1.4 with the permission of the Council (including as may be set out in a Council policy of general application from time to time), be a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition (in the reasonable opinion of an authorised person) so as not to present a hazard to any member of the public;
- 7.3 be of strong construction and sufficiently stable so as to keep its position in any weather conditions;
- 7.4 not have any sharp or jagged edges or corners;
- 7.5 not, in the reasonable opinion of an authorised person, be unsightly or offensive in appearance or content;
- 7.6 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.7 not rotate or contain flashing parts;
- 7.8 not exceed 1.2 metres in height, 800mm in width and 800mm in depth;
- 7.9 in the case of an 'A' frame or sandwich board sign:
  - 7.9.1 be hinged or joined at the top; and
  - 7.9.2 be of such construction that its sides are securely fixed or locked in position when erected;
- 7.10 in the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign.

8. **Placement**

A moveable sign must not be:

- 8.1 placed on any part of a road other than the footpath area;
- 8.2 placed less than 1 metre from the edge of the kerb (or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of a road, whichever is the greater);
- 8.3 placed on a footpath that is less than 2.5 metres wide;
- 8.4 tied, fixed or attached to, or placed closer than 2 metres from another structure, object (including another moveable sign), tree, bush or plant;
- 8.5 placed on a designated parking area or within 1 metre of an entrance to any premises;
- 8.6 placed on the sealed part of a footpath, if there is an unsealed part on which the sign can be placed in accordance with this By-law;
- 8.7 placed so as (in the reasonable opinion of authorised person) to interfere with the reasonable movement of persons or vehicles using the road in the vicinity of where the moveable sign is placed;
- 8.8 placed within 10 metres of an intersection of two or more roads;
- 8.9 placed on a footpath area with a minimum height clearance from a structure above it of less than 2 metres;
- 8.10 displayed during the hours of darkness unless in a clearly lit area and it is clearly visible; or
- 8.11 placed in such a position or in such circumstances so that, in the reasonable opinion of an authorised person:
  - 8.11.1 the safety of a user of the road is at risk; or
  - 8.11.2 the sign unreasonably restricts the use of the footpath area.

**9. Banners**

A person must not erect or display a banner on a building or structure on a road without the Council's permission.

**Note-**

A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under section 222 of the *Local Government Act 1999*.

**10. Restrictions**

- 10.1 The owner or operator of a business must not, without the permission of the Council, cause or allow more than one moveable sign for each business premises to be displayed on a road at any time.
- 10.2 A person must not, without the Council's permission, display or cause to be displayed a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or on a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
- 10.3 A person must not cause or allow a moveable sign to be placed on a road unless:
- 10.3.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and
- 10.3.2 the business premises to which it relates is open to the public during such times as the sign is displayed.
- 10.4 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council may by resolution prohibit or restrict the display of a moveable sign thereon on such conditions as the Council thinks fit.

**11. Exemptions**

- 11.1 Subclauses 10.1 and 10.3 of this By-law do not apply to a moveable sign which:
- 11.1.1 advertises a garage sale taking place from residential premises;
- 11.1.2 is a directional sign to an event run by a community organisation or charitable body;
- 11.2 Subclauses 10.1 and 10.3 of this By-law do not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.
- 11.3 A requirement of this By-law will not apply where the Council has otherwise granted permission (including by way of adopting a policy for this purpose) for the moveable sign (or class of moveable sign) to be displayed contrary to that requirement.

**Note-**

This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes any sign:

- placed there pursuant to an authorisation under another Act; or
- designed to direct people to the open inspection of any land or building that is available for purchase or lease; or
- certain signs (as set out in section 226(3) of the Act) related to a State or Commonwealth election; or
- of a prescribed class.

**PART 3 – ENFORCEMENT****12. Removal of moveable signs**

- 12.1 A person must immediately comply with the order of an authorised person to remove a moveable sign that is made pursuant to section 227(1) of the Act.

**Note-**

Pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:

- the design, construction or positioning of a moveable sign does not comply with a requirement of this By-law; or
- any other requirement of this By-law is not complied with; or
- the moveable sign unreasonably restricts the use of the Road, or endangers the safety of other persons.

- 12.2 The owner of, or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.

- 12.3 The owner, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:

- 12.3.1 if, in the reasonable opinion of an authorised person, and notwithstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
- 12.3.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the reasonable opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

**13. Liability of vehicle owners**

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

This By-law was duly made and passed at a meeting of the District Council of Cleve held on 19 August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**DISTRICT COUNCIL OF CLEVE****ROADS BY-LAW 2025****By-law No. 3 of 2025**

A By-law to manage, control and regulate certain activities on roads in the Council's area.

**PART 1 – PRELIMINARY****1. Title**

This By-law may be cited as the *Roads By-law 2025* and is By-law No. 3 of the District Council of Cleve.

**2. Authorising law**

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

**3. Purpose**

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

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

**4. Commencement, revocation and expiry**

- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation.<sup>1</sup>

- 4.1.1 *By-Law No.3- Roads 2018*.<sup>2</sup>

- 4.2 This By-law will expire on 1 January 2033.<sup>3</sup>

**Note-**

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

**5. Application**

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.
- 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.
- 5.3 Subclause 7.3.3 of this By-law only applies in such part or parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.
- 5.4 Subclause 7.4.2 of this By-law applies throughout the Council's area except in such part or parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

**6. Interpretation**

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds, insects and poultry but does not include a dog;
- 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.4 **camp** includes setting up a camp, or causing:
  - 6.4.1 a tent or other structure of calico, canvas, plastic or other similar material; or
  - 6.4.2 a swag or similar bedding; or
  - 6.4.3 subject to the *Road Traffic Act 1961*, a caravan or motor home, to remain on a road for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the road;
- 6.5 **Council** means the District Council of Cleve;
- 6.6 **effective control** means a person exercising effective control of an animal either:
  - 6.6.1 by means of a physical restraint; or
  - 6.6.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.7 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.8 **moveable sign** has the same meaning as in the Act;
- 6.9 **road** has the same meaning as in the Act; and
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

**Note-**

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

**PART 2 – USE OF ROADS****7. Activities requiring permission**

A person must not engage in or undertake any of the following activities on a road without the permission of the Council.

- 7.1 **Advertising**  
Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services or for any other purpose, other than a moveable sign that is displayed in accordance with the *Council's Moveable Signs By-law 2025*.

**Note-**

Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's *Moveable Signs By-law 2025*.

- 7.2 **Amplification**  
Use an amplifier or other device, whether mechanical or electrical, for the purpose of amplifying sound including the broadcasting of announcements or advertisements.

**7.3 Animals**

- 7.3.1 Cause or allow an animal to stray onto, move over, or graze on a road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided the animal or animals are under effective control.
- 7.3.2 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.
- 7.3.3 Lead, herd or drive any animal on any road to which the Council has determined this clause applies.

**7.4 Camping and Tents**

- 7.4.1 Subject to this subclause 7.4, erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation.
- 7.4.2 Camp or remain overnight except:
  - 7.4.2.1 on any road to which the Council has resolved this subclause applies (if any); and
  - 7.4.2.2 in accordance with any conditions determined by the Council and displayed on any signage on or near the road.

**7.5 Obstructions**

Erect, install or place or maintain or cause to be erected, installed, placed or maintained any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road.

**7.6 Preaching and Canvassing**

- 7.6.1 Preach, harangue, or canvass for religious or charitable purposes.
- 7.6.2 Convey any religious or other message to any bystander, passerby or other person

**7.7 Public Exhibitions and Displays**

- 7.7.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.
- 7.7.2 Conduct, cause or hold a concert, festival, show, display, public gathering circus, performance or a similar activity.
- 7.7.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.
- 7.7.4 Cause any public exhibition or displays.

**7.8 Soliciting**

Ask for, or receive, or do anything to indicate a desire for a donation of money or any other thing.

**7.9 Works on Vehicles**

Repair, wash, paint, panel beat or perform other work of any nature on or to a vehicle, except for running repairs in the case of a vehicle breakdown.

**PART 3 - ENFORCEMENT****8. Directions**

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

**9. Orders**

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

**Note-**

Section 262(1) of the Act states:

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

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

- cease busking on a road;
- remove an object or structure blocking a footpath;
- dismantle and remove a tent from a road.

**10. Removal of animals and objects**

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

10.2 The Council may seek to recover from the owner of an object removed under subclause 10.1 the costs it incurs in removing that object.

**PART 4- MISCELLANEOUS****11. Exemptions**

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

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

11.3 An exemption:

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

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

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

**12. Liability of vehicle owners**

12.1 For the purposes of this clause 12, *owner* in relation to a vehicle has the same meaning as contained in section 4 of the Act.

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

This By-law was duly made and passed at a meeting of the District Council of Cleve held on 19 August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**DISTRICT COUNCIL OF CLEVE  
LOCAL GOVERNMENT LAND BY-LAW 2025  
By-law No. 4 of 2025**

A By-law to manage and regulate the access to and use of Local Government land (other than roads), and certain public places.

**PART 1 – PRELIMINARY****1. Title**

This By-law may be cited as the *Local Government Land By-law 2025* and is By-law No. 4 of the District Council of Cleve.

**2. Authorising law**

This By-law is made under sections 238 and 246 of the Act and section 18A of the *Harbours and Navigation Act 1993*.

**3. Purpose**

The objectives of this By-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:

- 3.1 to prevent and mitigate nuisances;
- 3.2 to prevent damage to Local Government land;
- 3.3 to protect the convenience, comfort and safety of members of the public;
- 3.4 to enhance the amenity of the Council's area; and
- 3.5 for the good rule and government of the Council's area.

**4. Commencement, revocation and expiry**

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

- 4.1.1 *By-law No. 4 – Local Government Land 2018*.<sup>2</sup>

4.2 This By-law will expire on 1 January 2033.<sup>3</sup>

**Note-**

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

**5. Application**

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.

5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council area.

5.3 Subclauses 9.3, 9.8.1, 9.8.4, 9.10.2, 9.24.1, 9.24.3, 9.24.4, 9.26.2, 9.35, 10.3 and 10.10 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

5.4 Subclauses 9.5.4.2 and 9.14.2.2 of this By-law apply throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

**6. Interpretation**

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

- 6.1 **ablutionary facility** means washing, changing and toilet facilities provided by the Council for public use;
- 6.2 **Act** means the *Local Government Act 1999*;
- 6.3 **animal** includes birds and insects but does not include a dog unless otherwise stated;
- 6.4 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.5 **boat** includes a raft, pontoon, houseboat, personal watercraft or other similar device;
- 6.6 **boat harbour** means a facility constructed, maintained and operated by the Council for the launching, mooring or landing of boats;
- 6.7 **boat ramp** means a facility constructed, maintained and operated for the launching and retrieval of a boat;
- 6.8 **camp** includes setting up a camp or causing:
  - 6.8.1 a tent or other structure of calico, canvas, plastic or other similar material;
  - 6.8.2 a swag or similar bedding; or
  - 6.8.3 subject to the *Road Traffic Act 1961*, a caravan, motor home or other vehicle—  
to remain on Local Government land or a road for the purpose of staying overnight, whether or not any person is in attendance or stays overnight therein;

**Note-**

To avoid doubt, setting up a calico, canvas, plastic or other tent, marquee or similar structure for recreation purposes to provide shade during daylight hours only (and not overnight) is not within the meaning of 'camp'.

