



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ADELAIDE, THURSDAY, 27 FEBRUARY 2025

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

GOVERNOR'S INSTRUMENTS

ACTS

Department of the Premier and Cabinet
Adelaide, 27 February 2025

Her Excellency the Governor directs it to be notified for general information that she 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. 7 of 2025—Statutes Amendment (National Energy Laws) (Data Access) Bill 2025

An Act to amend the National Electricity (South Australia) Act 1996 and the National Gas (South Australia) Act 2008

No. 8 of 2025—Animal Welfare Bill 2025

An Act to provide for the protection of animal welfare and the prevention of harm to animals, to make related amendments to the Criminal Law Consolidation Act 1935, the Dog and Cat Management Act 1995, the Sentencing Act 2017 and the Veterinary Services Act 2023, to repeal the Animal Welfare Act 1985 and for other purposes

By command,

CHRISTOPHER JAMES PICTON, MP
For Premier

APPOINTMENTS, RESIGNATIONS AND GENERAL MATTERS

Department of the Premier and Cabinet
Adelaide, 27 February 2025

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

Member: from 1 March 2025 until 29 February 2028

Greg McCarthy

Chair: from 1 March 2025 until 29 February 2028

Greg McCarthy

Member: from 27 February 2025 until 26 February 2028

Elizabeth Diana Perry

By command,

CHRISTOPHER JAMES PICTON, MP
For Premier

AGO0027-25CS

PROCLAMATIONS

South Australia

Greyhound Industry Reform Inspector Act (Commencement) Proclamation 2025

1—Short title

This proclamation may be cited as the *Greyhound Industry Reform Inspector Act (Commencement) Proclamation 2025*.

2—Commencement of Act

The *Greyhound Industry Reform Inspector Act 2024* (No 63 of 2024) comes into operation on 27 February 2025.

Made by the Governor

with the advice and consent of the Executive Council
on 27 February 2025

South Australia

Administrative Arrangements (Administration of Greyhound Industry Reform Inspector Act) Proclamation 2025

under section 5 of the *Administrative Arrangements Act 1994*

1—Short title

This proclamation may be cited as the *Administrative Arrangements (Administration of Greyhound Industry Reform Inspector Act) Proclamation 2025*.

2—Commencement

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

3—Administration of Act committed to Minister for Recreation, Sport and Racing

The Administration of the *Greyhound Industry Reform Inspector Act 2024* is committed to the Minister for Recreation, Sport and Racing.

Made by the Governor

with the advice and consent of the Executive Council
on 27 February 2025

RULES OF COURT

LEGAL PRACTITIONERS ACT 1981

SOUTH AUSTRALIA

Legal Practitioners Education and Admission Council Rules Amending Rules 2025

1. These Rules may be cited as the *Legal Practitioners Education and Admission Council Rules Amending Rules 2025*.
2. The amendments made by these Rules come into effect four months after the day on which they are made.
3. Rule 10(1)(c) is deleted and a new Rule 10(1)(c) is inserted as follows:

“(c) Category C: an employee practising certificate which enables the practitioner to undertake:

 - (i) work of an employed practitioner on a supervised basis pursuant to rule 11 (a *restricted practising certificate*); and
 - (ii) on certification by the Board of Examiners that the practitioner has satisfied rule 11, as an employed practitioner and as a volunteer for a community legal centre or for an institution or project approved by LPEAC where the practitioner is covered by professional indemnity insurance (an *unrestricted Category C practising certificate*);”
4. Rule 12A is repealed.
5. Appendix D is amended:
 - (a) by deleting the words:

**“LAW ADMISSIONS CONSULTATIVE COMMITTEE¹
DISCLOSURE GUIDELINES**

FOR APPLICANTS FOR ADMISSION TO THE LEGAL PROFESSION

Caution:

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

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

1 PURPOSES OF THESE GUIDELINES

As an applicant for admission, you need to satisfy your Admitting Authority that you are “a fit and proper person” to be admitted to the legal profession.² In all jurisdictions other than South Australia, the relevant legislation also requires the Admitting Authority to consider whether you are currently “of good fame and character”.³ Each of these tests reflects the overarching requirements of the pre-existing common law.

The purposes of these Guidelines are—

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

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

The requirement for admission to practice (*sic*) law that the applicant be a fit and proper person, means that the applicant must have the personal qualities of character which are necessary to discharge the important and grave responsibilities of being a barrister and solicitor. A legal practitioner, upon being admitted to practice, assumes duties to the courts, to fellow practitioners as well as to clients. At the heart of all of those duties is a commitment to honesty and, in those circumstances when it is required, to open candour and frankness, irrespective of self-interest or embarrassment. The entire administration of justice in any community which is governed by law depends upon the honest working of legal practitioners who can be relied upon to meet high standards of honesty and ethical behaviour. It is the legal practitioner who is effectively the daily minister and executor in the administration of justice when advising clients, acting for clients, certifying documents, and making presentations to courts, governments, other professionals, and so on. The level and extent of trust placed in what legal practitioners say or do is necessarily high and the need for honesty is self-evident and essential.⁴

2 STATUS OF THESE GUIDELINES

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

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

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

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

³ *Legal Profession Act 2006* (ACT) section 11(1)(a); *Legal Profession Act 2006* (NT) section 11(1)(a); *Legal Profession Act 2007* (Qld) section 9(1)(a); *Legal Profession Act 2007* (Tas) section 9(1)(a); *Legal Profession Act 2008* (WA) section 8(1)(a); *Uniform Admission Rules 2015* (NSW & Vic) rule 10(1)(f).

⁴ *Frugtniet v Board of Examiners* [2002] VSC 140 per Pagone, J.

3 RELEVANT PRINCIPLES

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

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

4 WHAT YOU NEED TO DISCLOSE

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

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

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

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

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

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

Revealing more than might strictly be necessary counts in favour of an applicant—especially where the disclosure still carries embarrassment or discomfort. Revealing less than may be necessary distorts the proper assessment of the applicant and may itself show an inappropriate desire to distort by selecting and screening relevant facts.⁵

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

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

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

5 SOME EXAMPLES

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

(a) Social security overpayments or offences

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

(b) Academic misconduct

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

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

(c) Inappropriate or criminal conduct

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

General misconduct may include, but is not limited to, offensive behaviour, workplace or online bullying, property damage, sexual harassment or racial vilification.⁶

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

You should disclose any criminal conviction for any offence whatsoever.

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

⁵ *Frugniet v Board of Examiners* [2002] VSC 140, per Pagone J.

⁶ By way of illustration, in *XY v Board of Examiners* [2005] VSC 250, Habersberger, J found that an applicant was under a duty to disclose that a volunteer position had been terminated as a result of making offensive remarks to a fellow worker and that she was also required to disclose property damage she had caused at a meditation retreat, notwithstanding that charges were not laid.

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

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

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

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

(e) **Infringement or traffic offences**

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

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

(g) **Tax Offences**

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

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

6 DOS AND DON'TS

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

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

7 CERTIFICATES OF CHARACTER

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

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

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

8 DISCLOSURES ABOUT CAPACITY

(1) What the law says

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

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

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

- (a) whether the person is currently unable satisfactorily to carry out the inherent requirements of practice as an Australian legal practitioner;⁷
- (b) whether the person is currently unable to carry out the inherent requirements of practice as an Australian legal practitioner;⁸
- (c) whether the person currently has a material inability to engage in legal practice.⁹

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

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

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

(2) What your Admitting Authority does

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

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

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

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

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

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

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

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

(3) When a health condition may be relevant

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

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

⁷ *Legal Profession Act 2006* (ACT) section 11(m); *Legal Profession Act 2004* (NSW) section 9(m); *Legal Profession Act 2007* (Qld) section 9(1)(m); *Legal Profession Act 2007* (Tas) section 9(m); Uniform Admission Rules 2015 (NSW & Vic) rule 10(1)(k).

