



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ADELAIDE, THURSDAY, 24 JULY 2025

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

GOVERNOR'S INSTRUMENTS

APPOINTMENTS, RESIGNATIONS AND GENERAL MATTERS

Department of the Premier and Cabinet
Adelaide, 24 July 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the Urban Renewal Authority Board of Management, pursuant to the provisions of the Urban Renewal Act 1995:

Member: from 31 July 2025 until 30 July 2028
Anne Veronica Moroney
David Andrew O'Loughlin

By command,

KATRINE ANNE HILDYARD, MP
For Premier

25MUDCS06630

Department of the Premier and Cabinet
Adelaide, 24 July 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the Pharmacy Regulation Authority SA, pursuant to the provisions of the Health Practitioner Regulation National Law (South Australia) Act 2010:

Member: from 29 July 2025 until 28 July 2028
Naomi Gaye Burgess
Ian Philip Todd
Rebecca Kaye Rogers
Vasiliki Dimitriadis
Dominic Stefanson

Deputy Member: from 29 July 2025 until 28 July 2028
Vasilios Lelas (Deputy to Rogers)
Rabia Majeed Kajani (Deputy to Todd)
Manya Therese Angley (Deputy to Dimitriadis)

By command,

KATRINE ANNE HILDYARD, MP
For Premier

HEAC-2025-00021

Department of the Premier and Cabinet
Adelaide, 24 July 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Zoe Lee Bettison, MP as Acting Minister for Primary Industries and Regional Development and Acting Minister for Forest Industries from 28 July 2025 until 8 August 2025 inclusive, during the absence of the Honourable Clare Michele Scriven, MLC.

By command,

KATRINE ANNE HILDYARD, MP
For Premier

DPC25/029CS

Department of the Premier and Cabinet
Adelaide, 24 July 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Blair Ingram Boyer, MP as Acting Minister for Health and Wellbeing from 26 July 2025 until 8 August 2025 inclusive, during the absence of the Honourable Christopher James Picton, MP.

By command,

KATRINE ANNE HILDYARD, MP
For Premier

DPC25/029CS

STATE GOVERNMENT INSTRUMENTS

EDUCATION AND CHILDREN'S SERVICES ACT 2019

Amending the Constitution of a Governing Council for a Government School

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

Adelaide Botanic High School

Eudunda Area School

Golden Grove High School

Jamestown Community School

Karcultaby Area School

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

ADELAIDE BOTANIC HIGH SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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

1. Name

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

2. Interpretation

In this constitution, unless the contrary intention appears:

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

‘administrative instructions’ means administrative instructions issued pursuant to Section 9 of the Act.

‘administrative unit’ means a government department or attached office.

‘adult’ means a person who has attained 18 years of age.

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

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

‘Chief Executive’ means the Chief Executive of the Department for Education.

‘governing council’ means the Adelaide Botanic High School Governing Council established under Section 34 of the Act.

‘council member’ are the members of the governing council.

‘department’ means the Department for Education.

‘financial year’ means the year ending 31 December or as varied by administrative instruction.

‘general meeting’ means a public meeting of the school community.

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

‘majority’ means more than half the total number.

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

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

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

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

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

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

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

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

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

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

3. Object

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

4. Powers of the Governing Council

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

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive

- 4.1.2 enter into contracts
- 4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive
- 4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- 4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.
- 4.1.6 do all those acts and things incidental to the exercise of these powers.
- 4.2 The Council's powers must be exercised in accordance with legislation, administrative instructions and this constitution.

5. Functions of the Council

- 5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:
 - 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
 - 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
 - 5.1.3 determine local policies for the school.
 - 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
 - 5.1.5 present plans and reports on the council's operations to the school community and Minister.
- 5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.
- 5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:
 - 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
 - 5.3.2 residential facilities for the accommodation of students.
- 5.4 The council may raise money for school related purposes.
- 5.5 The council may perform other functions as determined by the Minister or Chief Executive.
- 5.6 The council may do all those acts and things incidental to the exercise of these functions.
- 5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

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

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

7. Membership

- 7.1 The Adelaide Botanic High School Governing Council must comprise 15 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 8 Elected parent members
 - 2 Staff members nominated by the staff of the school (as per ratio in the administrative instructions)
 - 2 Community members appointed by the council—1 member nominated by the Adelaide Council and 1 member of the House of Assembly for Adelaide (or their nominee)
 - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.

- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
- 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

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

9. Office Holders and Executive Committee

9.1 Appointment

- 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
- 9.1.3 The treasurer must not be a member of the staff of the school.
- 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.

9.2 Removal from Office

- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
- 9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:
 - (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
 - (ii) the office holder is given the right to be heard at the council meeting;
 - (iii) voting on the special resolution is by secret ballot.

9.3 The Chairperson

- 9.3.1 The chairperson must:
 - (i) call and preside at the meetings of the council and the executive committee;
 - (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;
 - (iii) include on the agenda any item requested by the principal;
 - (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
 - (v) report at the Annual General Meeting on the proceedings and operations of the Council for the period since the date of the previous Annual General Meeting.
- 9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.
- 9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.

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

9.4 *The Secretary*

- 9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.
- 9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:
- (i) the constitution of the council and the code of practice;
 - (ii) official records of the business of the council and a register of minutes of meetings;
 - (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
 - (iv) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.
- 9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.
- 9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.
- 9.4.6 The secretary must conduct the official correspondence of the council.
- 9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

- 9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.
- 9.5.2 The treasurer must:
- (i) ensure that the council's financial budgets and statements are prepared
 - (ii) submit a report of those finances to each council meeting;
 - (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.
- 10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings

11.1 *General Meetings of the School Community*

- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
- 11.1.2 The chairperson of the council must call and preside at general meetings of the school community, the timing to be agreed between the chairperson and the principal of the school.
- 11.1.3 At least 14 days written notice of the meeting must be given to the school community by the means generally used to communicate with the school community. The notice must specify the date, time and place of the meeting.
- 11.1.4 A general meeting must be held:
- (i) at least once annually (the Annual General Meeting) to present reports, to elect parents to the council and/or declare election results;
 - (ii) for any other reason relating to the affairs, functions or membership of the council, determined by agreement between the chairperson and the principal.
- 11.1.5 The period between each Annual General Meeting must not exceed 16 months.
- 11.1.6 A general meeting must be held to elect council members, to discuss the finances of the council or for any other reason relating to the affairs or functions of the council:
- (i) at the request of the Chief Executive;

- (ii) by the resolution of the council;
- (iii) at the request of 20 parents or one half of the parents of the school, whichever is less.

11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 *Council Meetings*

11.2.1 The council must meet at least twice in each school term.

11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.

11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.3 *Extraordinary Council Meetings*

11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.

11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.

11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.

11.4 *Voting*

11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:

- (i) a contested election; or
- (ii) a special resolution to remove an office holder from office.

11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. **Proceedings of the Council**

12.1 *Meetings*

12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.

12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.

12.1.3 Except in the case of a special resolution, a decision of the majority of those council members present and eligible to vote is the decision of the council.

12.1.4 The chairperson must have a deliberative vote only. In the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.

12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.

12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).

12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

12.2.1 In accordance with Section 37 of the Act, a council member who has a direct or indirect pecuniary interest in a contract or proposed contract with the council must:

- (i) disclose the nature of the interest to the council as soon as the council member becomes aware of the interest;
- (ii) not take part in deliberations or decisions of the council with respect to that contract;
- (iii) not vote in relation to the contract; and
- (iv) be absent from the meeting room when any such discussion or voting is taking place.

12.2.2 A disclosure of such an interest, and any associated actions taken to mitigate the disclosed interest, must be recorded in the minutes of the council.

12.2.3 If a council member discloses an interest in a contract or proposed contract:

- (i) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the council member and the council; and
- (ii) the member is not liable to account for the profits derived from the contract.

13. **Election of Council Members**

13.1 *Eligibility for Nomination for Election*

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

13.2 *Eligibility to Vote*

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

13.3 *Conduct of Elections for Parent Council Members*

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

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

13.4 *Notice of Election*

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

13.4.4 In consultation with the council, the principal must determine the form for nominations and the period during which nominations will be accepted.