- 6.9 **Council** means the District Council of Cleve;
- 6.10 **effective control** means a person exercising effective control of an animal either:
  - 6.10.1 by means of a physical restraint; or
  - 6.10.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.11 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 6.12 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.13 **foreshore** means land (regardless of whether or not it is Local Government land) extending from the low water mark on the seashore to the nearest road or section boundary, or to a distance of 50 metres from the high water mark (whichever is the lesser distance);
- 6.14 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.15 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 6.16 **Local Government land** means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.17 **low water mark** means the lowest meteorological tide;
- 6.18 **motor home** means a recreational self-contained vehicle which is not a caravan but includes electrical and plumbing facilities;
- 6.19 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.20 **open container** means a container which, after the contents of the container have been sealed at the time of manufacture:
  - 6.20.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
  - 6.20.2 being a can, it has been opened or punctured;
  - 6.20.3 being a cask, it has had its tap placed in a position to allow it to be used;
  - 6.20.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
  - 6.20.5 is a flask, glass, mug or other container able to contain liquid.
- 6.21 **personal watercraft** means a device that –
  - 6.21.1 is propelled by a motor; and
  - 6.21.2 has a fully enclosed hull; and
  - 6.21.3 is designed not to retain water if capsized; and
  - 6.21.4 is designed to be operated by a person who sits astride, stands, or kneels on the device, and includes the device commonly referred to as a jet ski;
- 6.22 **road** has the same meaning as in the Act;
- 6.23 **special event** means an organised gathering of more than fifty (50) persons for any social, sporting or cultural purpose;
- 6.24 **tobacco product** has the same meaning as in the *Tobacco Products Regulation Act 1997*;
- 6.25 **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 6.26 **waters** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council but does not include ocean waters; and
- 6.27 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

**Note-**

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

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

The Council may:

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

**8. Closed lands**

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

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

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

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

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

- 9.1 **Advertising**  
Display, paint or erect or cause to be displayed, painted or erected, on Local Government Land or a structure, building or fixture on Local Government Land any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose.
- 9.2 **Aircraft**  
Subject to the *Civil Aviation Act 1988*, land any aircraft on, or take off any aircraft from the land.
- 9.3 **Alcohol**  
Consume, carry or be in possession or in charge of any liquor in an open container on Local Government land comprising parks or reserves to which the Council has determined this paragraph applies.
- 9.4 **Amplification**  
Use an amplifier or other mechanical or electrical device for the purpose of amplifying sound or broadcasting announcements.
- 9.5 **Animals**  
On Local Government land other than the foreshore:
  - 9.5.1 Subject to this subclause 9.5, cause or allow an animal to stray onto, move over, graze or be left unattended.
  - 9.5.2 Cause or allow an animal to enter, swim, bathe or remain in any waters.
  - 9.5.3 Lead, herd or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind (as indicated by signage on the track), and provided that the animal or animals are under effective control.
  - 9.5.4 On the foreshore:
    - 9.5.4.1 cause or allow an animal to enter, swim, bathe or remain in any waters; or
    - 9.5.4.2 lead, herd or exercise an animal, except in an area to which the Council has resolved this subclause applies (if any).
- 9.6 **Annoyance**  
Do anything likely to offend or unreasonably interfere with any other person:
  - 9.6.1 using that land; or
  - 9.6.2 occupying nearby premises, by making noise or creating a disturbance.
- 9.7 **Attachments**  
Subject to subclause 9.1, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.
- 9.8 **Boats & Mooring**  
Subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:
  - 9.8.1 launch or retrieve a boat to or from any waters adjacent to or on any Local Government land or foreshore to which the Council has determined this subclause applies;
  - 9.8.2 launch or retrieve a boat from or to the foreshore without using a boat ramp constructed and set aside by the Council for that purpose;
  - 9.8.3 hire out a boat or otherwise use a boat for commercial purposes;
  - 9.8.4 subject to clause 9.8.5, moor a boat on any waters or to Local Government land to which the Council has determined this subclause applies without having first made payment of the prescribed mooring fee determined by the Council;
  - 9.8.5 moor any boat on or to Local Government land other than in accordance with such time limits and other conditions (if any) determined by resolution of the Council and contained in any signage erected in the vicinity.
- 9.9 **Boat Harbour**  
Subject to the provisions of the *Harbors and Navigation Act 1993*:
  - 9.9.1 interfere with any of the moorings in a boat harbour;
  - 9.9.2 anchor or moor a boat in a boat harbour in a manner that causes the boat to obstruct the entrance to the harbour;
  - 9.9.3 remain or sleep overnight on any boat in a boat harbour for more than three consecutive nights;
  - 9.9.4 handle any fuel or dangerous or flammable substance in such a manner that may expose a person or property to damage.
- 9.10 **Boat Ramps**
  - 9.10.1 Allow a boat to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat.
  - 9.10.2 Subject to clause 9.10.3, launch or retrieve a boat (or boat of a specified class) from or on to any boat ramp on any foreshore or Local Government land to which the Council has determined this subclause applies.
  - 9.10.3 Launch or retrieve a boat (or boat of a specified class) from or on to any boat ramp on the foreshore or on Local Government land as determined by the Council under subclause 9.10.2, other than in accordance with the conditions determined by the Council, including any conditions specified on a sign displayed on or in the vicinity of the boat ramp.
- 9.11 **Bridge Jumping**  
Jump or dive from a bridge on Local Government land.
- 9.12 **Buildings**  
Use a building, or structure on Local Government land for a purpose other than for its intended purpose and otherwise in accordance with any conditions of use contained on signage in or on the building or structure.
- 9.13 **Burials and Memorials**
  - 9.13.1 Bury, inter or spread the ashes of any human or animal remains, including the remains of a dog.
  - 9.13.2 Erect any memorial.
- 9.14 **Camping and Tents**
  - 9.14.1 Subject to this clause 9.14, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation on Local Government land to which the Council has determined this subclause applies.
  - 9.14.2 Camp or sleep overnight on Local Government land except:
    - 9.14.2.1 in a caravan park on Local Government land, the proprietor of which has been given permission to operate the caravan park on that land; or



- 9.14.2.2 in an area which has been designated by resolution of the Council for that purpose and in accordance with such time limits and other conditions determined by the Council and contained in any signage erected thereon.
- 9.14.3 Use ablutionary facilities for a purpose other than for which they were designed or constructed.
- 9.15 **Canvassing**  
Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other
- 9.16 **Defacing Property**  
Deface, remove, paint, spray, write upon, cut names, letters or make marks on any tree, rock, gate, fence, object, monument, building, sign, bridge or property of the Council.
- 9.17 **Distribution**  
Subject to subclause 14.2 and the *Local Nuisance and Litter Control Act 2016*, give out or distribute any book, leaflet or other printed matter to any bystander, passer-by or other person.
- 9.18 **Donations**  
Ask for or receive or indicate a desire for a donation of money or any other thing.
- 9.19 **Entertainment and Busking**
- 9.19.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.
- 9.19.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 9.20 **Fires**  
Subject to the *Fire and Emergency Services Act 2005* light a fire except:
- 9.20.1 in a place provided by the Council for that purpose; or
- 9.20.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four (4) metres.
- 9.21 **Fireworks**  
Ignite or discharge any fireworks.
- 9.22 **Flora and Fauna**  
Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
- 9.22.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;
- 9.22.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
- 9.22.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 9.22.4 take, interfere with, tease, harm or disturb any animal, bird or marine creature or the eggs or young of any animal, bird or marine creature;
- 9.22.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.22.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 9.22.7 use, possess or have control of any device (except a fishing rod) for the purpose of killing or capturing any animal, bird or marine creature; or
- 9.22.8 burn any timber or dead wood,  
with the exception that subclauses 9.22.4 and 9.22.7 do not apply to lawful fishing activities.
- 9.23 **Foreshore**
- 9.23.1 Drive or propel a vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or set aside by the Council for that purpose.
- 9.23.2 Drive or propel a vehicle on the foreshore except on an area or road that is constructed or set aside by the Council for that purpose as indicated by signage.
- 9.23.3 Hire out a boat on or from the foreshore.
- 9.23.4 Use any change rooms other than for the purposes of changing into or from bathing garments or remain therein for longer than is necessary for that purpose (as determined by an authorised person acting reasonably).
- 9.24 **Games & Sport**
- 9.24.1 Participate in, promote or organise any organised competition or sport, (as distinct from organised social play), on Local Government land to which the Council has resolved this subclause applies.
- 9.24.2 Play or practise any game which involves kicking, hitting or throwing a ball or other object that may, as determined by an authorised person acting reasonably, cause or be likely to cause injury or discomfort to a person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.
- 9.24.3 Engage, play or practise the game of golf on Local Government land to which the Council has resolved this sub-clause applies.
- 9.24.4 Play or practise any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council and indicated on a sign on or in the vicinity of the land.
- 9.25 **Interference with Land**  
Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
- 9.25.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 9.25.2 erecting or installing a structure in, on, across, under or over the land;
- 9.25.3 changing or interfering with the construction, arrangement or materials of the land;
- 9.25.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.25.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 9.26 **Model Aircraft, Boats and Cars**  
Subject to the *Civil Aviation Safety Regulations 1998*:
- 9.26.1 fly or operate a model or drone aircraft, boat or model or remote control vehicle in a manner which may cause or be likely to cause, as determined by an authorised person acting reasonably, injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or
- 9.26.2 fly or operate a model or drone aircraft, boat or model or remote control vehicle on any Local Government Land to which the Council has resolved this subclause applies.
- 9.27 **Overhanging Articles or Displaying Personal Items**  
Suspend or hang an article or object from a building, verandah, pergola, post or other structure where it might, in the reasonable opinion of an authorised person:

- 9.27.1 present a nuisance or danger to a person using the land; or  
 9.27.2 be unsightly.
- 9.28 **Playing Area**  
 Use or occupy a playing area:  
 9.28.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);  
 9.28.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or  
 9.28.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.
- 9.29 **Pontoons**  
 Install or maintain a pontoon or jetty or similar structure in any waters.
- 9.30 **Preaching**  
 Preach, harangue or solicit for religious or other purposes.
- 9.31 **Rubbish and Rubbish Dumps**  
 9.31.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government Land.  
 9.31.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin, or placed on Local Government Land for collection by the Council (or its agent).
- 9.32 **Trading**  
 9.32.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing.  
 9.32.2 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.
- 9.33 **Vehicles**  
 9.33.1 Drive or propel a vehicle except on land constructed and set aside by the Council for that purpose as indicated by signs on or in the vicinity of the land.  
 9.33.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose.  
 9.33.3 Repair, wash, paint, panel beat or carry out any other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.34 **Weddings, Functions and Special events**  
 9.34.1 Hold, conduct or participate in a marriage ceremony, funeral ceremony or special event.  
 9.34.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral ceremony or special event.  
 9.34.3 Hold or conduct any filming where the filming is for a commercial purpose.
- 9.35 **Wheeled Recreational Devices**  
 Subject to the *Road Traffic Act 1961*, ride or use a wheeled recreational device on Local Government land to which the Council has determined this subclause applies.
10. **Prohibited activities**  
 A person must not do any of the following on Local Government land.
- 10.1 **Animals**  
 10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.  
 10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.  
 10.1.3 Lead, herd or exercise an animal in such manner as to cause a nuisance or endanger the safety of a person.
- 10.2 **Equipment**  
 10.2.1 Use any item of equipment, facilities or property belonging to the Council:  
     10.2.1.1 other than in the manner and for the purpose for which it was designed, constructed or intended to be used;  
     10.2.1.2 where any nearby sign states the conditions of use, except in accordance with such conditions; or  
     10.2.1.3 in such a manner as is likely to damage or destroy it.  
 10.2.2 Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.  
 10.2.3 Use an item of equipment, facilities or property belonging to the Council other than in accordance with any conditions of use contained on a sign or notice in the vicinity of the equipment, facility or property (if any).
- 10.3 **Fishing**  
 Fish in any waters to which the Council has resolved this subclause applies.
- 10.4 **Glass**  
 Wilfully break any glass, china or other brittle material.
- 10.5 **Interference with Permitted Use**  
 Interrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.
- 10.6 **Nuisance**  
 Behave in such an unreasonable manner (as determined by an authorised person acting reasonably) as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.
- 10.7 **Obstruction**  
 Obstruct:  
 10.7.1 any path or track;  
 10.7.2 any door, entrance, stairway or aisle in any building; or  
 10.7.3 any gate or entrance to or on Local Government land.
- 10.8 **Playing games**  
 Play or practise a game:  
 10.8.1 which is likely to cause, in the reasonable opinion of an authorised person, damage to the land or anything on it; or

- 10.8.2 in any area where a sign indicates that the game is prohibited.
- 10.9 **Sand Dunes, Coastal Slopes and Cliffs**  
No person shall:
- 10.9.1 destabilise sand on a sand dune, by any means so as to cause it to unnecessarily mass waste down slope;
- 10.9.2 destroy, remove or cause interference to live or dead vegetation within a sand dune, coastal slope or coastal cliff;
- 10.9.3 introduce non-indigenous flora or fauna or dump any material in a sand dune;
- 10.9.4 carry out any other activity that may damage or threaten the integrity of sand dunes, coastal slopes or cliffs.
- 10.10 **Smoking**  
Subject to the *Tobacco and E-Cigarette Products Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has resolved this subclause applies.
- 10.11 **Solicitation**  
Subject to clause 9.10, tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.
- 10.12 **Throwing objects**  
Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.
- 10.13 **Toilets**  
In any public convenience on Local Government land (including showers, changerooms, toilets and hand washing facilities):
- 10.13.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 10.13.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage or damage to the facility, or any drain, pipe or property associated with the facility;
- 10.13.3 use the facilities for a purpose for which it was not designed or constructed; or
- 10.13.4 enter any gender specific public convenience except:
- 10.13.4.1 if the person is of the gender indicated on a sign or writing located on the public convenience;
- 10.13.4.2 where the person is:
- (a) a vulnerable person; or
- (b) a caregiver, parent or guardian and is providing assistance to a vulnerable person in that person's care; or
- 10.13.4.3 for the purpose of providing assistance to a person with a disability; or
- 10.13.4.4 where the person identifies as gender diverse; or
- 10.13.4.5 in the case of a genuine emergency.
- 10.14 **Waste**
- 10.14.1 Deposit or leave thereon anything obnoxious or offensive.
- 10.14.2 Deposit any rubbish other than in receptacles provided by the Council for that purpose.
- 10.14.3 Deposit in any rubbish bin:
- 10.14.3.1 any rubbish emanating from a domestic, trade or commercial source; or
- 10.14.3.2 any rubbish contrary to any information on signs on the bin or in its vicinity.

#### PART 4 - ENFORCEMENT

##### 11. Directions

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

##### 12. Orders

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

##### Note-

Section 262(1) of the Act states

- 1) If a person (*the offender*) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-
- a. if the conduct is still continuing - to stop the conduct; and
- b. whether or not the conduct is still continuing- to take specified action to remedy the contravention.
- Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:
- cease smoking on Local Government land;
  - remove an object or structure encroaching on Local Government land;
  - dismantle and remove a structure erected on Local Government land without permission.

##### 13. Removal of animals and objects

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

#### PART 5 - MISCELLANEOUS

##### 14. Exemptions

- 14.1 The restrictions in this By-law do not apply to a police officer, emergency worker, Council officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of or in accordance with a direction from a Council officer.
- 14.2 The restrictions in subclauses 9.15 and 9.17 of this By-law do not apply to electoral matter authorised by a candidate and which is:
- 14.2.1 related to a Commonwealth or State election, and occurs during the period commencing at 5pm on the day before the day on the issue of the writ or writs for the election and ending at the close of polls on polling day; or

- 14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four (4) weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.
- 14.3 The Council may otherwise, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 14.4 An exemption:
- 14.4.1 may be granted or refused at the discretion of the Council;
- 14.4.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 14.4.3 is subject to any conditions specified in the instrument of exemption.
- 14.5 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 14.6 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.
15. **Liability of vehicle owners**
- 15.1 for the purposes of this clause 15, *owner* in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 15.2 the owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and either the owner or the driver may be liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the District Council of Cleve held on 19 August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**DISTRICT COUNCIL OF CLEVE  
DOGS BY-LAW 2025  
By-law No. 5 OF 2025**

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

**PART 1 – PRELIMINARY**

1. **Title**  
This By-law may be cited as the *Dog By-law 2025* and is By-law No. 5 of the District Council of Cleve.
2. **Authorising law**  
This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, sections 238 and 246 of the Act, and section 18A of the *Harbours and Navigation Act 1993*.
3. **Purpose**  
The objectives of this By-law are to control and manage dogs in the Council's area:
- 3.1 to reduce the incidence of environmental nuisance caused by dogs; and
- 3.2 to promote responsible dog ownership; and
- 3.3 to protect the convenience, comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council's area.
4. **Commencement, revocation and expiry**
- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>
- 4.1.1 *By-Law No. 5 – Dogs 2018*.<sup>2</sup>
- 4.2 This By-law will expire on 1 January 2033.<sup>3</sup>
- Note-**
1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Subclauses 9.1 and 10.2 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.
6. **Interpretation**  
In this By-law, unless the contrary intention appears:
- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **approved kennel establishment** means a building, structure, premises or area approved under the *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
- 6.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
- 6.4 **children's playground** means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);
- 6.5 **Council** means the District Council of Cleve;
- 6.6 **dog** (except for in clause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.7 **effective control** means a person exercising effective control of a dog either:
- 6.7.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
- 6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.8 **keep** includes the provision of food or shelter;
- 6.9 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.10 **premises** includes land and any part of land, whether used or occupied for domestic or non-domestic purposes;
- 6.11 **working livestock dog** means a dog:
- 6.11.1 usually kept, proposed to be kept or worked on rural land by a person who is:
- 6.11.1.1 a primary producer; or
- 6.11.1.2 engaged or employed by a primary producer; and
- 6.11.2 used principally for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock;
- 6.12 For the purposes of clause 9 of the By-law, a dog is under *effective control by means of a leash* if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:
- 6.12.1 the leash, chain or cord is either tethered securely to a fixed object; or
- 6.12.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

**Note-**

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

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

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

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

Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council area for the purpose of exercising a dog under his or her effective control.

**Note-**

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

**9. Dog on leash areas**

A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain:

- 9.1 on Local Government land or a public place (including a park) to which the Council has resolved that this subclause applies; and
- 9.2 on any park or reserve during times when organised sport is being played;
- unless the dog is under effective control by means of a leash.

**10. Dog prohibited areas**

A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain:

- 10.1 on any children's playground on Local Government land; or
- 10.2 on any other Local Government land or public place to which the Council has determined that this subclause applies.

**11. Dog faeces**

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995*).

**PART 4 – EXEMPTION****12. Council may grant exemptions**

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

**PART 5 – ENFORCEMENT****13. Orders**

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

**Note-**

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

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

This By-law was duly made and passed at a meeting of the District Council of Cleve held on 19 August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**DISTRICT COUNCIL OF CLEVE  
CATS BY-LAW 2025  
By-law No. 6 of 2025**

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

**PART 1 – PRELIMINARY****1. Title**

This By-law may be cited as the *Cats By-law 2025* and is By-law No. 6 of the District Council of Cleve.

**2. Authorising law**

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995* and section 246 of the Act.