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

⁹ *Legal Profession Act 2006* (ACT) section 22(2); *Legal Profession Act 2006* (NT) section 30(1)(b); *Legal Profession Act 2007* (Tas) section 26(1)(b); *Legal Profession Act 2004* (Vic) section 2.3.3(1)(b); *Legal Profession Act 2008* (WA) section 22(1)(b). Section 31(2)(b) of the *Legal Profession Act 2007* (Qld) and section 17(2)(a) of the *Legal Profession Uniform Law* (NSW & Vic) are in similar, though not identical, terms.

(4) **Examples**

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

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

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

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

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

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

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

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

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

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

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

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

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

9 MATTERS PRESCRIBED BY LEGAL PROFESSION LEGISLATION

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

10 FORM OF DISCLOSURE

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

**APPENDIX 1 OF DISCLOSURE GUIDELINES FOR APPLICANTS FOR ADMISSION
PRESCRIBED MATTERS RELATING TO SUITABILITY FOR ADMISSION**

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

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

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

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

CHIEF JUSTICE”

- (b) and inserting the words:

“LAW ADMISSIONS CONSULTATIVE COMMITTEE¹⁰

DISCLOSURE GUIDELINES FOR APPLICANTS FOR ADMISSION TO THE LEGAL PROFESSION

Caution

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

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

1. Purpose of these Guidelines

As an applicant for admission, you need to satisfy your Admitting Authority that you are “a fit and proper person” to be admitted to the legal profession.¹¹ In all jurisdictions other than South Australia, the relevant legislation also requires the Admitting Authority to consider whether you are currently “of good fame and character”.¹² Each of these tests reflects the overarching requirements of the pre-existing common law.

The purposes of these Guidelines are:

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

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

The requirement for admission to practice (*sic*) law that the applicant be a fit and proper person, means that the applicant must have the personal qualities of character which are necessary to discharge the important and grave responsibilities of being a barrister and solicitor. A legal practitioner, upon being admitted to practice, assumes duties to the courts, to fellow practitioners as well as to clients. At the heart of all of those duties is a commitment to honesty and, in those circumstances when it is required, to open candour and frankness, irrespective of self interest or embarrassment. The entire administration of justice in any community which is governed by law depends upon the honest working of legal practitioners who can be relied upon to meet high standards of honesty and ethical behaviour. It is the legal practitioner who is effectively the daily minister and executor in the administration of justice when advising clients, acting for clients, certifying documents, and making presentations to courts, governments, other professionals, and so on. The level and extent of trust placed in what legal practitioners say or do is necessarily high and the need for honesty is self evident and essential.¹³

2. Status of these Guidelines

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

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

¹⁰LACC’S Charter is approved by the Council of Chief Justices which also appoints its Chair. LACC is not, however, a committee of the Council, nor does it act on the Council’s behalf.

¹¹*Legal Practitioners Act 1981* (SA) section 15(1)(a); *Legal Profession Act 2006* (ACT) section 26(2)(b); *Legal Profession Act 2006* (NT) section 25(2)(b); *Legal Profession Act 2007* (Qld) section 35(2)(a)(ii); *Legal Profession Act 2007* (Tas) section 31(6)(b); *Legal Profession Uniform Law* (NSW, Vic, WA) section 17(1)(c).

¹²*Legal Profession Act 2006* (ACT) section 11(1)(a); *Legal Profession Act 2006* (NT) section 11(1)(a); *Legal Profession Act 2007* (Qld) section 9(1)(a); *Legal Profession Act 2007* (Tas) section 9(1)(a); *Legal Profession Uniform Admission Rules 2015* (NSW, Vic, WA) rule 10(1)(f).

¹³*Frugniet v Board of Examiners* [2002] VSC 140 per Pagone J.

3. Relevant principles

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

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

4. What you need to disclose

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

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

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

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

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

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

Revealing more than might strictly be necessary counts in favour of an applicant—especially where the disclosure still carries embarrassment or discomfort. Revealing less than may be necessary distorts the proper assessment of the applicant and may itself show an inappropriate desire to distort by selecting and screening relevant facts.¹⁴

You should specifically disclose matters even if they are widely known or in the public domain. Do not assume that the admitting authority will be aware of, or will inform itself of, matters that are in the public domain or which have been reported in the media or legal databases.

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

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

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

5. Some examples

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

(a) Social security overpayments or offences

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

(b) Academic misconduct

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

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

(c) Inappropriate or criminal conduct

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

General misconduct may include, but is not limited to, offensive behaviour, workplace or online bullying, property damage, sexual harassment or racial vilification.¹⁵

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

¹⁴*Frugtiet v Board of Examiners* [2002] VSC 140, per Pagone J.

¹⁵By way of illustration, in *XY v Board of Examiners* [2005] VSC 250, Habersberger J found that an applicant was under a duty to disclose that a volunteer position had been terminated as a result of making offensive remarks to a fellow worker and that she was also required to disclose property damage she had caused at a meditation retreat, notwithstanding that charges were not laid.

You should disclose any criminal conviction for any offence whatsoever.

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

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

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

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

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

You should declare if you are or were the respondent to a current or expired intervention order or apprehended violence order, including where an order has been applied for but not determined.

If relevant you may include copies of any order or application.

(e) **Infringement or traffic offences**

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

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

(g) **Tax offences**

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

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

(i) **Involvement in civil litigation or proceedings**

You must disclose any involvement with civil litigation or proceedings in other administrative bodies which may reflect on whether you are a fit and proper person to be admitted to the legal profession. This includes courts, tribunals, commissions, regulatory bodies or other quasi-judicial processes.

You must disclose any allegations or findings in such civil litigation or proceedings that you have contravened statutory or other civil obligations.

You must disclose circumstances in which you have been involved in an unusual volume of litigation.

You must specifically disclose any adverse findings or comments by a court or other body about the manner in which you have conducted yourself or given evidence as a litigant, witness or other participant in a legal process. It is not enough simply to disclose the fact that you were involved in the proceeding, you should identify the particular inappropriate conduct, findings or comments.

You must disclose any orders against you which you have not complied with, including outstanding costs orders and explain why you have not complied with them.

6. Dos and Don'ts

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

- (a) You need to make sure that what you tell the Admitting Authority is completely accurate.
- (b) Check the relevant facts to ensure that your statement cannot be misleading. If necessary, check those facts with third parties who know about them.
- (c) Even if the matter you are disclosing seems to you to be relatively minor, you must provide full and frank details to the Admitting Authority. You need to include all matters that could be relevant to your Admitting Authority's assessment.
- (d) You must do this when you first make your disclosure. Don't wait for the Admitting Authority to ask you for further information.
- (e) Failing to make a full and frank disclosure first up may show that you do not fully understand the honesty and candour that a legal practitioner must demonstrate—even if you didn't intend to mislead or conceal information.
- (f) This failure, alone, may show that you are not yet a fit and proper person to be admitted.
- (g) If you deliberately or recklessly misrepresent or conceal facts relevant to your disclosure, you may not be admitted.
- (h) If you are admitted after deliberately or recklessly concealing facts relevant to your disclosure, your admission may well be revoked once your deception is uncovered.
- (i) Make sure that you give the Admitting Authority as much information about the circumstances of the event you are disclosing as will allow it to assess the gravity of the event for itself.
- (j) Give a full picture of the events and a thorough explanation of your conduct.
- (k) Views can differ about what level of detail is sufficient to demonstrate honesty, candour and full and frank disclosure. The Admitting Authority's view may be different from yours. If in doubt, it may be wise to give more, rather than less, information.
- (l) Don't seek to minimise your culpability; to deflect blame onto others; or to conceal information that may be unfavourable to you.
- (m) Try to show the Admitting Authority that you have insight into why and how the event occurred; that you take full responsibility for it; and why the Admitting Authority can be satisfied that you will not do similar things in the future.