13.4.5 A nomination for election as a council member must be:

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 *Election without Ballot*

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

13.6 *Contested Elections*

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 *Scrutineers*

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

13.8 *Declaration of Election*

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

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

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

13.9 *Further Nomination for Unfilled Positions*

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

13.10 *Nomination and Appointment of Council Members*

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

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

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

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

14. *Minutes*

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

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

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

15. *Subcommittees*

15.1 *Committees*

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

15.2 Terms of Reference

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

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

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

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

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

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

16. Finance and Accounts

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

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

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

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

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

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

17. Audit

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

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

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

18. Reporting to the School Community and the Minister

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

18.2 At that meeting:

18.2.1 the chairperson must report on:

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

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

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

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

19. The Common Seal

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

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

20. Records

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

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

21. Amendment of the Constitution

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

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

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

22. Code of Practice

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

23. Dispute Resolution

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

24. Public Access to the Constitution and Code of Practice

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

25. Dissolution

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

26. Prohibition against Securing Profits for Members

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

EUDUNDA AREA SCHOOL GOVERNING COUNCIL INCORPORATED*Constitution***Table of Contents**

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GOVERNING COUNCIL MODEL CONSTITUTION

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

The name of the council is Eudunda Area School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

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

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

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

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

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

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

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

'governing council' means the Eudunda Area School Governing Council established under Section 34 of the Act.

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

'department' means the Department for Education.

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

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

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

'majority' means more than half the total number.

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

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

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

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

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

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

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

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

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

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

3. Object

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

4. Powers of the Governing Council

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

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts

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

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

5. Functions of the Council

- 5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:
 - 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
 - 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
 - 5.1.3 determine local policies for the school.
 - 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
 - 5.1.5 present plans and reports on the council's operations to the school community and Minister.
- 5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.
- 5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:
 - 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
 - 5.3.2 residential facilities for the accommodation of students.
- 5.4 The council may raise money for school related purposes.
- 5.5 The council may perform other functions as determined by the Minister or Chief Executive.
- 5.6 The council may do all those acts and things incidental to the exercise of these functions.
- 5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

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

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

7 Membership

- 7.1 The Eudunda Area School Governing Council must comprise 17 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 11 Elected parent members
 - 1 Staff member nominated by the staff of the school
 - 2 Community member(s) appointed by the council
 - 2 Student representative(s) nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.

- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
- 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

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

9. Office Holders and Executive Committee

9.1 Appointment

- 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
- 9.1.3 The treasurer must not be a member of the staff of the school.
- 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.

9.2 Removal from Office

- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
- 9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:
 - (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
 - (ii) the office holder is given the right to be heard at the council meeting;
 - (iii) voting on the special resolution is by secret ballot.

9.3 The Chairperson

- 9.3.1 The chairperson must:
 - (i) call and preside at the meetings of the council and the executive committee;
 - (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;
 - (iii) include on the agenda any item requested by the principal;
 - (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
 - (v) report at the Annual General Meeting on the proceedings and operations of the Council for the period since the date of the previous Annual General Meeting.
- 9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.
- 9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.
- 9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.

9.4 The Secretary

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

- 9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:
- (i) the constitution of the council and the code of practice;
 - (ii) official records of the business of the council and a register of minutes of meetings;
 - (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
 - (iv) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.
- 9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.
- 9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.
- 9.4.6 The secretary must conduct the official correspondence of the council.
- 9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 *The Treasurer*

- 9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.
- 9.5.2 The treasurer must:
- (i) ensure that the council's financial budgets and statements are prepared
 - (ii) submit a report of those finances to each council meeting;
 - (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.
- 10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings

11.1 *General Meetings of the School Community*

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

- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 *Council Meetings*

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

11.3 *Extraordinary Council Meetings*

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

11.4 *Voting*

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

12. Proceedings of the Council

12.1 *Meetings*

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members present and eligible to vote is the decision of the council.
- 12.1.4 The chairperson must have a deliberative vote only. In the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

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

13. Election of Council Members

13.1 *Eligibility for Nomination for Election*

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

13.2 *Eligibility to Vote*

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

13.3 *Conduct of Elections for Parent Council Members*

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

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

13.4 *Notice of Election*

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

13.4.4 In consultation with the council, the principal must determine the form for nominations and the period during which nominations will be accepted.