**3. Purpose**

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

- 3.1 to promote responsible cat ownership;
- 3.2 to reduce the incidence of the public and environmental nuisance caused by cats;

- 3.3 to protect the comfort and safety of members of the public; and  
 3.4 for the good rule and government of the Council's area.
4. **Commencement, revocation and expiry**  
 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:  
     4.1.1 *By-law No 6 – Cats 2018*.<sup>2</sup>  
 4.2 This By-law will expire on 1 January 2033.<sup>3</sup>
- Note-**  
 1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.  
 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.  
 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**  
 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.  
 5.2 This By-law applies throughout the Council's area.
6. **Interpretation**  
 In this By-law, unless the contrary intention appears:  
 6.1 **Act** means the *Local Government Act 1999*;  
 6.2 **cat** (except for in clause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;  
 6.3 **cattery** means a building, structure, premises or area approved under the *Planning, Development and Infrastructure Act 2016* for the keeping of cats on a temporary or permanent basis;  
 6.4 **Council** means the District Council of Cleve;  
 6.5 **keep** includes the provision of food or shelter;  
 6.6 for the purposes of clause 8, a cat (or cats) causes a **nuisance** if it:  
     6.6.1 unreasonably interferes with the peace, comfort or convenience of a person, including but not limited to by acting aggressively or creating unpleasant noise or odour;  
     6.6.2 damages or otherwise has an adverse impact upon native flora or fauna  
     6.6.3 acts in a manner that is injurious or causes damage to a person's real or personal property; or  
     6.6.4 wanders onto premises without the consent of the owner or occupier of the premises; or  
     6.6.5 defecates or urinates onto premises without the consent of the owner or occupier of the premises;  
 6.7 **owner** of a cat has the same meaning as in section 5 of the *Dog and Cat Management Act 1995*;  
 6.8 the **person responsible for the control of a cat** has the same meaning as in section 6 of the *Dog and Cat Management Act 1995*; and  
 6.9 **premises** includes land, whether used or occupied for domestic or non-domestic purposes, and any part thereof.
- Note-**  
 Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law is made.
- PART 2 – LIMITS ON CAT NUMBERS**
7. **Limits on cat numbers**  
 7.1 Subject to this clause 7, a person must not, without the Council's permission, keep or cause suffer or permit to be kept more than two (2) cats on any premises.  
 7.2 For the purposes of subclause 7.1, 'cat' means a cat that is three (3) months of age or older or, a cat that has lost its juvenile teeth.  
 7.3 The limit prescribed by subclause 7.1 does not apply to premises comprising a business involving the keeping of cats that is approved to operate as such under the *Planning, Development and Infrastructure Act 2016* and provided the business is operating in accordance with all required approvals and consents.  
 7.4 Council may require that premises that are the subject of an application for permission to keep additional cats are inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.  
 7.5 Permission under subclause 7.1 may be given if the Council is satisfied that:  
     7.5.1 no insanitary condition exists or is likely to arise on the premises as a result of the keeping of cats; and  
     7.5.2 a nuisance is not or is not likely to be caused to any neighbour as a result of the keeping of cats on the premises.
- PART 3 – CAT CONTROLS**
8. **Cats not to be a nuisance**  
 8.1 An owner or occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance.  
 8.2 Without limiting liability under subclause 8.1, the owner of or person responsible for the control of a cat is guilty of an offence under this By-law if the cat causes a nuisance.
9. **Registration of cats**  
 9.1 If the Council has resolved to adopt a registration scheme for cats, a person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.  
 9.2 An application for registration of a cat must:  
     9.2.1 be made to the Council in the manner and form prescribed by Council (if any); and  
     9.2.2 be accompanied by the fee (if any) prescribed by the Council; and  
     9.2.3 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name; and  
     9.2.4 identify with reference to an address the premises at which the cat is kept; and  
     9.2.5 otherwise comply with any other requirements determined by the Council.  
 9.3 Registration under this By-law remains in force until 30 June next following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months.  
 9.4 Subclause 9.1 does not apply to premises comprising a cattery.  
 9.5 The Council may, by resolution, revoke a resolution to adopt a registration scheme under subclause 9.1 should it see fit to do so.
- PART 4 – EXEMPTION**
10. **Council may grant exemptions**  
 10.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.  
 10.2 An exemption:  
     10.2.1 may be granted or refused at the discretion of the Council; and  
     10.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and  
     10.2.3 is subject to any conditions specified in the instrument of exemption.  
 10.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

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

## PART 5 – ENFORCEMENT

### 11. Orders

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

#### Note-

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

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

This By-law was duly made and passed at a meeting of the District Council of Cleve held on 19 August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 28 August 2025

DAVID PENFOLD  
Chief Executive Officer

## DISTRICT COUNCIL OF KIMBA

### LOCAL GOVERNMENT (ELECTIONS) ACT 1999

#### *Supplementary Election of 2 Area Councillors—Call for Nominations*

Nominations open on Thursday, 28 August 2025 and close at 12 noon Thursday, 11 September 2025. Candidates must submit a profile of not more than 1,000 characters with their nomination and may also provide a photograph, predominantly head and shoulders, taken within the previous 12 months.

More information about nominating, including the candidate handbook that outlines the criteria and requirements for nominating, can be accessed at [ccsa.sa.gov.au](https://ccsa.sa.gov.au) or by phoning 1300 655 232.

There will be two in-person candidate briefing sessions from 7:00pm on Thursday, 28 August 2025 and 7:00pm on Tuesday, 2 September 2025 at Kimba Council Chambers, 35-37 West Terrace, Kimba SA 5641.

Nominate online at: [ccsa.sa.gov.au](https://ccsa.sa.gov.au)

Dated: 28 August 2025

MICK SHERRY  
Returning Officer

## MID MURRAY COUNCIL

### LOCAL GOVERNMENT ACT 1999

#### *By-law No. 1 of 2025—Permits and Penalties By-law 2025*

To provide for a permit system, to fix maximum penalties in Council by-laws, to clarify the construction of such by-laws, and to repeal certain by-laws.

### PART 1—PRELIMINARY

#### 1. Short Title

This by-law may be cited as the *Permits and Penalties By-law 2025*.

#### 2. Commencement

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

#### 3. Definitions

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

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

3.2 In this by-law:

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

#### 4. Construction

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

## PART 2—PERMITS

**5. Council May Grant Permits**

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

- 5.1 the permit must be in writing.
- 5.2 a person may apply for permission by:
  - 5.2.1 making a written application for permission to the Council or its duly authorised agent;
  - 5.2.2 making application by way of a website established by the Council for the purpose of issuing a permit of a particular kind;
  - 5.2.3 obtaining a permit from a permit vending-machine installed and maintained by the Council that has been designated by the Council for the purposes of issuing a permit of a particular kind;
- 5.3 the Council may:
  - 5.3.1 provide that the permit applies for a particular term;
  - 5.3.2 attach conditions to the permit the Council considers appropriate;
  - 5.3.3 change or revoke a condition, by notice in writing; or
  - 5.3.4 add new conditions, by notice in writing;
- 5.4 a person who holds a permit must comply with every condition attached to it. Failure to do so constitutes a breach of this by-law;
- 5.5 the Council may revoke a permit, by notice in writing, if:
  - 5.5.1 the holder of the permit fails to comply with a condition attached to it; or
  - 5.5.2 the permit is of a continuing nature, and the Council has reasonable grounds for revoking it.
- 5.6 The Council may, by resolution, fix, vary or revoke fees or charges for the granting of a permit to do a specified thing.
- 5.7 a person who applies for permission by way of subparagraph 5.2.1, 5.2.2 or 5.2.3 is taken to have been granted permission when the following steps have been completed:
  - 5.7.1 the person pays the permit fee (if any) by (as the case may be):
    - 5.7.1.1 inserting sufficient coins or notes into the permit vending-machine;
    - 5.7.1.2 credit or debit card; or
    - 5.7.1.3 such other method of payment that may be approved by the Council by resolution;
  - 5.7.2 the person receives a notice identifying itself as a permit from the Council to undertake the activity specified in the permit.

## PART 3—ENFORCEMENT

**6. Penalties**

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

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

- 7.1 Without derogating from the liability of any other person, but subject to this paragraph, if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of an offence and liable to the same penalty as is prescribed for the principal offence and the expiation fee that is fixed for the principal offence applies in relation to an offence against this paragraph.
- 7.2 The owner and driver of a vehicle are not both liable through the operation of this paragraph to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the driver and conversely conviction of the driver exonerates the owner.
- 7.3 An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged prescribed offence involving the vehicle must be accompanied by a notice inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:
  - 7.3.1 setting out the name and address of the driver; or
  - 7.3.2 if they had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer—setting out details of the transfer (including the name and address of the transferee).
- 7.4 Before proceedings are commenced against the owner of a vehicle for an offence against this section involving the vehicle, the Informant must send the owner a notice:
  - 7.4.1 setting out particulars of the alleged prescribed offence; and
  - 7.4.2 inviting the owner, if he or she was not the driver at the time of the alleged prescribed offence, to provide the Informant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subparagraph 7.3.
- 7.5 Subparagraph 7.4 does not apply to:
  - 7.5.1 proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
  - 7.5.2 proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this section as the driver of the vehicle.
- 7.6 Subject to subparagraph 7.7, in proceedings against the owner of a vehicle for an offence against this paragraph, it is a defence to prove:
  - 7.6.1 that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or
  - 7.6.2 that the owner provided the complainant with a statutory declaration in accordance with an invitation under this paragraph.
- 7.7 The defence in paragraph 7.6.2 does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.



- 7.8 If:
- 7.8.1 an expiation notice is given to a person named as the alleged driver in a statutory declaration under this paragraph; or
- 7.8.2 proceedings are commenced against a person named as the alleged driver in such a statutory declaration, the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.
- 7.9 The particulars of the statutory declaration provided to the person named as the alleged driver must not include the address of the person who provided the statutory declaration.

## 8. Evidence

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

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

### PART 4—MISCELLANEOUS

## 9. Revocation

Council's *By-law No. 1—Permits and Penalties*, published in the Gazette on 20 March 2018, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the Mid Murray Council held on the 19<sup>th</sup> day of August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 28 August 2025

BEN SCALES  
Chief Executive Officer

### MID MURRAY COUNCIL

#### LOCAL GOVERNMENT ACT 1999

#### *By-law No. 2 of 2025—Moveable Signs By-law 2025*

To set standards for moveable signs on roads, to provide conditions for and the placement of such signs, to protect public safety and to protect or enhance the amenity of the area of the Council.

### PART 1—PRELIMINARY

## 1. Short Title

This by-law may be cited as the *Moveable Signs By-law 2025*.

## 2. Commencement

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

## 3. Definitions

In this by-law:

- 3.1 **banner** means a moveable sign constituted of a strip of cloth, plastic or other material hung or attached to a pole, fence or other structure;
- 3.2 **footpath** means:
- 3.2.1 a footway, lane or other place made or constructed for the use of pedestrians; or
- 3.2.2 that part of road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;
- 3.3 **moveable sign** has the same meaning as the *Local Government Act 1999*;
- 3.4 **road** has the same meaning as in the *Local Government Act 1999*;
- 3.5 **road related area** has the same meaning as in the *Road Traffic Act 1961*.

### PART 2—PROVISIONS APPLICABLE TO MOVEABLE SIGNS

## 4. Design and Construction

A moveable sign displayed on a road must:

- 4.1 be constructed so as not to present a hazard to any member of the public;
- 4.2 be constructed so as to be stable when in position and to be able to keep its position in adverse weather conditions;
- 4.3 not be unsightly or offensive in appearance;
- 4.4 not contain flashing or moving parts;
- 4.5 be not more than 1.2 metres high, 800mm in width or 800mm in depth;

- 4.6 not have a display area on any side exceeding 1m<sup>2</sup>;
- 4.7 in the case of an 'A' frame or sandwich board sign:
  - 4.7.1 be hinged or joined at the top;
  - 4.7.2 be of such construction that its sides can be and are securely fixed or locked in position when erected;
  - 4.7.3 not have a base area in excess of 0.6 square metres;
- 4.8 in the case of an inverted 'T' sign, contain no struts or members than run between the display area of the sign and the base of the sign.