- (n) It is not enough simply to express remorse. Because your fitness to practise is assessed at the time you make your application, you need to show the Admitting Authority that what you have done to redeem yourself, or to rehabilitate yourself since the event occurred. It is not enough to show that you understand that your past conduct was wrong. You need to demonstrate to the Admitting Authority that you understand why it was wrong and what you should have done differently or would do differently in the future.
- (o) You may need to produce independent evidence from others to show that you are now a fit and proper person. Your own assertions may not be enough.
- (p) If you can show the Admitting Authority the active steps you have taken to rehabilitate yourself, this may demonstrate that you have appreciated the gravity of your conduct; have accepted responsibility for it; have taken steps to rehabilitate yourself; and understand the obligation of honesty, candour and full and frank disclosure.
- (q) If, however, your past conduct was very serious or involved extreme dishonesty, it may be hard to convince an Admitting Authority that you are a fit and proper person to be admitted.

7. Certificate of character

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

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

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

8. Disclosures about capacity

8.1 What the law says

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

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

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

- (a) whether the person is currently unable satisfactorily to carry out the inherent requirements of practice as an Australian legal practitioner;¹⁶
- (b) whether the person currently has a material inability to engage in legal practice.¹⁷

Further, in deciding whether you are a fit and proper person, most Admitting Authorities also have power to have regard to any other matter it considers relevant, in addition to each of the matters particularly prescribed by legislation.¹⁸

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

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

8.2 What your Admitting Authority does

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

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

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

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

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

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

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

¹⁶ *Legal Profession Act 2006* (ACT) section 11(n); *Legal Profession Act 2007* (Qld) section 9(1)(o); *Legal Profession Act 2007* (Tas) section 9(1)(m); *Legal Profession Uniform Admission Rules 2015* (NSW, Vic, WA) rule 10(1)(k).

¹⁷ *Legal Profession Act 2006* (NT) section 11(1)(m).

¹⁸ *Legal Profession Act 2006* (ACT) section 22(2); *Legal Profession Act 2006* (NT) section 30(1)(b); *Legal Profession Act 2007* (Tas) section 26(1)(b). Section 31(2)(b) of the *Legal Profession Act 2007* (Qld) and section 17(2)(a) of the *Legal Profession Uniform Law* (NSW, Vic, WA) are in similar, though not identical, terms.

8.3 When a health condition may become relevant

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

8.4 Examples

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Matters prescribed by legal profession legislation

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

10. Form of disclosure

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

Appendix 1: Prescribed matters relating to suitability for admission

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

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

- (1) For the purposes of section 17(2)(b) of the Uniform Law, the following matters are specified as matters to which the Board must have regard:
 - (a) any statutory declaration as to the person's character, referred to in rule 16,
 - (b) any disclosure or statement made by the person under rule 17,
 - (c) any police report provided under rule 18,
 - (d) any academic conduct report provided under rule 19,
 - (e) any certificate of good standing provided under rule 20,
 - (f) whether the person is currently of good reputation and character,
 - (g) whether the person is or has been a bankrupt or subject to an arrangement under Part 10 of the *Bankruptcy Act 1966* of the Commonwealth or has been an officer of a corporation that has been wound up in insolvency or under external administration,
 - (h) whether the person has been found guilty of an offence including a spent offence in Australia or in a foreign country, and if so—
 - (i) the nature of the offence; and
 - (ii) how long ago the offence was committed; and
 - (iii) the person's age when the offence was committed,
 - (i) whether the person has been the subject of any disciplinary action, howsoever expressed, in any profession or occupation in Australia or in a foreign country,
 - (j) whether the person has been the subject of disciplinary action, howsoever expressed, in another profession or occupation that involved a finding adverse to the person,
 - (k) whether the person is currently unable to satisfactorily carry out the inherent requirements of practice as an Australian legal practitioner,
 - (l) whether the person has sufficient knowledge of written and spoken English to engage in legal practice in this jurisdiction.”

In accordance with the *Legal Practitioners Act 1981*, the *Legal Practitioners Education and Admission Council Rules Amending Rules 2025* have been made as rules of the Legal Practitioners Education and Admission Council.

Dated this 29th day of January 2025.

CHIEF JUSTICE KOURAKIS

STATE GOVERNMENT INSTRUMENTS

ASSISTED REPRODUCTIVE TREATMENT ACT 1988

LEGISLATION INTERPRETATION ACT 2021

DONOR CONCEPTION REGISTER

Authorisation of Entity—Relationships Australia South Australia Limited

Take note that I, Christopher Picton, MP, Minister for Health and Wellbeing, pursuant to Section 15A of the *Assisted Reproductive Treatment Act 1988* (“the ART Act”) and Section 38 of the *Legislation Interpretation Act 2021*, hereby authorise Relationships Australia South Australia Limited (ABN 19 119 188 500) to do any of the following:

- a. to assist the Minister for Health and Wellbeing (“the Minister”) in obtaining any information for the purposes of Part 3 of the ART Act;
- b. to provide counselling or support services;
- c. to facilitate the exchange of information between, or contact between, donors and other persons involved in donor conception;
- d. to provide information and support to persons who have, or are seeking to have, access to information held on the donor conception register.

This authorisation operates from 26 February 2025, and continues until 30 June 2027, or until earlier revoked.

Dated: 25 February 2025

HON CHRISTOPHER PICTON MP
Minister for Health and Wellbeing

BOXING AND MARTIAL ARTS ACT 2000

Notice of Rules

Take notice that pursuant to Section 10 of the *Boxing and Martial Arts Act 2000*, I Kylie Taylor, Chief Executive of the Office for Recreation, Sport and Racing, as delegate for the Minister for Recreation, Sport and Racing to whom the administration of the *Boxing and Martial Arts Act 2000* is committed, have approved the rules applicable to the conduct of boxing and martial arts events to commence operation on this date of publication.

The approved rules are set out below.

Dated: 27 February 2025

KYLIE TAYLOR
Chief Executive, Office for Recreation, Sport and Racing
as delegate for the Minister for Recreation, Sport and Racing

World Boxing Council Muay Thai Rules and Regulations—<https://www.orsr.sa.gov.au/clubs-and-associations/boxing-and-martial-arts>

BOXING AND MARTIAL ARTS ACT 2000

Revocation of Rules

Take notice that pursuant to Section 10 of the *Boxing and Martial Arts Act 2000*, I Kylie Taylor, Chief Executive of the Office for Recreation, Sport and Racing, as delegate for the Minister for Recreation, Sport and Racing to whom the administration of the *Boxing and Martial Arts Act 2000* is committed, have revoked the rules applicable to the conduct of boxing events to cease operation on this date of publication.

The revoked rules are set out below.

Dated: 27 February 2025

KYLIE TAYLOR
Chief Executive, Office for Recreation, Sport and Racing
as delegate for the Minister for Recreation, Sport and Racing

Boxing Australia Rules approved 14 June 2022

BOXING AND MARTIAL ARTS ACT 2000

Notice of Rules

Take notice that pursuant to Section 10 of the *Boxing and Martial Arts Act 2000*, I Kylie Taylor, Chief Executive of the Office for Recreation, Sport and Racing, as delegate for the Minister for Recreation, Sport and Racing to whom the administration of the *Boxing and Martial Arts Act 2000* is committed, have approved the rules applicable to the conduct of boxing events to commence operation on this date of publication.

The approved rules are set out below.

Dated: 27 February 2025

KYLIE TAYLOR
Chief Executive, Office for Recreation, Sport and Racing
as delegate for the Minister for Recreation, Sport and Racing

Boxing Australia Competition Rules 22 January 2025—<https://www.orsr.sa.gov.au/clubs-and-associations/boxing-and-martial-arts>

FIRST NATIONS VOICE ACT 2023

SUPPLEMENTARY ELECTION

*Candidates for 2025 South Australian First Nations Local Voice to Parliament***Region 1: Kumangka Warrarna Wangkanthi (Central) and Region 4: Murraylands, Riverland and South East**

At the declaration of nominations at 12 noon, Monday 24 February 2025, the following people have been accepted as candidates. They are listed below in the region they are standing in and in the order which they will appear on the ballot paper.