13.4.5 A nomination for election as a council member must be:

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 *Election without Ballot*

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

13.6 *Contested Elections*

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 *Scrutineers*

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

13.8 *Declaration of Election*

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

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

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

13.9 *Further Nomination for Unfilled Positions*

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

13.10 *Nomination and Appointment of Council Members*

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

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

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

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

14. *Minutes*

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

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

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

15. *Subcommittees*

15.1 *Committees*

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

15.2 *Terms of Reference*

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

- 15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:
- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
 - (ii) the proposed expenditure to be made; and
 - (iii) details of any funds held for special purposes.
- 15.3.2 The membership must be determined by the council and must include
- (i) the treasurer;
 - (ii) the principal or nominee.
- 15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

- 16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.
- 16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.
- 16.3 All accounts must be kept in accordance with provisions of the Act, Regulations, this constitution and administrative instructions.
- 16.4 The funds of the council must only be expended for school related purposes.
- 16.5 The council may transfer funds as it thinks fit to:
- 16.5.1 an affiliated committee;
 - 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, Regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
- 18.2.1 the chairperson must report on:
 - (i) strategic and other plans;
 - (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
 - 18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

- 19.1 The council must have a common seal. The common seal must be affixed only by resolution of the council and in the presence of two council members, one of whom must be the principal or the chairperson of the council.
- 19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

- 20.1 The council is responsible for the safe and proper storage of its records.
- 20.2 The council must make the records available at any time to the Minister or to any person authorised by the Minister and allow those records to be removed by any such person.

21. Amendment of the Constitution

- 21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.
- 21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.
- 21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

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

23. Dispute Resolution

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

24. Public Access to the Constitution and Code of Practice

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

25. Dissolution

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

26. Prohibition against Securing Profits for Members

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

GOLDEN GROVE HIGH SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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GOVERNING COUNCIL MODEL CONSTITUTION

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

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

2. Interpretation

In this constitution, unless the contrary intention appears:

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

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

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

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

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

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

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

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

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

'department' means the Department for Education.

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

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

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

'majority' means more than half the total number.

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

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

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

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

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

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

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

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

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

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

3. Object

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

4. Powers of the Governing Council

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

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts

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

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

5. Functions of the Council

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

- 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
- 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
- 5.1.3 determine local policies for the school.
- 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
- 5.1.5 present plans and reports on the council's operations to the school community and Minister.

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

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

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

5.4 The council may raise money for school related purposes.

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

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

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

6. Functions of the Principal on Council

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

6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and Regulations.

6.2 The principal must also:

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

7. Membership

7.1 The Golden Grove High School Governing Council must comprise 23 council members including:

- 1 Principal of the school (*ex-officio*)
- 14 Elected parent members
- 3 Staff members nominated by the staff of the school (as per ratio in the administrative instructions).
- 3 Community members appointed by the council
- 2 Student representatives nominated by SRC or the students of the school

7.2 The majority of council members must be elected parents of the school.

7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.

- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
- 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8 Term of Office

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

9. Office Holders and Executive Committee

9.1 *Appointment*

- 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
- 9.1.3 The treasurer must not be a member of the staff of the school.
- 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.

9.2 *Removal from Office*

- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
- 9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:
 - (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
 - (ii) the office holder is given the right to be heard at the council meeting;
 - (iii) voting on the special resolution is by secret ballot.

9.3 *The Chairperson*

- 9.3.1 The chairperson must:
 - (i) call and preside at the meetings of the council and the executive committee;
 - (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;
 - (iii) include on the agenda any item requested by the principal;
 - (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
 - (v) report at the Annual General Meeting on the proceedings and operations of the Council for the period since the date of the previous Annual General Meeting.
- 9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.
- 9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.
- 9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.