## 5. Placement

A moveable sign displayed on a road must:

- 5.1 not be placed anywhere except on the footpath;
- 5.2 not be placed on a footpath that is less than 2.5m wide;
- 5.3 not be placed on a sealed footpath, unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare at least 1.2 metres wide;
- 5.4 not be placed on a footpath, unless there is at least 2m between the sign and any structure above the sign;
- 5.5 be placed at least 400mm from the kerb (or if there is no kerb, from the edge of the roadway);
- 5.6 not be placed on a landscaped area, other than on landscaping that comprises only lawn;
- 5.7 not be placed on a designated parking area or within 1 metre of an entrance to any premises; and
- 5.8 not be fixed, tied or chained to, leaned against or placed closer than 2m to any other structure, object or plant (including another moveable sign);
- 5.9 not be placed in a position that puts the safety of any person at risk;
- 5.10 not be placed on a median strip, roundabout, traffic island or on a carriageway;
- 5.11 not be within 10 m of an intersection of a road.

## 6. Restrictions

A moveable sign displayed on a road must:

- 6.1 only contain material which advertises a business being conducted on commercial premises adjacent to the sign, or the goods and services available from that business;
- 6.2 be limited to two per business premises;
- 6.3 not be displayed unless the business to which it relates is open to the public;
- 6.4 be securely fixed in position such that it cannot be blown over or swept away;
- 6.5 not be displayed during the hours of darkness unless it is clearly visible.

## 7. Appearance

A moveable sign displayed on a road must:

- 7.1 be painted or otherwise detailed in a competent and professional manner;
- 7.2 be legible and simply worded to convey a precise message;
- 7.3 be of such design and contain such colours that are compatible with the architectural design of the premises adjacent to the sign and are compatible with the townscape and overall amenity of the locality in which the sign is situated;
- 7.4 contain a combination of colours and typographical styles that blend in with and reinforce the heritage qualities of the locality and the buildings in which the sign is situated;
- 7.5 not have any balloons, flags, streamers or other things attached to it.

## 8. Banners

A person must not erect or display a banner on a building or structure on a road without the Council's permission.

### PART 3—ENFORCEMENT

## 9. Removal of Unauthorised Moveable Signs

9.1 If:

- 9.1.1 a moveable sign has been placed on any road or footpath in contravention of this by-law or of Section 226 of the *Local Government Act 1999*, an authorised person may order the owner of the sign to remove the moveable sign from the road or footpath;
- 9.1.2 the authorised person cannot find the owner, or the owner fails to comply immediately with the order, the authorised person may remove and dispose of the sign;
- 9.1.3 a moveable sign is removed under subparagraph 9.1.2 of this by-law and is not claimed within 30 days of such removal the authorised person may sell, destroy or otherwise dispose of the moveable sign as the authorised person thinks fit.

9.2 Any person who displays an unauthorised moveable sign or who is the owner of an unauthorised moveable sign which has been removed under subparagraph 9.1 of this by-law must pay the Council any reasonable costs incurred in removing, storing or attempting to dispose of the moveable sign before being entitled to recover the moveable sign.

## 10. Removal of Authorised Moveable Signs

A moveable sign must be removed or relocated by the person who placed the moveable sign on a road or footpath or the owner of the sign, at the reasonable request of an authorised person if:

- 10.1 in the opinion of the authorised person, and notwithstanding compliance with this by-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
- 10.2 so required by the authorised person for the purpose of special events, parades, road or footpath works or any other circumstances which, in the opinion of the authorised person, requires relocation or removal of the moveable sign.

## PART 4—MISCELLANEOUS

**11. Specified Exemptions**

- 11.1 This by-law does not apply to a moveable sign which:
- 11.1.1 is a moveable sign that is placed on a public road pursuant to an authorisation under the *Local Government Act 1999* or another Act;
  - 11.1.2 directs people to the open inspection of any land or building that is available for purchase or lease;
  - 11.1.3 directs people to a garage sale that is being held on residential premises;
  - 11.1.4 directs people to a charitable function;
  - 11.1.5 is related to a State or Commonwealth election and is otherwise authorised to be exhibited under Sections 226 and 226A of the *Local Government Act 1999* or the *Electoral Act 1985*;
  - 11.1.6 is related to an election held under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* and is otherwise authorised to be exhibited under Section 226 of the *Local Government Act 1999*;
  - 11.1.7 is related to a referendum and is displayed during the course and for the purpose of that referendum;
  - 11.1.8 is displayed with permission of the Council and in accordance with any conditions attached to that permission; or
  - 11.1.9 is a sign of a class prescribed in regulations.
- 11.2 Paragraphs 6.2 and 6.3 of this by-law do not apply to a flat sign containing only the banner or headlines of a newspaper or magazine.
- 11.3 Paragraphs 4, 6.2, 6.3 and 7 of this by-law do not apply to a directional sign to an event run by a charitable body.

**12. Prohibition**

- 12.1 The Council may, by resolution, prohibit the display of moveable signs on a road or part of road subject to this paragraph.
- 12.2 A resolution made by the Council under subparagraph 12.1 may prohibit the display of moveable signs absolutely, or at particular times or on particular days.
- 12.3 The Council may only make a resolution under subparagraph 12.1 if, in the opinion of the Council, the display of movable signs on the road would endanger the safety of road users.
- 12.4 Notwithstanding any other clause of this by-law, a person must not display a moveable sign on a road or part of a road contrary to a prohibition made by the Council under this paragraph.

**13. Revocation**

Council's *By-law No. 2—Moveable Signs*, published in the Gazette on 20 March 2018, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the Mid Murray Council held on the 19<sup>th</sup> day of August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 28 August 2025

BEN SCALES  
Chief Executive Officer

MID MURRAY COUNCIL  
LOCAL GOVERNMENT ACT 1999  
*By-law No. 3 of 2025—Roads By-law 2025*

For the management of public roads.

## PART 1—PRELIMINARY

**1. Short Title**

This by-law may be cited as the *Roads By-law 2025*.

**2. Commencement**

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

**3. Definitions**

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

- 3.1 **adjacent land** has the same meaning as in the *Australian Road Rules*;
- 3.2 **animal** includes birds and poultry but does not include a dog;
- 3.3 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.4 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 3.5 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*.

## PART 2—MANAGEMENT OF ROADS

**4. Activities Requiring Permission**

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

**4.1 Advertising**

- 4.1.1 display any sign for the purpose of commercial advertising, other than a moveable sign which is displayed on a public road in accordance with the Council's *Moveable Signs By-law 2025*;

- 4.1.2 place or maintain any goods or sign on the road or park or stand a vehicle on the road for the purpose of:
  - 4.1.2.1 soliciting any business from any person; or
  - 4.1.2.2 offering or exposing goods or services for sale.provided that this subparagraph 4.1.2 shall not apply to a person who is simply travelling along a road.
- 4.2 **Amplification**  
use an amplifier or other device whether mechanical or electrical for the purposes of amplifying sound to the public;
- 4.3 **Animals**
  - 4.3.1 cause or allow any animal, to stray onto, graze, wander on or be left unattended on any road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind and, then only if under the effective control of a person;
  - 4.3.2 lead, drive or exercise any animal in such a manner as to endanger the safety of any person;
- 4.4 **Bridge Jumping**  
jump from or dive from a bridge;
- 4.5 **Donations**  
ask for or receive or indicate that he or she desires a donation of money or any other thing;
- 4.6 **Driving on Formed Surface**  
drive a motor vehicle other than on a portion of the road that has been formed or otherwise set aside by the Council for the driving of motor vehicles, unless it is not reasonably practical to do so;
- 4.7 **Fires**  
light any fire except:
  - 4.7.1 in a place provided by the Council for that purpose; or
  - 4.7.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four metres; and
  - 4.7.3 in accordance with the *Fire and Emergency Services Act 2005*;
- 4.8 **Fishing**  
fish from any bridge or other structure on a road to which the Council has resolved this subparagraph shall apply;
- 4.9 **Obstructions**  
erect, install or place or cause to be erected, installed or placed any structure, object or material of any kind so as to obstruct a road, footway, water channel or water course;
- 4.10 **Preaching**  
preach or harangue;
- 4.11 **Public Exhibitions and Displays**
  - 4.11.1 sing, busk or play a musical instrument for the apparent purpose of either entertaining others or receiving money;
  - 4.11.2 conduct or hold any concert, festival, show, public gathering, street party, circus, performance or any other similar activity;
  - 4.11.3 cause any public exhibitions or displays;
- 4.12 **Soliciting**  
ask for or receive or do anything to indicate a desire for a donation of money or any other thing;
- 4.13 **Working on Vehicles**  
perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except for running repairs in the case of breakdown.
- 4.14 **Waste**  
deposit any domestic or commercial waste or other rubbish emanating from domestic or commercial premises in any Council rubbish bin.

#### PART 3—WASTE COLLECTION

### 5. Management of Waste Collection Service

An occupier of premises must:

- 5.1 facilitate the collection and removal of waste from the premises on the day of or the night before (and not before these times) the scheduled collection day; and
- 5.2 ensure that, prior to the time appointed by the Council for the collection of waste, from the premises, the container containing the waste is placed out for collection in a position:
  - 5.2.1 on the street in front of and on the same side as the premises, abutting the edge of (but not on) the carriageway and positioned so that the side of the container on which the hinges of the lid are situated faces the premises; and
  - 5.2.2 as approved or directed by the Council or its contractor; and
  - 5.2.3 not under the overhanging branches of street trees; and
  - 5.2.4 clear of parked cars; and
  - 5.2.5 so that each container is 1.5 metres apart;
- 5.3 remove the container from that position no later than 24 hours after the collection has taken place.

## PART 4—MISCELLANEOUS

**6. Directions**

A person must comply with any reasonable direction or request from an authorised person relating to:

- 6.1 that person's use of the road;
- 6.2 that person's conduct and behaviour on the road;
- 6.3 that person's safety on the road;
- 6.4 the safety and enjoyment of the road by other persons.

**7. Removal of Animals**

If any animal is found on a road in breach of this by-law:

- 7.1 any person in charge of the animal shall forthwith remove it from that land on the request of an authorised person; and
- 7.2 any authorised person may remove any animal from the road if the person fails to comply with the request, or if no person is in charge of the animal.

**8. Exemptions**

- 8.1 The restrictions in this by-law do not apply to any Police Officer, Council Officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or to an emergency worker performing emergency duties.
- 8.2 The restrictions in paragraph 4.2, 4.10 and 4.11 of this by-law do not apply to:
  - 8.2.1 electoral matters authorised by a candidate and which relate to a State or Commonwealth election and are otherwise authorised to be exhibited under Sections 226 and 226A of the *Local Government Act 1999* or the *Electoral Act 1985*; or
  - 8.2.2 electoral matters authorised by a candidate and which relate to an election held under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* and is otherwise authorised to be exhibited under Section 226 of the *Local Government Act 1999*; or
  - 8.2.3 matters which relate to, and occur during the course of and for the purpose of, a referendum.
- 8.3 Clause 4.6 of this by-law does not apply to a motor vehicle being driven to or from adjacent land by the shortest practical route.