Region 1: Kumangka Warrarna Wangkanthi (Central)

- COULTHARD, Dwayne
- O'MEARA, Marnie
- O'BRIEN, Trevor

Region 4: Murraylands, Riverland and South East

The number of accepted candidates was not more than the number of vacancies and the following person was declared elected.

- MITCHELL-MATTHEWS, Dan

Dated: 24 February 2025

MICK SHERRY
Returning Officer

FISHERIES MANAGEMENT (PRAWN FISHERIES) REGULATIONS 2017

Temporary Prohibition on Fishing Activities in the Gulf St Vincent Prawn Fishery

Take notice that pursuant to Regulation 10 of the *Fisheries Management (Prawn Fisheries) Regulations 2017*, the activities of the class specified in Schedule 1 are prohibited in the waters of the Gulf St Vincent Prawn Fishery during the period specified in Schedule 2 except for the licences listed in Schedule 3 undertaking the activities described in Schedule 4 unless this notice is varied or revoked.

SCHEDULE 1

The act of taking or an act preparatory to or involved in the taking of King Prawns (*Melicertus latisulcatus*).

SCHEDULE 2

Between sunset on 1 March 2025 and sunrise on 3 March 2025.

SCHEDULE 3

Licence Number	Licence Holder	Boat Name
V03	Josephine K Fisheries P/L	<i>Josephine K</i>
V04	Ledo P/L	<i>Brianna-Rene-Adele</i>
V06	Todreel P/L	<i>Anna Pearl</i>
V14	WJ Fountain P/L	<i>Zadar</i>

SCHEDULE 4

1. For the purposes of this schedule the trawl survey areas cannot include any waters of a habitat protection zone or a sanctuary zone of a marine park established under the *Marine Parks Act 2007* or depths less than 10 metres.
2. The licence holders listed in Schedule 3 or their registered master must comply with all regulations and conditions that apply to fishing activities undertaken pursuant to their Gulf St Vincent Prawn Fishery licence, in addition to the conditions imposed by this notice.
3. All fishing activity pursuant to this fishing notice must be conducted in the area of Fishery Independent Survey stations identified on page 16 of the "Gulf St Vincent Prawn *Penaeus (Melicertus) latisulcatus* Fishery 2019/20" (McLeay and Hooper 2020).
4. Fishing activity pursuant to this fishing notice must not exceed more than one survey shot at each of the Fishery Independent Survey stations.
5. While engaged in fishing activities or unloading the survey catch, the licence holders listed in Schedule 3 or their registered master must have a copy of this notice on board the boat or near his person. This notice must be produced to a Fisheries Officer if requested.
6. No fishing activity may be undertaken between the prescribed times of sunrise and sunset for Adelaide (as published in the *South Australian Government Gazette*).
7. The licence holders listed in Schedule 3 or their register master must not contravene or fail to comply with the *Fisheries Management Act 2007*, or any other regulations made under that Act except where specifically exempted by this notice.
8. This notice does not purport to override the provisions or operation of any other Act including, but not limited to, the *Marine Parks Act 2007*. The notice holder and his agents must comply with any relevant regulations, permits, requirements and directions from the Department for Environment and Water when undertaking activities within a marine park.

Dated: 25 February 2025

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

FISHERIES MANAGEMENT ACT 2007

SECTION 115

Ministerial Exemption ME9903367

Take notice that, pursuant to Section 115 of the *Fisheries Management Act 2007*, I Professor Gavin Begg, Executive Director Fisheries and Aquaculture, delegate of the Minister for Primary Industries and Regional Development, hereby exempt the holder of a Gulf St Vincent Prawn Fishery Licence (exemption holder) and their registered masters from Section 70 of the *Fisheries Management Act 2007*, and Regulation 5, Clause 26 of Schedule 6 of the *Fisheries Management (General) Regulations 2017* but only insofar as they may operate nets with a total headline length greater than 27.43 metres but not exceeding 29.26 metres (exempted activity) when fishing under their licenses, subject to the conditions specified in Schedule 1, from 29 March 2025 until 28 March 2026 unless otherwise varied or revoked.

SCHEDULE 1

1. The exempted activity may only be undertaken from a registered vessel that has an overall length greater than 15.2 metres and less than 22 metres.
2. When undertaking the exempted activity, the exemption holder or their registered masters must adhere to the *Fisheries Management (Prawn Fisheries) Regulations 2006*.
3. A copy of this exemption notice must be carried on board the vessel when undertaking the exempted activity.

Dated: 25 February 2025

PROFESSOR GAVIN BEGG
Executive Director
Fisheries and Aquaculture

Delegate of the Minister for Primary Industries and Regional Development

FISHERIES MANAGEMENT ACT 2007

SECTION 115

Variation—Ministerial Exemption ME9903321

Take notice that the Ministerial Exemption ME9903321 dated 6 August 2024, being the first notice published on page 2443 of the *South Australian Government Gazette* of 15 August 2024, issued to Ms Leslie Morrison (the 'exemption holder'), or current university staff or post graduate students of the School of Science and Engineering at Flinders University, Sturt Road, Bedford Park acting as her agents, is hereby varied by deleting Schedule 3 and inserting the following:

SCHEDULE 3

The gear that may be used when undertaking activities under this exemption notice include:

- Up to 8 x plankton nets (maximum 1m diameter, 1.6m length and maximum 38mm mesh)
- Up to 6 x Niskin bottles
- Up to 30 x plastic corers (4cm and 10cm diameter x 20cm length).
- Up to 2 x seine nets (maximum 5mm mesh size and a maximum length of 20m)

Dated: 19 February 2025

PROFESSOR GAVIN BEGG
Executive Director
Fisheries and Aquaculture

Delegate of the Minister for Primary Industries and Regional 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	<u>Certificate of Title</u> Volume/Folio
22 Barwell Avenue, Kurralta Park SA 5037	Allotment 114 Deposited Plan 2800 Hundred of Adelaide	CT5768/45

Dated: 27 February 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 Variations

In the exercise of the powers conferred by the *Housing Improvement Act 2016*, the Delegate of the Minister for Housing and Urban Development hereby varies 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	Reason for Variation	Maximum Rental per week payable
7 Waltham Street, Berri SA 5343	Allotment 211 T740201 Town of Berri Berri Irrigation Area	CT5952/316		\$0.00

Dated: 27 February 2025

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

LAND ACQUISITION ACT 1969

SECTION 16

*Form 5—Notice of Acquisition***1. Notice of acquisition**

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

Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 105 in Deposited Plan 48218 comprised in Certificate of Title Volume 5560 Folio 799, and being the whole of the land identified as Allotment 60 in D136549 lodged in the Lands Titles Office.

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

2. Compensation

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

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

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

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

3. Inquiries

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

Dated: 25 February 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: 2024/06918/01

NATIONAL PARKS AND WILDLIFE ACT 1972

South Australia

National Parks and Wildlife (Hunting) (Fees) Notice 2024

under the *National Parks and Wildlife Act 1972*

1—Short title

This notice may be cited as the *National Parks and Wildlife (Hunting) (Fees) Notice 2024*.

Note—

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

2—Commencement

This notice has effect on 27 February 2025.

3—Interpretation

In this notice, unless the contrary intention appears—

Act means the *National Parks and Wildlife Act 1972*;

regulations means the *National Parks and Wildlife (Hunting) Regulations 2011*.