9.4 *The Secretary*

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

- 9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:
- (i) the constitution of the council and the code of practice;
 - (ii) official records of the business of the council and a register of minutes of meetings;
 - (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
 - (iv) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.
- 9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.
- 9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.
- 9.4.6 The secretary must conduct the official correspondence of the council.
- 9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.
- 9.5 *The Treasurer*
- 9.5.1 The treasurer must be the chairperson of the Finance Advisory Committee of the council and preside at the meetings of this committee.
- 9.5.2 The treasurer must:
- (i) ensure that the council's financial budgets and statements are prepared
 - (ii) submit a report of those finances to each council meeting;
 - (iii) present the council's statement of accounts to the Annual General Meeting.

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.
- 10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings

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

- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 *Council Meetings*

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

11.3 *Extraordinary Council Meetings*

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

11.4 *Voting*

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

12. Proceedings of the Council

12.1 *Meetings*

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members present and eligible to vote is the decision of the council.
- 12.1.4 The chairperson must have a deliberative vote only. In the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

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

13. Election of Council Members

13.1 *Eligibility for Nomination for Election*

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

13.2 *Eligibility to Vote*

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

13.3 *Conduct of Elections for Parent Council Members*

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

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

13.4 *Notice of Election*

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

13.4.4 In consultation with the council, the principal must determine the form for nominations and the period during which nominations will be accepted.

13.4.5 A nomination for election as a council member must be:

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 *Election without Ballot*

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

13.6 *Contested Elections*

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 *Scrutineers*

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

13.8 *Declaration of Election*

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

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

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

13.9 *Further Nomination for Unfilled Positions*

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

13.10 *Nomination and Appointment of Council Members*

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

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

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

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

14. Minutes

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

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

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

15. Subcommittees

15.1 *Committees*

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

15.2 *Terms of Reference*

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

- 15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:
- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
 - (ii) the proposed expenditure to be made; and
 - (iii) details of any funds held for special purposes.
- 15.3.2 The membership must be determined by the council and must include
- (i) the treasurer;
 - (ii) the principal or nominee.
- 15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

- 16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.
- 16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.
- 16.3 All accounts must be kept in accordance with provisions of the Act, Regulations, this constitution and administrative instructions.
- 16.4 The funds of the council must only be expended for school related purposes.
- 16.5 The council may transfer funds as it thinks fit to:
- 16.5.1 an affiliated committee;
 - 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, Regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
- 18.2.1 the chairperson must report on:
 - (i) strategic and other plans;
 - (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
 - 18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

- 19.1 The council must have a common seal. The common seal must be affixed only by resolution of the council and in the presence of two council members, one of whom must be the principal or the chairperson of the council.
- 19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

- 20.1 The council is responsible for the safe and proper storage of its records.
- 20.2 The council must make the records available at any time to the Minister or to any person authorised by the Minister and allow those records to be removed by any such person.

21. Amendment of the Constitution

- 21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.
- 21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.
- 21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

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

23. Dispute Resolution

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

24. Public Access to the Constitution and Code of Practice

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

25. Dissolution

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

26. Prohibition against Securing Profits for Members

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

JAMESTOWN COMMUNITY SCHOOL GOVERNING COUNCIL INCORPORATED

Constitution

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GOVERNING COUNCIL MODEL CONSTITUTION

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

The name of the council is Jamestown Community School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

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

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

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

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

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

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

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

'governing council' means the Jamestown Community School Governing Council established under Section 34 of the Act.

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

'department' means the Department for Education.

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

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

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

'majority' means more than half the total number.

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

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

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

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

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

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

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

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

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

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

3. Object

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

4. Powers of the Governing Council

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

- 4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive
- 4.1.2 enter into contracts

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

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

5. Functions of the Council

- 5.1 In the context of the council's joint responsibility with the principal for the governance of the school, the council must perform the following functions:
 - 5.1.1 involve the school community in the governance of the school by:
 - (i) providing a forum for the involvement of parents and others in the school community
 - (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
 - 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
 - 5.1.3 determine local policies for the school.
 - 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
 - 5.1.5 present plans and reports on the council's operations to the school community and Minister.
- 5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.
- 5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:
 - 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
 - 5.3.2 residential facilities for the accommodation of students.
- 5.4 The council may raise money for school related purposes.
- 5.5 The council may perform other functions as determined by the Minister or Chief Executive.
- 5.6 The council may do all those acts and things incidental to the exercise of these functions.
- 5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.