**9. Application**

Paragraph 4.8 of this by law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

**10. Revocation**

Council's *By-law No. 3—Roads*, published in the Gazette on 20 March 2018, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the Mid Murray Council held on the 19th day of August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 28 August 2025

BEN SCALES  
Chief Executive Officer

## MID MURRAY COUNCIL

## LOCAL GOVERNMENT ACT 1999

*By-law No. 4 of 2025—Local Government Land By-law 2025*

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

## PART 1—PRELIMINARY

**1. Short Title**

This by-law may be cited as the *Local Government Land By-law 2025*.

**2. Commencement**

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

**3. Definitions**

In this by-law:

- 3.1 **animal** includes birds, insects and fish;
- 3.2 **boat** includes a raft, canoe, personal watercraft or any other similar device;
- 3.3 **children's Playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of such devices if there is no enclosed area);
- 3.4 **community Garden** means an area of land set aside by the Council for the purposes of being gardened collectively by a group of people;
- 3.5 **domestic Animal** includes any duck, reptile or fish;
- 3.6 **electoral Matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 3.7 **emergency Worker** has the same meaning as in the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 3.8 **funeral Ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 3.9 **inflatable Castle** includes a bouncy castle, jumping castle and any other inflatable structure used for recreational purposes;

- 3.10 **liquor** has the same meaning as defined in the *Liquor Licensing Act 1997*;
- 3.11 **local Government Land** has the same meaning as in the *Local Government Act 1999*, but does not include any road;
- 3.12 **open Container** means a container which:
- 3.12.1 after the contents thereof have been sealed at the time of manufacture and:
    - 3.12.1.1 being a bottle, has had its cap, cork or top removed (whether or not it has since been replaced);
    - 3.12.1.2 being a can, it has been opened or punctured;
    - 3.12.1.3 being a cask, has had its tap placed in a position to allow it to be used;
    - 3.12.1.4 being any form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to the contents thereof; or
  - 3.12.2 is a flask, glass or mug or other container used for drinking purposes;
- 3.13 **organised Competition or Sport** does not include social play;
- 3.14 **personal Watercraft** means a device that:
- 3.14.1 is propelled by a motor; and
  - 3.14.2 has a fully enclosed hull; and
  - 3.14.3 is designed not to retain water if capsized; and
  - 3.14.4 is designed to be operated by a person who sits astride, stands, or kneels on the device, and includes the device commonly referred to as a jet ski;
- 3.15 **traffic Control Device** has the same meaning as in the *Road Traffic Act 1961*;
- 3.16 **variable Message Sign** includes a permanent, portable or vehicle mounted electronic sign (except when the sign is used as a traffic control device);
- 3.17 **waters** means any body of water including a pond, lake, river, creek or wetlands under the care, control and management of Council.

#### PART 2—MANAGEMENT OF LOCAL GOVERNMENT LAND

### 4. Activities Requiring Permission

A person must not on any local government land, without the permission of Council:

#### 4.1 Access to Waters

subject to the provisions of the *Harbors and Navigation Act 1993*, enter any waters, or swim or use a boat in or on waters:

- 4.1.1 in an area where a nearby sign erected by the Council states that one or more of these activities is prohibited;
- 4.1.2 contrary to any condition or requirement stated on a nearby sign erected by the Council;

#### 4.2 Advertising and Signage

- 4.2.1 display any sign for the purpose of commercial advertising, other than a moveable sign that is displayed in accordance with the *Moveable Signs By-law 2025*;
  - 4.2.2 erect, install, place or display a variable message sign;
  - 4.2.3 place or maintain any goods or sign on the road or park or stand a vehicle on the land for the purpose of:
    - 4.2.3.1 soliciting any business from any person; or
    - 4.2.3.2 offering or exposing goods or services for sale.
- provided that this subparagraph 4.2.3 shall not apply to a person who is simply travelling along a road or an area on local government land set aside by the Council;

#### 4.3 Aircraft

subject to the *Civil Aviation Act 1988*, land or take off any aircraft on or from the land;

#### 4.4 Alteration to Local Government Land

make an alteration to the land, including:

- 4.4.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property; or
- 4.4.2 erecting or installing a structure (including pipes, wires, cables, pavers, fixtures, fittings and other objects) in, on, across, under or over the land; or
- 4.4.3 changing or interfering with the construction, arrangement or materials of the land; or
- 4.4.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the land; or
- 4.4.5 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land;

#### 4.5 Amplification

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

#### 4.6 Animals on Local Government Land

- 4.6.1 cause or allow any animal to stray onto, move over, graze or be left unattended;
- 4.6.2 ride, lead or drive any horse, cattle or sheep, except on any track or car park on local government land that the Council has set aside (through the erection of signage) for the use by, or in connection with that animal;
- 4.6.3 cause or allow any animal under his or her control to swim or bathe in any waters to which Council has resolved this subparagraph will apply;
- 4.6.4 allow an animal in that persons control, charge or ownership to damage Council property;
- 4.6.5 release or leave any domestic animal;

**4.7 Attachments**

attach anything to a tree, plant, structure or fixture on local government land;

**4.8 Bees**

place, or allow to remain, any bee hive;

**4.9 Boats**

subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law* and to which the Council has resolved the subparagraph shall apply:

4.9.1 hire, offer for hire or use for commercial purposes a boat, raft, pontoon or other watercraft;

4.9.2 launch or retrieve a boat, raft, pontoon or other watercraft to or from any waters;

4.9.3 propel, float or otherwise use any boat, raft, pontoon or other watercraft on any waters;

4.9.4 tie or affix a boat to any jetty;

**4.10 Bridge and Jetty Jumping**

4.10.1 jump from or dive from any bridge;

4.10.2 jump or dive from any jetty to which the Council has resolved this subparagraph applies;

**4.11 Buildings and Structures**

4.11.1 erect or install a building;

4.11.2 use a building or structure other than for its intended purpose;

**4.12 Cemeteries**

Comprising a cemetery:

4.12.1 bury or inter any human or animal remains;

4.12.2 erect any memorial;

**4.13 Closed Lands**

enter or remain on any part of the land:

4.13.1 at any time during which the Council has declared that it shall be closed to the public, and which is indicated by a sign to that effect; or

4.13.2 where the land is enclosed with fences and/or walls and gates, at any time when the gates have been closed and locked; or

4.13.3 where admission charges are payable, without paying those charges;

**4.14 Distribution**

distribute anything to any bystander, passerby or other person;

**4.15 Donations**

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

**4.16 Fires**

light any fire except:

4.16.1 in a place provided by the Council for that purpose; or

4.16.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four metres; and

4.16.3 in accordance with the *Fire and Emergency Services Act 2005*;

**4.17 Fireworks**

discharge any fireworks;

**4.18 Fishing**

4.18.1 fish in any waters on local government land to which the Council has resolved this subparagraph shall apply; or

4.18.2 fish from any bridge or other structure on local government land to which the Council has resolved this subparagraph shall apply;

**4.19 Flora, Fauna and Other Living Things**

subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:

4.19.1 except in a community garden, damage, pick, or interfere with any plant, fungi or lichen thereon; or

4.19.2 tease, remove or cause harm to any animal or bird or the eggs or young of any animal or bird or aquatic creature;

4.19.3 use, possess or have control of any device for the purpose of killing or capturing any animal or bird;

**4.20 Funerals and Scattering Ashes**

conduct or participate in a funeral ceremony, or scatter ashes on land to which the Council has resolved this subparagraph will apply;

**4.21 Golf**

play or practice golf;

**4.22 Lighting**

4.22.1 use or operate any fixed floodlight;

4.22.2 use or operate any portable floodlight on land to which this subparagraph applies;

**4.23 Model Aircraft, Boats and Vehicles**

- 4.23.1 subject to the *Civil Aviation Act 1988*, fly or operate a model aircraft or drone aircraft;
- 4.23.2 operate a model or remote control boat or vehicle;  
in a manner which may cause or be likely to cause injury, discomfort or annoyance to a person being in the vicinity of the land or waters or detract from or be likely to detract from another person's lawful use or enjoyment of the land or waters;
- 4.23.3 fly or operate a model, drone or remote control aircraft, boat or vehicle on any land or waters to which the Council has resolved this subparagraph applies;

**4.24 No Liquor**

- 4.24.1 consume, carry or be in possession or charge of any liquor on any local government land constituting a park or reserve to which this subparagraph applies;
- 4.24.2 excepting sealed containers, consume, carry or be in possession or charge of any liquor in an open container on any local government land constituting a park or reserve to which this subparagraph applies;

**4.25 Picking of Fruit, Nuts or Berries**

except in any community garden, pick fruit, nuts, seeds or berries from any plant;

**4.26 Preaching and Canvassing**

preach, canvass, harangue or otherwise solicit for religious purposes except on any land or part thereof where the Council has, by resolution, determined this restriction shall not apply;

**4.27 Public Exhibitions and Displays**

- 4.27.1 sing, busk or play a musical instrument for the apparent purpose of either entertaining others or receiving money;
- 4.27.2 conduct or hold any concert, festival, show, public gathering, circus, performance or any other similar activity;
- 4.27.3 erect or inflate any inflatable castle;
- 4.27.4 cause any public exhibitions or displays;

**4.28 Removing**

carry away or remove any earth, rocks, minerals, plant material (dead or living), animal remains (including shells and fossils) or any part of the land;

**4.29 Selling**

sell anything or display anything for sale;

**4.30 Skateboards and Small Wheeled Devices**

subject to the *Road Traffic Act 1961*, and the *Local Government Act 1999*, ride on a skateboard or use roller skates or roller blades on land to which the Council has resolved this subparagraph will apply;

**4.31 Vehicles**

- 4.31.1 drive or propel a motor vehicle thereon, unless on an area or road constructed or set aside by the Council for the parking or travelling of motor vehicles;
- 4.31.2 except on an area properly constructed for the purpose, promote, organise or take part in any race, test or trial of any kind in which motor vehicles, motor cycles, motor scooters or bicycles take part;

**4.32 Weddings**

conduct or participate in a marriage ceremony on land to which the Council has resolved this subparagraph will apply;

**4.33 Wetlands**

subject to the *Natural Resources Management Act 2004*, where that land constitutes a wetland:

- 4.33.1 operate a model boat;
- 4.33.2 fish, or take any aquatic creature;
- 4.33.3 introduce any fish or aquatic creature;
- 4.33.4 take or draw water;

**4.34 Working on Vehicles**

perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except for running repairs in the case of breakdown.