4—Fees

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

Schedule 1—Fees

1—Interpretation

In this Schedule—

concession cardholder means a person who is the holder of—

- (a) a current concession card issued by Centrelink or the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the *Family and Community Services Act 1972*; or
- (b) a current student identification card issued to a student of a secondary or tertiary educational institution by that institution;

junior means a person of or over the age of 14 years but under the age of 18 years;

open season, in relation to a permit granted under Section 68A of the Act, means a permit—

- (a) that is granted on or after the declaration of an open season under Section 52 of the Act for the hunting of animals of the species to which the permit relates in a part of the State to which the permit applies; and
- (b) that is for a period ending at the end of that open season;

subjunior means a person under 14 years of age.

2—Fees

Fees payable on application for the grant of a permit under Section 68A of the Act:

Permit	Fee
1 General hunting permit—	
(a) in the case of a concession cardholder or a junior	\$15.30
(b) in the case of a subjunior	\$9.70
(c) in any other case	\$30.25
The fee specified in this item is the fee payable for each period of 12 months for which the permit is granted.	
2 Open season quail hunting permit—	
(a) in the case of a concession cardholder or a junior	\$50.00
(b) in any other case	\$100.00
3 Open season duck hunting permit—	
(a) in the case of a concession cardholder or a junior	\$50.00
(b) in any other case	\$100.00
4 Permit to take Galahs or Little Corellas other than by shooting	\$108.00
The fee specified in this item is the fee payable for each period of 3 months for which the permit is granted.	

Made by the Minister for Climate, Environment and Water

On 24 February 2025

PASSENGER TRANSPORT ACT 1994

SECTION 32

*Establishment of Classes of Accreditation***1. Interpretation**

Any terms defined in the *Passenger Transport Act 1994* (the Act) and the *Passenger Transport Regulations 2024* have the same meaning in this Notice.

2. Revocation

This Notice revokes and replaces the Notice of 2 April 2020 published on p681 of the *Government Gazette*.

3. Establishment—Operators

Pursuant to Section 32(3) of the Act, I, Anastasios Koutsantonis, Minister for Infrastructure and Transport, hereby establish the following classes of accreditation for the purposes of Section 27 of the Act (Accreditation of operators):

Country Taxi Accreditation, for the provision of a passenger transport service using a country taxi, any journey being not wholly within Metropolitan Adelaide;

Horse-drawn Vehicle Accreditation, for the provision of a passenger transport service using a horse-drawn vehicle;

Large Passenger Vehicle Accreditation, for the provision of a passenger transport service using a large passenger vehicle;

Metropolitan Taxi Accreditation, for the provision of a passenger transport service using a metropolitan taxi, any journey being not wholly outside Metropolitan Adelaide;

Small Passenger Vehicle (Metropolitan) Accreditation, for the provision of a passenger transport service using a small passenger vehicle;

Small Passenger Vehicle (Non-Metropolitan) Accreditation, for the provision of a passenger transport service using a small passenger vehicle, any journey being not wholly within Metropolitan Adelaide;

Small Passenger Vehicle (Special Purpose) Accreditation, for the provision of a passenger transport service using a small passenger vehicle under an approved limited plan of operation;

Small Passenger Vehicle (Traditional) Accreditation, for the provision of a passenger transport service using a small passenger vehicle under an approved limited plan of operation.

4. Establishment—Drivers

Pursuant to Section 32(3) of the Act, I, Anastasios Koutsantonis, Minister for Infrastructure and Transport, hereby establish the following classes of accreditation for the purposes of Section 28 of the Act (Accreditation of drivers):

Horse-drawn Vehicle Driver Accreditation, for the provision of a passenger transport service using a horse-drawn vehicle;

Large Passenger Vehicle Driver Accreditation, for the provision of a passenger transport service using a large passenger vehicle;

Metropolitan Taxi Driver Accreditation, for the provision of a passenger transport service using a metropolitan taxi, any journey being not wholly within Metropolitan Adelaide;

Motor Cycle Driver Accreditation, for the provision of a passenger transport service using a motor cycle;

Small Passenger Vehicle Driver Accreditation, for the provision of a passenger transport service using a small passenger vehicle.

5. Establishment—Centralised booking services

Pursuant to Section 32(3) of the Act, I, Anastasios Koutsantonis, Minister for Infrastructure and Transport, hereby establish the following classes of accreditation for the purposes of Section 29 of the Act (Accreditation of centralised booking services):

Chauffeur Booking Service Accreditation, for the provision of a passenger transport service using chauffeur vehicle;

Taxi Booking Service Accreditation, for the provision of a passenger transport service using a taxi.

6. Execution

Dated: 21 February 2025

HON ANASTASIOS KOUTSANTONIS MP
Minister for Infrastructure and Transport

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 13 February 2025 (Version 2025.3) 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.
- to correct an error with regards to the spatial application of the Community Facilities Zone in the area of the Adelaide Hills Council—being a misalignment of the zone boundary
- to correct an error with regards to the spatial application of the Rural Neighbourhood Zone in the area of the Adelaide Hills Council—being a misalignment of the zone boundary
- to correct an error with regards to the spatial application of the Adelaide Hills Subzone in the area of the Adelaide Hills Council—being a misalignment of the zone boundary

1. Pursuant to Section 76 of the *Planning, Development and Infrastructure Act 2016* (the Act), I hereby amend the Code in order to make changes of form (without altering the effect of underlying policy), correct errors and make operational amendments as follows:
 - (a) Undertake minor alterations to the geometry of the spatial layers and data in the Code to maintain the current relationship between the parcel boundaries and Code data as a result of the following:
 - (i) New plans of division deposited in the Land Titles Office between 5 February 2025 and 18 February 2025 affecting the following spatial and data layers in the Code:
 - A. Zones and subzones
 - B. Technical and Numeric Variations
 - Building Heights (Levels)
 - Building Heights (Metres)
 - Concept Plan
 - Gradient Minimum Site Area
 - Interface Height
 - Minimum Dwelling Allotment Size
 - Minimum Frontage
 - Minimum Site Area
 - Minimum Primary Street Setback
 - Minimum Side Boundary Setback
 - Future Local Road Widening Setback
 - C. Overlays
 - Affordable Housing
 - Character Preservation District
 - Defence Aviation Area
 - Dwelling Excision
 - Environment and Food Production Area
 - 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
 - Local Heritage Place
 - Regulated and Significant Tree
 - Noise and Air Emissions
 - State Heritage Place
 - Stormwater Management
 - Urban Tree Canopy
 - (b) Amending the Community Facilities Zone in the area of the Adelaide Hills Council by reinstating the Community Facilities Zone boundaries that existed in Planning and Design Code Version Number 2024.19.
 - (c) Amending the Rural Neighbourhood Zone in the area of the Adelaide Hills Council by reinstating the Rural Neighbourhood Zone boundaries that existed in Planning and Design Code Version Number 2024.19.
 - (d) Amending the Adelaide Hills Subzone in the area of the Adelaide Hills Council by reinstating the Adelaide Hills Subzone boundaries that existed in Planning and Design Code Version Number 2024.19.
 - (e) 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 February 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 13 February 2025 (Version 2025.3) in order to make the following minor or operational amendments:

- to correct errors relating to the misapplication of the Local Heritage Place Overlay over adjacent parcels for a property in Adelaide;
 - to remove irrelevant material in relation to the application of the Local Heritage Place for a property at Norwood;
 - application of the State Heritage Place Overlay to several ‘provisionally listed’ properties in American River, Mount Light, St. Peters, Adelaide, Wayville, Elizabeth South and Elizabeth Grove.
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 as follows:
- (a) Amend the spatial layer of the Local Heritage Place Overlay so that it does not apply to the following allotments and update the spatial layer of the Heritage Adjacency Overlay to reflect this change:
 - (i) 21-25 Russell Street, Adelaide
 - (ii) 9-13 Russell Street, Adelaide
 - (b) Amend the spatial layer of the Local Heritage Place Overlay so that the Heritage Numbers 1123 and 1125 do not apply to 17 Russell Street Adelaide.
 - (c) Amend the spatial layer of the Local Heritage Place Overlay as it relates to Local Heritage Place, ‘Bridge & Parapet’ at 3a-3b Alfred Street, Norwood (Heritage Number 5609) so that it only applies to land marked in ‘blue’ in the map contained in Attachment A and update the spatial layer of the Heritage Adjacency Overlay to reflect this change.
 - (d) In Part 11 of the Code, under ‘Local Heritage Places’ within the section applicable to ‘Norwood, Payneham and St Peters’, amend the Table of Local Heritage Places by replacing property address ‘3a-3b Alfred Street, NORWOOD’ with ‘3-3a Alfred Street NORWOOD’.
 - (e) Amend the spatial layer of the State Heritage Place Overlay so that it applies to the following properties and update the spatial layer of the Heritage Adjacency Overlay to reflect these changes:
 - (i) Former American River Methodist Church, 24 Ryberg Road, AMERICAN RIVER (Heritage Number 28471)
 - (ii) Munro Karst (Designated as a place of speleological significance); Munro Quarry Caves, 407 Hynam Caves Road, MOUNT LIGHT (Heritage Number 28465)
 - (iii) All Souls’ Anglican Church, Kaurna Country, Lot 910 Stephen Terrace, ST PETERS (Heritage Number 28467)
 - (iv) Epworth Building—Kaurna Country, 33-33B Pirie Street, ADELAIDE (Heritage Number 28466)
 - (v) Christ Church Uniting Church—Kaurna Country, 26 King William Road, WAYVILLE (Heritage Number 28474)
 - (vi) Former Jean Flynn Presbyterian Church (now Adelaide Presbyterian Church Elizabeth), Kaurna Country, 106 Goodman Road, ELIZABETH SOUTH (Heritage Number 28473)
 - (vii) Former Elizabeth South Methodist Church (now Elizabeth Grove Uniting Church), Kaurna Country, 114 Harvey Road, ELIZABETH GROVE (Heritage Number 28472)
 - (viii) Malcolm Reid’s Emporium, Kaurna Country, 187-195 Rundle Street ADELAIDE (Heritage Number 28475)
 - (f) In Part 11 of the Code, under ‘State Heritage Places’ within the section applicable to ‘Kangaroo Island’, insert the following row in the table of State Heritage Places immediately after the row applying to ‘Point Morrison BALLAST HEAD VIA AMERICAN RIVER’:

24 Ryberg Road, AMERICAN RIVER	Former American River Methodist Church	E	28471
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- (g) In Part 11 of the Code, under ‘State Heritage Places’ within the section applicable to ‘Naracoorte Lucindale’, insert the following row in the table of State Heritage Places immediately after the row applying to ‘KYBYBOLITE, Dwelling (‘Kybybolite’ House)’:

Munro Quarry Caves, 407 Hynam Caves Road, MOUNT LIGHT	Munro Karst (Designated as a place of speleological significance)		28465
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- (h) In Part 11 of the Code, under ‘State Heritage Places’ within the section applicable to ‘Norwood Payneham and St Peters’, insert the following row in the table of State Heritage Places immediately after the row applying to ‘101 Payneham Road ST PETERS’:

Kaurna Country, Lot 910 Stephen Terrace, ST PETERS	All Souls’ Anglican Church	E	28467
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- (i) In Part 11 of the Code, under ‘State Heritage Places’ within the section applicable to ‘Adelaide’, insert the following row in the table of State Heritage Places immediately after the row applying to ‘25 Pirie Street ADELAIDE’:

Kaurna Country, 33-33B Pirie Street, ADELAIDE	Epworth Building	G	28466
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- (j) In Part 11 of the Code, under ‘State Heritage Places’ within the section applicable to ‘Unley’, insert the following row in the table of State Heritage Places immediately after the row applying to ‘68 Goodwood Road WAYVILLE’:

Kaurna Country, 26 King William Road, WAYVILLE	Christ Church Uniting Church	E G	28474
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- (k) In Part 11 of the Code, under ‘State Heritage Places’ within the section applicable to ‘Playford’, insert the following rows in the table of State Heritage Places immediately after the row applying to ‘7 Judd Street ELIZABETH’:

Kaurna Country, 114 Harvey Road, ELIZABETH GROVE	Former Elizabeth South Methodist Church (now Elizabeth Grove Uniting Church)	A	28472
Kaurna Country, 106 Goodman Road, ELIZABETH SOUTH	Former Jean Flynn Presbyterian Church (now Adelaide Presbyterian Church Elizabeth)	A	28473

- (l) In Part 11 of the Code, under ‘State Heritage Places’ within the section applicable to ‘Adelaide’, insert the following row in the table of State Heritage Places immediately after the row applying to ‘299 Rundle Street ADELAIDE’:

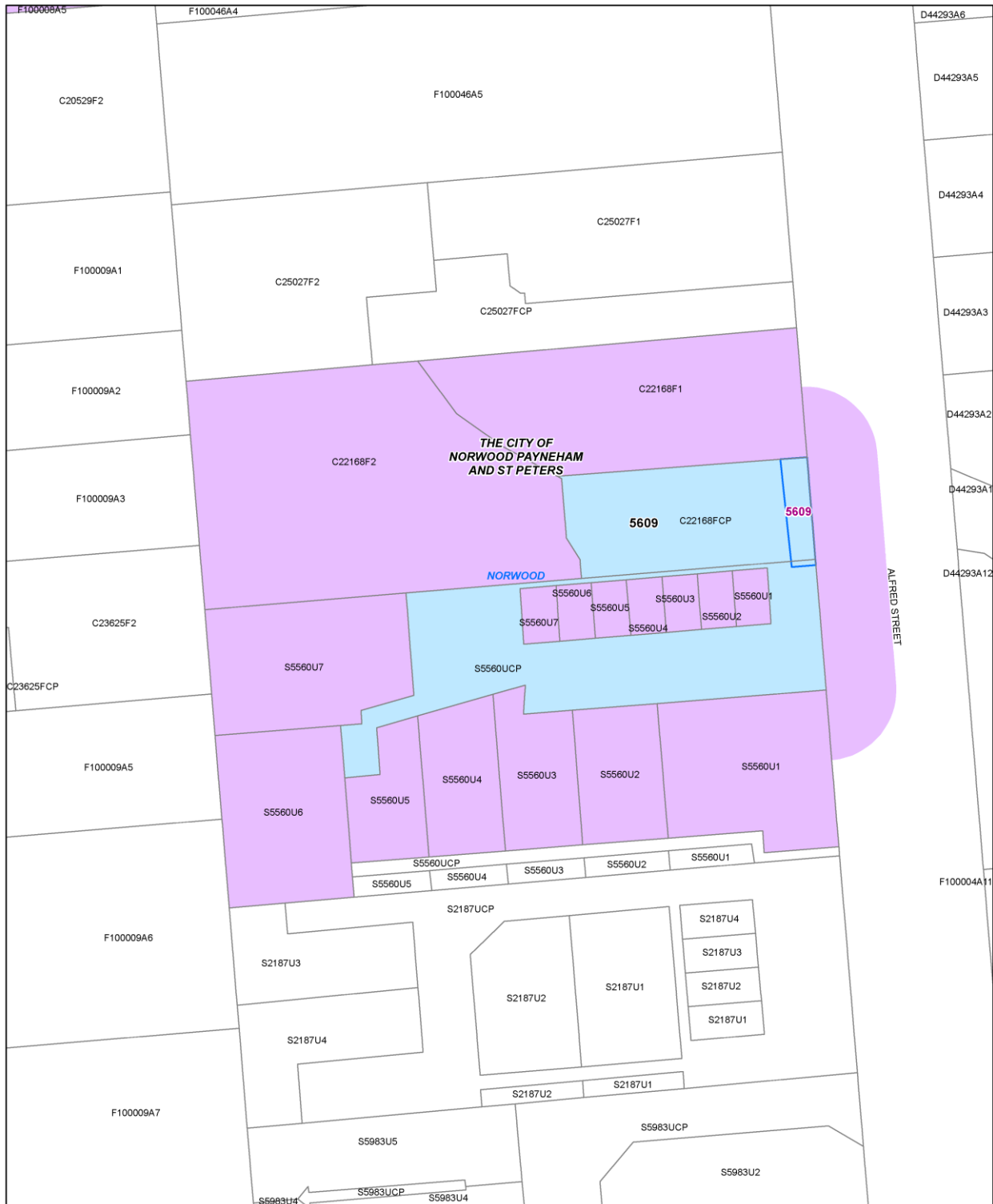
Kaurna Country, 187-195 Rundle Street, ADELAIDE	Malcolm Reid’s Emporium		28475
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- (m) In Part 13—Table of Amendments, update the publication date, Code version number, amendment type and summary of amendments within the ‘Table of Planning and Design 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: 24 February 2025