6. Functions of the Principal on Council

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

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

7. Membership

- 7.1 The Jamestown Community School Governing Council must comprise 17 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 11 Elected parent members
 - 1 Staff member nominated by the staff of the school (as per ratio in the administrative instructions)
 - 2 Community members appointed by the council
 - 2 Student representatives nominated by SRC or the students of the school
- 7.2 The majority of council members must be elected parents of the school.
- 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.

- 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
- 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

8. Term of Office

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

9. Office Holders and Executive Committee

9.1 Appointment

- 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
- 9.1.3 The treasurer must not be a member of the staff of the school.
- 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
- (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.

9.2 Removal from Office

- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
- 9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:
- (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
 - (ii) the office holder is given the right to be heard at the council meeting;
 - (iii) voting on the special resolution is by secret ballot.

9.3 The Chairperson

- 9.3.1 The chairperson must:
- (i) call and preside at the meetings of the council and the executive committee;
 - (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;
 - (iii) include on the agenda any item requested by the principal;
 - (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
 - (v) report at the Annual General Meeting on the proceedings and operations of the Council for the period since the date of the previous Annual General Meeting.
- 9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.
- 9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.
- 9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.

9.4 The Secretary

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

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

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

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

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

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

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

9.5 *The Treasurer*

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

9.5.2 The treasurer must:

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

10. Vacancies

10.1 Membership of the council ceases when a council member:

- 10.1.1 dies;
- 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
- 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
- 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
- 10.1.5 resigns by written notice to the council;
- 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
- 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
- 10.1.8 has been convicted of any offence prescribed by administrative instruction;
- 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
- 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.

10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings

11.1 *General Meetings of the School Community*

11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.

11.1.2 The chairperson of the council must call and preside at general meetings of the school community, the timing to be agreed between the chairperson and the principal of the school.

11.1.3 At least 14 days written notice of the meeting must be given to the school community by the means generally used to communicate with the school community. The notice must specify the date, time and place of the meeting.

11.1.4 A general meeting must be held:

- (i) at least once annually (the Annual General Meeting) to present reports, to elect parents to the council and/or declare election results;
- (ii) for any other reason relating to the affairs, functions or membership of the council, determined by agreement between the chairperson and the principal.

11.1.5 The period between each Annual General Meeting must not exceed 16 months.

11.1.6 A general meeting must be held to elect council members, to discuss the finances of the council or for any other reason relating to the affairs or functions of the council:

- (i) at the request of the Chief Executive;
- (ii) by the resolution of the council;
- (iii) at the request of 20 parents or one half of the parents of the school, whichever is less.

- 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.

11.2 *Council Meetings*

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

11.3 *Extraordinary Council Meetings*

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

11.4 *Voting*

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

12. Proceedings of the Council

12.1 *Meetings*

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members present and eligible to vote is the decision of the council.
- 12.1.4 The chairperson must have a deliberative vote only. In the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 *Conflict of Interest*

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

13. Election of Council Members

13.1 *Eligibility for Nomination for Election*

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

13.2 *Eligibility to Vote*

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

13.3 *Conduct of Elections for Parent Council Members*

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

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

13.4 *Notice of Election*

13.4.1 The timetable for an election must be determined by the council, in consultation with the principal.

13.4.2 Notice of the date and time for an election must be specified by the principal by the means generally used to communicate with the school community.

13.4.3 The notice must:

- (i) fix the period during which nominations for election as council members must be accepted and outline the process to be followed;
- (ii) fix the date and time of the general meeting for the election (not being less than 14 days from publication of the notice); and
- (iii) in the case of the postal ballot:
 - (a) fix the date by which ballot papers must be available and advise how they may be obtained; and
 - (b) fix the date by which ballot papers must be returned and advise how they must be lodged.

13.4.4 In consultation with the council, the principal must determine the form for nominations and the period during which nominations will be accepted.