**5. Prohibited Activities**

A person must not, on any local government land:

**5.1 Annoyances**

unreasonably annoy or interfere with any other person:

- 5.1.1 using the land;
- 5.1.2 occupying nearby premises,  
by making a noise or creating a disturbance that has not been authorised by the Council;

**5.2 Children's Playgrounds**

use any device, equipment or apparatus installed in a children's playground if that person is over the age indicated by sign or notice as the age limit for using such equipment, apparatus or other installed device;



**5.3 Fishing**

- 5.3.1 return any noxious species including European Carp (*Cyprinus carpio*) or Redfin Perch (*Perca fluviatilis*) caught by the person to any land or waters;
- 5.3.2 deposit or leave any dead fish (in part or whole) or offal;

**5.4 Interference with Permitted Use**

interrupt, disrupt or interfere with any other person's use of local government land which is permitted or for which permission has been granted;

**5.5 Playing Games**

- 5.5.1 play or practice a game in any area where a sign indicates that the game is prohibited;
- 5.5.2 promote, organise or take part in any organised competition or sport in any area to which this subparagraph applies;

**5.6 Public Conveniences**

in any public convenience:

- 5.6.1 urinate other than in a urinal or pan or defecate other than in a pan provided for that purpose;
- 5.6.2 smoke tobacco or any other substance;
- 5.6.3 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
- 5.6.4 use it for a purpose for which it was not designed or constructed;
- 5.6.5 subject to paragraph 5.6.6, enter the public convenience unless the person is of the gender indicated in writing or on a sign located on the public convenience;
- 5.6.6 paragraph 5.6.5 does not apply:
  - 5.6.6.1 in a genuine emergency; or
  - 5.6.6.2 to a vulnerable person being assisted by the vulnerable person's caregiver, parent or guardian; or
  - 5.6.6.3 to a person that is intersex, transgender or gender diverse; or
  - 5.6.6.4 to a person with a disability; or
  - 5.6.6.5 to a person assisting a person with a disability;

**5.7 Smoking**

smoke tobacco or any other substance:

- 5.7.1 in any building or part of any building; or
- 5.7.2 on any land to which this subparagraph applies;

**5.8 Use of Equipment**

use any item of equipment or property belonging to the Council other than in the manner and for the purpose for which it was designed or set aside.

**PART 3—MISCELLANEOUS****6. Directions**

A person must comply with any reasonable direction or request from an authorised person relating to:

- 6.1 that person's use of the land;
- 6.2 that person's conduct and behaviour on the land;
- 6.3 that person's safety on the land;
- 6.4 the safety and enjoyment of the land by other persons.

**7. Removal of Animals and Exclusion of Persons**

7.1 If any animal is found on local government land in breach of this by-law:

- 7.1.1 any person in charge of the animal shall forthwith remove it from that land on the reasonable request of an authorised person; and
- 7.1.2 any authorised person may remove any animal from the land if the person fails to comply with the request, or if no person is in charge of the animal.

7.2 An authorised person may direct any person who is reasonably considered to be committing, or has committed, a breach of this by-law to leave local government land and not return for a period of no longer than 24 hours.

**8. Exemptions**

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

8.2 The restrictions in paragraph 4.2.2, 4.5, 4.7, 4.14, 4.26, 4.27.2 and 4.27.4 of this by-law do not apply to:

- 8.2.1 electoral matters authorised by a candidate and which relate to a State or Commonwealth election and are otherwise authorised to be exhibited under Sections 226 and 226A of the *Local Government Act 1999* or the *Electoral Act 1985*; or
- 8.2.2 electoral matters authorised by a candidate and which relate to an election held under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* and is otherwise authorised to be exhibited under Section 226 of the *Local Government Act 1999*; or
- 8.2.3 matters which relate to and occur during the course of and for the purpose of a referendum.

## 9. Application

Any of paragraphs 4.6.3, 4.9, 4.10.2, 4.18.1, 4.18.2, 4.20, 4.22.2, 4.23.3, 4.24.1, 4.24.2, 4.30, 4.32, 5.5.2 and 5.6.2 of this by law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

## 10. Revocation

Council's *By-law No. 4—Local Government Land*, published in the Gazette on 20 March 2018, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the Mid Murray Council held on the 19<sup>th</sup> day of August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 28 August 2025

BEN SCALES  
Chief Executive Officer

MID MURRAY COUNCIL  
LOCAL GOVERNMENT ACT 1999  
DOG AND CAT MANAGEMENT ACT 1995  
*By-law No. 5 of 2025—Dogs By-law 2025*

For the management and control of dogs within the Council's area.

### PART 1—PRELIMINARY

#### 1. Short Title

This by-law may be cited as the *Dogs By-law 2025*.

#### 2. Commencement

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

#### 3. Definitions

In this by-law:

- 3.1 **approved kennel establishment** means a building, structure or area approved by the relevant authority, pursuant to the *Planning Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
- 3.2 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled and includes a dog undergoing training of a kind approved by the Dog and Cat Management Board for assistance dogs;
- 3.3 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of such devices if there is no enclosed area);
- 3.4 **control**, in relation to a dog, includes the person having ownership, possession or charge of, or authority over, the dog;
- 3.5 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.6 **effective control** means a person exercising effective control of a dog either:
  - 3.6.1 by means of a physical restraint;
  - 3.6.2 by command, the dog being in close proximity to the person, and the person being able to see the dog at all times;
- 3.7 **keep** includes the provision of food or shelter;
- 3.8 **leash** includes any chain, cord or leash;
- 3.9 **local government land** has the same meaning as in the *Local Government Act 1999*;
- 3.10 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.11 **premises** includes:
  - 3.11.1 land;
  - 3.11.2 a part of any premises or land;
- 3.12 **public place** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.13 **small premises** means a premises comprising any self-contained dwelling where the premises associated with the dwelling contains a secured unobstructed yard area of less than 100 square metres;
- 3.14 **township** has the same meaning as in the *Local Government Act 1999*;
- 3.15 **wetland area** includes any park, reserve, scrub, trail or other land adjacent to a wetland;
- 3.16 **working livestock dog** means a dog:
  - 3.16.1 usually kept, proposed to be kept or worked on rural land by a person who is:
    - 3.16.1.1 a primary producer; or
    - 3.16.1.2 engaged or employed by a primary producer; and
  - 3.16.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.

## PART 2—DOG MANAGEMENT AND CONTROL

**4. Dog Free Areas**

- 4.1 A person must not allow a dog in that person's control to be in, or remain in a dog free area.
- 4.2 For the purposes of this paragraph, a **dog free area** is any:
  - 4.2.1 local government land; or
  - 4.2.2 public place,  
to which the Council has resolved this paragraph applies.
- 4.3 The restrictions in subparagraph 4.1 do not apply to any assistance dog.

**5. Dog on Leash Areas**

- 5.1 A person must not allow a dog under that person's control to be in, or remain in, a dog on leash area unless the dog is secured by a strong leash not exceeding two metres in length which is either:
  - 5.1.1 tethered securely to a fixed object capable of securing the dog; or
  - 5.1.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.
- 5.2 For the purposes of this paragraph, a **dog on leash area** is any:
  - 5.2.1 local government land or public place to which the Council has resolved that this paragraph applies;
  - 5.2.2 park when organised sport is being played;
  - 5.2.3 enclosed children's playground or if a children's playground is not enclosed land within five metres of children's playground equipment; or
  - 5.2.4 wetland area.

**6. Dog Exercise Areas**

- 6.1 Subject to paragraphs 4 and 5, a person may enter any dog exercise area for the purpose of exercising a dog under his or her control.
- 6.2 For the purposes of this paragraph, a **dog exercise area** is any:
  - 6.2.1 park; or
  - 6.2.2 local government land that the Council has resolved is a dog exercise area.
- 6.3 A person must ensure that any dog under their control remains under effective control while the dog is in a dog exercise area.

**7. Limit on Dog Numbers**

- 7.1 A person must not, without permission, keep any dog on any premises where the number of dogs on the premises exceeds the prescribed limit.
- 7.2 Subject to subparagraph 7.3, the **prescribed limit** on the number of dogs to be kept on premises:
  - 7.2.1 constituting a small premises is one dog;
  - 7.2.2 within a township on premises other than a small premises is two dogs;
  - 7.2.3 outside a township on premises other than a small premises is three dogs.
- 7.3 For the purposes of calculating the prescribed limit, the following dogs are to be disregarded:
  - 7.3.1 any dog that is under three months of age; and
  - 7.3.2 up to five working livestock dogs kept on premises outside a township.
- 7.4 The prescribed limit does not apply to:
  - 7.4.1 an approved kennel establishment;
  - 7.4.2 a veterinary practice;
  - 7.4.3 a pet shop;
  - 7.4.4 any premises that the Council has exempted from the requirements of this paragraph; or
  - 7.4.5 any business involving dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995*.

## PART 3—MISCELLANEOUS

**8. Application**

- 8.1 The Council may from time to time, by resolution, identify local government land as a dog exercise area in accordance with subparagraph 6.2.2 of this bylaw.
- 8.2 Any of subparagraphs 4 and 5.2.1 of this by-law shall apply only in such portion or portions of the area as the Council may from time to time, by resolution, direct in accordance with Section 246 of the *Local Government Act 1999*.
- 8.3 Where the Council makes a resolution under either of subparagraphs 8.1 or 8.2, the Council's Chief Executive Officer must ensure that:
  - 8.3.1 the area is denoted by signs erected by the Council; and
  - 8.3.2 information is provided to the public on the Council's website and in any other manner determined by the Council's Chief Executive Officer.

**9. Revocation**

Council's By-law No. 5—Dogs, published in the Gazette on 20 March 2018, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the Mid Murray Council held on the 19<sup>th</sup> day of August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 28 August 2025

BEN SCALES  
Chief Executive Officer

MID MURRAY COUNCIL  
LOCAL GOVERNMENT ACT 1999  
DOG AND CAT MANAGEMENT ACT 1995  
*By-law No. 6 of 2025—Cats By-law 2025*

For the management and control of cats within the Council's area.

PART 1—PRELIMINARY

**1. Short Title**

This by-law may be cited as the *Cats By-law 2025*.

**2. Commencement**

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

**3. Definitions**

In this By-law:

- 3.1 **cattery** means a building, structure, premises or area approved by the relevant authority pursuant to the *Planning Development and Infrastructure Act 2016* for the keeping of cats on a temporary or permanent basis;
- 3.2 **cat** means an animal of the species *Felis catus* over 3 months of age;
- 3.3 **control**, in relation to a cat, includes the person having ownership, possession or charge of, or authority over, the cat;
- 3.4 **keep** includes the provision of food or shelter;
- 3.5 **premises** includes:
  - 3.5.1 land;
  - 3.5.2 a part of any premises or land;

PART 2—CAT MANAGEMENT AND CONTROL

**4. Limit on Cat Numbers**

- 4.1 A person must not, without permission, keep any cat on any premises where the number of cats on the premises exceeds the prescribed limit.
- 4.2 Permission under subparagraph 4.1 may be given if the Council is satisfied that:
  - 4.2.1 no insanitary condition exists on the premises as a result of the keeping of cats;
  - 4.2.2 a nuisance is not caused to any neighbour as a result of the keeping of cats on the premises; and
  - 4.2.3 all cats kept on the premises are desexed.
- 4.3 The **prescribed limit** on the number of cats to be kept on premises is two.
- 4.4 The prescribed limit does not apply to:
  - 4.4.1 a cattery;
  - 4.4.2 a veterinary practice;
  - 4.4.3 a pet shop; or
  - 4.4.4 any premises that the Council has exempted from the requirements of this paragraph;
  - 4.4.5 cats owned by a person who carries on a business as a cat breeder provided that the person is lawfully operating such business in accordance with all relevant approvals and any conditions reasonably imposed by the Council.