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

ATTACHMENT A



**Local Heritage Place - heritage number 5609
3a - 3b Alfred Street, Norwood**

-  Parcels - current, ground floor only
-  Local Heritage Place
-  Proposed - Local Heritage Place Overlay
-  Proposed - Heritage Adjacency Overlay



[REPUBLISHED]

The following notice published in the *South Australian Government Gazette* No. 11, dated 20 February 2025, on page 214, under the heading *Police Act 1998*, being the second notice on that page, was published with a spelling error and should be replaced with the following:

POLICE ACT 1998

Authorisation to Conduct Oral Fluid Screening

I, Grant Stevens, Commissioner of Police, do hereby notify that on and from 11 February 2025, the following persons were authorised by the Commissioner of Police to conduct oral fluid screening as defined in and for the purposes of the:

- *Police Act 1998*; and
- *Police Regulations 2014*.

PD Number	Officer Name
73476	Kylie Evans
76201	Nicholas Gamtcheff
45575	Kathryn Hart
59893	Amanda Lipman
72154	Kylee Von Ohle

Dated: 14 February 2025

GRANT STEVENS
Commissioner of Police

Reference: 2024/1962

[REPUBLISHED]

The following notice published in the *South Australian Government Gazette* No. 11, dated 20 February 2025, on page 214, under the heading *Police Act 1998*, being the third notice on that page, was published with a spelling error and should be replaced with the following:

POLICE ACT 1998

Authorisation to Conduct Urine Screening

I, Grant Stevens, Commissioner of Police, do hereby notify that on and from 11 February 2025, the following persons were authorised by the Commissioner of Police to conduct urine screening as defined in and for the purposes of the:

- *Police Act 1998*; and
- *Police Regulations 2014*.

PD Number	Officer Name
73476	Kylie Evans
76201	Nicholas Gamtcheff
45575	Kathryn Hart
59893	Amanda Lipman
42987	Tania Sheldon
72154	Kylee Von Ohle

Dated: 14 February 2025

GRANT STEVENS
Commissioner of Police

Reference: 2024/1962

SOUTH AUSTRALIAN HOUSING TRUST ACT 1995

Transfer of Assets of the South Australian Housing Trust

Pursuant to the provisions of Section 23(1)(b)(ii) of the *South Australian Housing Trust Act 1995*, Nick Champion, Minister for Housing and Urban Renewal, with the concurrence of Stephen Mullighan, Treasurer, gives notice of the transfer of properties listed in Schedule 1 from the South Australian Housing Trust to the Urban Renewal Authority on 31 January 2025.

SCHEDULE 1

Address	Certificate of Title		Certificate of Title Description	
	Volume	Folio	Plan	Parcel
35 Parker Ave, Seaton	CT5443	343	F26636	A2
33 Parker Ave, Seaton	CT5431	878	F26636	A1
78 Matthews Ave, Seaton	CT5404	498	F28334	A99
76 Matthews Ave, Seaton	CT5160	150	F28334	A100
74 Matthews Ave, Seaton	CT5632	998	F40391	A5
72 Matthews Ave, Seaton	CT5632	999	F40391	A6
64 Matthews Ave, Seaton	CT5484	481	F133435	A2
27 Parker Ave, Seaton	CT5461	559	D4581	A244
34 Parker Ave, Seaton	CT5774	347	F41369	A8
28 Parker Ave, Seaton	CT5679	48	F40703	A7
lot 33 Harris Pl., Seaton	CT5964	952	D4581	A33
244 Tapleys Hill Rd, Seaton	CT5563	312	F39418	A4
Lot 51 parker Ave, Seaton	CT6039	380	D81255	A51
Lot 258 Matthews Ave, Seaton	CT6039	382	D4581	A258
90 Matthews Ave, Seaton	CT6039	382	D4581	A259
88 Matthews Ave, Seaton	CT6039	382	D4581	A260
86 Matthews Ave, Seaton	CT6039	382	D4581	A261
84 Matthews Ave, Seaton	CT6039	382	D4581	A262
82 Matthews Ave, Seaton	CT6039	382	D4581	A263

Address	Certificate of Title		Certificate of Title Description	
	Volume	Folio	Plan	Parcel
80 Matthews Ave, Seaton	CT6039	382	D4581	A264
70 Matthews Ave, Seaton	CT6296	661	D4581	A269
68 Matthews Ave, Seaton	CT6296	661	D4581	A269 & A270
66 Matthews Ave, Seaton	CT6296	661	D4581	A271
Lot 19 Parker Ave, Seaton	CT5679	52	D4581	A19
Lot 20 Parker Ave, Seaton	CT5679	52	D4581	A20
18 Parker Ave, Seaton	CT5893	697	D4581	A21
16 Parker Ave, Seaton	CT5893	697	D4581	A22
Lot 439 Harris Pl, Seaton	CT5774	348	F13442	A439
Lot 43 Pedlar St, Seaton	CT5979	436	D4581	A43
Lot 42 Pedlar St, Seaton	CT5979	436	D4581	A42
89 Pedlar St, Seaton	CT5979	436	D4581	A41
91 Pedlar St, Seaton	CT5774	348	F13442	A438
Lot 424 Pedlar St, Seaton	CT5679	49	F13442	A424
Lot 425 Frederick Rd, Seaton	CT5679	49	F13442	A425
Lot 426 Frederick Rd, Seaton	CT5679	49	F13442	A426
Lot 427 Frederick Rd, Seaton	CT5679	49	F13442	A427
121 Frederick Rd, Seaton	CT5679	50	F13442	A429
123 Frederick Rd, Seaton	CT5679	50	F13442	A430
125 Frederick Rd, Seaton	CT5679	50	F13442	A431
131 Frederick Rd, Seaton	CT5679	52	D4581	A11
133 Frederick Rd, Seaton	CT6039	382	D4581	A253
135 Frederick Rd, Seaton	CT6039	382	D4581	A254
137 Frederick Rd, Seaton	CT6039	382	D4581	A255
139 Frederick Rd, Seaton	CT6039	382	D4581	A256
Lot 257 Frederick Rd, Seaton	CT6039	382	D4581	A257
Unit 25, 13 Harris Pl, Seaton	CT5774	348	F13442	A437
Unit 1, 93 Pedlar St, Seaton	CT5774	348	F13442	A437
Unit 2, 93 Pedlar St, Seaton	CT5774	348	F13442	A437
Unit 3, 93 Pedlar St, Seaton	CT5774	348	F13442	A437
Unit 4, 93 Pedlar St, Seaton	CT5774	348	F13442	A437
Unit 5, 93 Pedlar St, Seaton	CT5774	348	F13442	A437
Unit 6, 93 Pedlar St, Seaton	CT5774	348	F13442	A437
Unit 7, 93 Pedlar St, Seaton	CT5774	348	F13442	A437
Unit 8, 93 Pedlar St, Seaton	CT5774	348	F13442	A437
Unit 9, 13 Harris Pl, Seaton	CT5774	348	F13442	A437
Unit 10, 13 Harris Pl, Seaton	CT5774	348	F13442	A437
Unit 11, 13 Harris Pl, Seaton	CT5774	348	F13442	A437
Unit 12, 13 Harris Pl, Seaton	CT5774	348	F13442	A437
Unit 13, 13 Harris Pl, Seaton	CT5774	348	F13442	A437
Unit 14, 13 Harris Pl, Seaton	CT5774	348	F13442	A437
Unit 15, 13 Harris Pl, Seaton	CT5774	348	F13442	A437
Unit 16, 13 Harris Pl, Seaton	CT5774	348	F13442	A437
Unit 17, 13 Harris Pl, Seaton	CT5774	348	F13442	A437
Unit 19, 13 Harris Pl, Seaton	CT5774	348	F13442	A437
Unit 20, 13 Harris Pl, Seaton	CT5774	348	F13442	A437
Unit 21, 13 Harris Pl, Seaton	CT5774	348	F13442	A437
Unit 23, 13 Harris Pl, Seaton	CT5774	348	F13442	A437
Unit 24, 13 Harris Pl, Seaton	CT5774	348	F13442	A437
Unit 2, 5 Lark Ave, Seaton	CT6039	383	D4581	A242
Unit 1, 5 Lark Ave, Seaton	CT6039	383	D4581	A242
Unit 4, 5 Lark Ave, Seaton	CT6039	383	D4581	A241
Unit 3, 5 Lark Ave, Seaton	CT6039	383	D4581	A241

Dated: 18 February 2025

HON NICK CHAMPION MP
Minister for Housing and Urban Development

URBAN RENEWAL ACT 1995

Transfer of Assets of the Urban Renewal Authority

Pursuant to the provisions of Section 23(1)(b)(iii) of the *Urban Renewal Act 1995*, I, Nick Champion, Minister for Housing and Urban Development, with the concurrence of Stephen Mullighan, Treasurer, gives notice of the transfer of the properties, with Certificate of Title and Allotment References listed in Schedule 1, from the Urban Renewal Authority to the South Australian Housing Trust on 20 February 2025.

SCHEDULE 1

Address	Certificate of Title		Certificate of Title Description	
	Volume	Folio	Plan	Parcel
64A Glenburnie Street, Seaton	6309	433	D135622	A459
64 Glenburnie Street, Seaton	6309	434	D135622	A460
62A Glenburnie Street, Seaton	6309	435	D135622	A461
62 Glenburnie Street, Seaton	6309	436	D135622	A462

Dated: 18 February 2025

HON NICK CHAMPION MP
Minister for Housing and Urban Development

LOCAL GOVERNMENT INSTRUMENTS

CITY OF ADELAIDE

ROADS (OPENING AND CLOSING) ACT 1991

Road Closing—Public Road between Young Street and Eliza Street, Adelaide

Notice is hereby given, pursuant to Section 10 of the *Roads (Opening and Closing) Act 1991* that the City of Adelaide proposes to make a Road Process Order to close and transfer to Young Gun Collective Pty Ltd the Public Road between Young Street and Eliza Street being allotment 98 in F209704, more particularly delineated and lettered 'A' on Preliminary Plan 25/0004.

The Preliminary Plan is available for public inspection at the office of the City of Adelaide, 25 Pirie Street, Adelaide and the 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.

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 City of Adelaide, GPO Box 2252, Adelaide SA 5001, within 28 days of this notice and a copy must be forwarded to the Surveyor-General at GPO Box 1815, Adelaide SA 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: 17 February 2025

MICHAEL SEDGMAN
Chief Executive Officer

WATTLE RANGE COUNCIL

LOCAL GOVERNMENT ACT 1999

Adoption of Community Land Management Plans

Notice is hereby given pursuant to Section 197(3) of the *Local Government Act 1999* that the Wattle Range Council, at its Ordinary Meeting held 11 February 2025, resolved to adopt the following Community Land Management Plans:

- Active Recreation Reserves—Council Owned Land (CLMP No. 1)
- Active Recreation Reserves—Crown Land (CLMP No. 2)
- Passive Recreation Reserves—Council Owned Land (CLMP No. 3)
- Passive Recreation Reserves—Crown Land (CLMP No. 4)
- Community Facilities—Council Owned Land (CLMP No. 5)
- Community Facilities—Crown Land (CLMP No. 6)
- Cemetery Reserves—Council Owned Land (CLMP No. 7)
- Cemetery Reserves—Crown Land (CLMP No. 8)
- Corporate Resources—Council Owned Land (CLMP No. 9)
- Corporate Resources—Crown Land (CLMP No. 10)
- Millicent Aerodrome—Council Owned Land (CLMP No. 11)
- Millicent Aerodrome—Crown Land (CLMP No. 12)

Copies of the Community Land Management Plans can be viewed by visiting Council's website, www.wattlerange.sa.gov.au

Dated: 27 February 2025

BEN GOWER
Chief Executive Officer

PUBLIC NOTICES

TRUSTEE ACT 1936

PUBLIC TRUSTEE

Estates of Deceased Persons

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

BLACK John Peter late of 2A Severn Street Cumberland Park Retired Social Worker who died on or about 1 January 2024
DEAN Edith Louisa late of 319 Maribyrnong Avenue Kaleen ACT of no occupation who died 9 July 2024
JONES Roy late of 7 Salisbury Highway Salisbury Painter and decorator who died 14 October 2024
KIRVAN Leon Robert late of 25 Flinders Road Hillcrest of no occupation who died 10 November 2024
KNIGHT Jean Winifred late of 28C King George Avenue Hove retired surgeon secretary who died 26 September 2024
LUIBY Mira late of 1 Charles Street West Lakes of no occupation who died 24 July 2024
LYNCH Shane Anthony late of 2 Abbey Road Mitchell Park Adelaide City Council Line Marker who died 7 September 2024
MARETT James Peter late of 20 Johnson Street Port Augusta Machine operator who died on or about 17 August 2022
MONTAGUE Gordon Raymond late of 54-58 Broadway Glenelg South of no occupation who died 26 November 2023
MUNRO Joyce Ellen Margaret late of 16-24 Penneys Hill Road Hackham Retired Secretary who died 28 June 2024
NOLAN Florence late of 2A War Memorial Drive Balaklava of no occupation who died 5 December 2023
O'NEIL Christopher late of 19 Cornhill Road Victor Harbor Retired Army Soldier who died 21 August 2024
ORLOWSKI Edward otherwise ORLOWSKI Edward Boleslaw late of Lot 109 The Glen Harrogate of no occupation who died 15 September 2024
PAGE Barry late of 68 Price Maurice Road Orroroo Retired Glass Works Employee who died 25 September 2024
PATERSON Lillian Christina Jane late of 26-28 River Road Port Noarlunga of no occupation who died 13 November 2024
SCHOKMAN David Russell late of 7 Marienberg Rise Aberfoyle Park Retired Public Servant/Storeman who died 7 September 2024
TASSIE Dorothy Janet late of 19 Aldersey Street McLaren Vale Retired school teacher who died 14 August 2020

Notice is hereby given pursuant to the *Trustee Act 1936* (SA), the *Succession Act 2023* (SA) and the *Family Relationships Act 1975* (SA) that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the office of Public Trustee at GPO Box 1338, Adelaide 5001, full particulars and proof of such claims, on or before the 28 March 2025 otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver same to the Public Trustee.

Dated: 27 February 2025

T. BRUMFIELD
Public Trustee

NOTICE SUBMISSION

The South Australian Government Gazette is published each Thursday afternoon.

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

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

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

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

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

Please provide the following information in your email:

- Date of intended publication
- Contact details of the person responsible for the notice content
- Name and organisation to be charged for the publication—Local Council and Public notices only
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All instruments appearing in this gazette are to be considered official, and obeyed as such