PART 3—REGISTRATION AND IDENTIFICATION OF CATS

**5. Registration of Cats**

- 5.1 Where the Council has resolved to adopt a registration scheme for cats, a person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.
- 5.2 An application for registration of a cat must:
  - 5.2.1 be made to the Council in the manner and form (if any) and accompanied by the fee (if any) as prescribed by the Council; and
  - 5.2.2 nominate a person of or over 16 years of age who consents to the cat being registered in his or her name; and
  - 5.2.3 identify with reference to an address the premises at which the cat is kept; and
  - 5.2.4 otherwise comply with any other requirements determined by the Council.
- 5.3 Registration under this By-law remains in force until 30 June next following the grant of registration and may be renewed from time to time for further periods of up to 12 months.
- 5.4 Subparagraph 7.1 does not apply to premises comprising an approved cattery.
- 5.5 The Council may, by resolution, revoke a resolution to adopt a registrations scheme under subclause 7.1 should it see fit to do so.

**6. Identification of Cats**

- 6.1 Every cat must be identified in the prescribed manner at all times while the cat is not effectively confined to premises of which the owner of the cat is the occupier.

- 6.2 If a cat is not identified in the prescribed manner required by paragraph 6.1, any person who owns or is responsible for the control of the cat is guilty of an offence.
- 6.3 A person is not guilty of an offence by reason of the fact that the cat is not identified in the prescribed manner if:
- 6.3.1 the cat:
- 6.3.1.1 is travelling with the person; and
- 6.3.1.2 is not usually kept within the area of the Council; or
- 6.3.2 the person is responsible for the control of the cat only by reason of the cat being kept, for business purposes, at prescribed premises; or
- 6.3.3 the Council has granted the owner of the cat an exemption from the requirements of this paragraph or an extension of time within which to comply with the requirements.

## PART 3—MISCELLANEOUS

## 7. Revocation

Council's *By-law No.6—Cats*, published in the Gazette on 20 March 2018, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the Mid Murray Council held on the 19<sup>th</sup> day of August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 28 August 2025

BEN SCALES  
Chief Executive Officer

## MID MURRAY COUNCIL

## LOCAL GOVERNMENT ACT 1999

*By-law No. 7 of 2025—Camping and Mooring By-law 2025*

To regulate, control and prohibit camping activities and the mooring of vessels in Council's area.

## PART 1—PRELIMINARY

## 1. Short Title

This by-law may be cited as the *Camping and Mooring By-law 2025*.

## 2. Commencement

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

## 3. Definitions

- 3.1 **authorised person** has the same meaning as in the *Local Government Act 1999*.
- 3.2 **boat** includes a house boat, raft, canoe, personal watercraft or any other similar device;
- 3.3 **camp** includes setting up a camp, or causing or allowing a tent, sleeping bag, caravan or motor home to remain on land for the purpose of staying overnight whether or not any person is in attendance or sleeps on the land;
- 3.4 **camping reserve** means:
- 3.4.1 any park, reserve, road or other local government land which the Council, has by resolution, determined to be a camping reserve for the purposes of this by-law; and
- 3.4.2 which is identified by one or more signs bearing the words 'camping reserve' or 'camping area' with or without other words;
- 3.5 **local government land** means all land owned by the Council or under the Council's care, control and management;
- 3.6 **park** has the same meaning as in the *Local Government Act 1999*;
- 3.7 **personal watercraft** means a device that:
- 3.7.1 is propelled by a motor; and
- 3.7.2 has a fully enclosed hull; and
- 3.7.3 is designed not to retain water if capsized; and
- 3.7.4 is designed to be operated by a person who sits astride, stands, or kneels on the device, and includes the device commonly referred to as a jet ski;
- 3.8 **prescribed fee** means the fee set by the Council, by resolution, for that purpose;
- 3.9 **prescribed limit** means:
- 3.9.1 if signage installed by the Council states a limit, that limit;
- 3.9.2 if no signage installed by the Council states a limit, no longer than 5 consecutive days;
- 3.10 **reserve** has the same meaning as in the *Local Government Act 1999*;
- 3.11 **road** has the same meaning as in the *Local Government Act 1999*;
- 3.12 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

## PART 2—MANAGEMENT OF CAMPING

**4. General Controls**

A person must not do any of the following on any park, reserve, road or other local government land without the permission of Council:

**4.1 Camping**

camp or sleep overnight;

**4.2 Caravans and Motor Homes**

use, occupy, cause, suffer or permit any other person to use or occupy any caravan, motor home or other vehicle as a place of habitation;

**4.3 Tents**

4.3.1 pitch, erect or construct any tent or other structure of calico, canvas, plastic or any other similar material; or

4.3.2 tie a rope, rug or article to any tree, stake, plant or other object for use as a place of habitation.

**5. Camping Reserves****5.1 Requirement to Comply with Camping Rules**

5.1.1 A person must not camp on a camping reserve unless the person complies with the camping rules.

5.1.2 For the purposes of paragraph 5.1 a person complies with the **camping rules** if the person:

5.1.2.1 pays the prescribed fee (if any) by placing the fee in the ticket-vending machine located within the camping reserve;

5.1.2.2 obtains a ticket from the ticket-vending machine;

5.1.2.3 displays the ticket in their vehicle so that it is legible from the front windscreen of the vehicle (or such other location as stated on the ticket);

5.1.2.4 camps at the camping reserve for no longer than the prescribed limit;

5.1.2.5 complies with any conditions set by the Council and stated on the ticket or ticket-vending machine; and

5.1.2.6 complies with the requirements of any signage installed in the camping reserve by the Council related to the use of the land.

**5.2 Requirement to Keep Camp Clean**

A person must keep the area on which they are camped, and its surrounds, in a clean, tidy and sanitary condition.

**5.3 Toilets**

in any public convenience on a camping reserve:

5.3.1 urinate other than in a urinal or pan or defecate other than in a pan provided for that purpose;

5.3.2 smoke tobacco or any other substance;

5.3.3 deposit anything in a pan, urinal or drain which is likely to cause a blockage;

5.3.4 use it for a purpose for which it was not designed or constructed;

5.3.5 subject to paragraph 5.3.6, enter the public convenience unless the person is of the gender indicated in writing or on a sign located on the public convenience;

5.3.6 paragraph 5.3.5 does not apply:

5.3.6.1 in a genuine emergency; or

5.3.6.2 to a vulnerable person being assisted by the vulnerable person's caregiver, parent or guardian; or

5.3.6.3 to a person that is intersex, transgender or gender diverse; or

5.3.6.4 to a person with a disability; or

5.3.6.5 to a person assisting a person with a disability;

**5.4 Inspections by Authorised Persons**

5.4.1 An authorised person may, at any reasonable time, enter and inspect a camp on a camping reserve.

5.4.2 An authorised person may require a person who the authorised person reasonably suspects to be camping on a camping reserve to:

5.4.2.1 state the persons full name and usual place of residence;

5.4.2.2 provide evidence of the person's identity.

5.4.3 For the purposes of subparagraph 5.4.1, an authorised person may enter any building, vehicle or structure:

5.4.3.1 with the consent of its owner or occupier;

5.4.3.2 on the authority of a warrant issued by a Magistrate in accordance with the *Local Government Act 1999*.

5.4.4 A person must not, without reasonable excuse, refuse, fail to comply, or obstruct an authorised person in the exercise of powers under this paragraph.

## PART 3—MANAGEMENT OF MOORING

**6. General Controls**

- 6.1 A person must not without the permission of Council moor any boat on or to any park, reserve, road or other local government land to which the Council has resolved this subparagraph shall apply.
- 6.2 A person must not moor any boat on or to any park, reserve, road or other local government land to which the Council has resolved this subparagraph shall apply unless the person complies with the mooring rules.
- 6.3 For the purposes of paragraph 6.2 a person complies with the **mooring rules** if the person:
- 6.3.1 moors the boat at the park, reserve, road or other local government land for no longer than the prescribed limit;
  - 6.3.2 pays the prescribed fee (if any) in the manner determined by the Council;
  - 6.3.3 complies with the requirements of any signage installed on the land by the Council related to the use of the land for the purposes of mooring.
- 6.4 A person must not obstruct any boat or mooring place, or access to any boat or mooring place, whether that access is by water or land.

## PART 4—MISCELLANEOUS

**7. Exemptions**

- 7.1 The restrictions in paragraph 4 of this by-law do not apply:
- 7.1.1 where the person is in a caravan park, the proprietor of which has permission to operate the caravan park;
  - 7.1.2 where a sign or signs have been erected by the Council indicating that camping activities are permitted on that land either generally, or in a particular vehicle or structure;
  - 7.1.3 in a camping reserve.
- 7.2 The restrictions in paragraph 4.3 of this by-law do not apply to a place of habitation created or erected by the Council or another government instrumentality.

**8. Revocation**

Council's *By-law No. 7—Camping and Mooring*, published in the Gazette on 20 March 2018, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the Mid Murray Council held on the 19<sup>th</sup> day of August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 28 August 2025

BEN SCALES  
Chief Executive Office

## DISTRICT COUNCIL OF TUMBY BAY

*Casual Vacancy and Section 6A Recount*

A casual vacancy occurred in the office of area councillor in the District Council of Tumby Bay, effective Friday, 15 August 2025. The vacancy was filled in accordance with Section 6A of the *Local Government (Elections) Act 1999*. As there was only one candidate who was willing and eligible, Robert RANDALL was declared elected to the vacancy.

Dated: 28 August 2025

MICK SHERRY  
Returning Officer

## PUBLIC NOTICES

### NATIONAL ELECTRICITY LAW

#### *Notice of Extension for Making a Draft Determination*

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

Under s 107, the time for making the draft determination on the *Improving the NEM access standards—Package 2* (Ref. ERC0394) proposal has been extended to **12 March 2026**.

Documents referred to above are available on the [AEMC's website](https://www.aemc.gov.au) 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](https://www.aemc.gov.au)

Dated: 28 August 2025

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# NOTICE SUBMISSION

The South Australian Government Gazette is published each Thursday afternoon.

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

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

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

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

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

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