13.4.5 A nomination for election as a council member must be:

- (i) in a form approved by the principal; and
- (ii) received by the principal at or before the time the nomination is due.

13.5 *Election without Ballot*

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

13.6 *Contested Elections*

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 *Scrutineers*

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

13.8 *Declaration of Election*

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

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

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

13.9 *Further Nomination for Unfilled Positions*

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

13.10 *Nomination and Appointment of Council Members*

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

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

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

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

14. Minutes

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

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

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

15. Subcommittees

15.1 *Committees*

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

15.2 *Terms of Reference*

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

- 15.3.1 The council must establish a Finance Advisory Committee to advise the council on budgetary and financial matters, including the preparation of the preliminary budget showing:
- (i) the anticipated income available for the ensuing twelve months (both from normal transactions and from fund-raising activities);
 - (ii) the proposed expenditure to be made; and
 - (iii) details of any funds held for special purposes.
- 15.3.2 The membership must be determined by the council and must include
- (i) the treasurer;
 - (ii) the principal or nominee.
- 15.3.3 The Finance Advisory Committee must meet at least once each school term to examine receipts and payments and review the school budget.

16. Finance and Accounts

- 16.1 The council must ensure that proper accounts are kept of its financial affairs, and in controlling any account must ensure proper books and accounts are kept of all funds paid to that account, together with details of any dealing involving those funds.
- 16.2 All accounts must be operated on the basis of the designated finance year, which is a calendar year ending on 31 December.
- 16.3 All accounts must be kept in accordance with provisions of the Act, regulations, this constitution and administrative instructions.
- 16.4 The funds of the council must only be expended for school related purposes.
- 16.5 The council may transfer funds as it thinks fit to:
- 16.5.1 an affiliated committee;
 - 16.5.2 another existing or proposed Government school.

17. Audit

- 17.1 The Council must make available to the Chief Executive or the Auditor-General any accounts under its control, including all relevant records and papers connected with an account, for inspection or audit at any time.
- 17.2 The council may arrange for accounts to be audited at such other intervals as the council determines, by a person appointed by the council.
- 17.3 The audit of any accounts under the control of the council must be in accordance with the provisions of the Act, regulations, this constitution and administrative instructions.

18. Reporting to the School Community and the Minister

- 18.1 The council must report to the school community at least once a year, at the Annual General Meeting called by the chairperson.
- 18.2 At that meeting:
- 18.2.1 the chairperson must report on:
 - (i) strategic and other plans;
 - (ii) the proceedings and operations of the council for the period since the date of the previous Annual General Meeting of the school community;
 - (iii) the outcomes of those proceedings in relation to the functions of the council; and
 - 18.2.2 the treasurer must present an up-to-date statement of receipts and expenditure with respect to all accounts controlled by the council, and a copy of the statement of receipts and expenditure of the council for the year ended as at the designated financial year.
- 18.3 Where any statement has been subject to an audit, the audited statement is to be subsequently made available for inspection, at the school, as determined at the meeting.
- 18.4 The council must report to the Minister at least once a year, in accordance with administrative instructions.

19. The Common Seal

- 19.1 The council must have a common seal. The common seal must be affixed only by resolution of the council and in the presence of two council members, one of whom must be the principal or the chairperson of the council.
- 19.2 The council must keep a record of every use of the seal, including date, purpose and any other relevant information.

20. Records

- 20.1 The council is responsible for the safe and proper storage of its records.
- 20.2 The council must make the records available at any time to the Minister or to any person authorised by the Minister and allow those records to be removed by any such person.

21. Amendment of the Constitution

- 21.1 This constitution may be altered, modified or substituted at the direction of the Minister, in accordance with Section 40 of the Act.
- 21.2 This constitution may also be amended, altered, modified or substituted by the council by special resolution and approval in writing by the Minister.
- 21.3 An amendment to the constitution has no effect until submitted to and approved by the Minister.

22. Code of Practice

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

23. Dispute Resolution

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

24. Public Access to the Constitution and Code of Practice

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

25. Dissolution

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

26. Prohibition against Securing Profits for Members

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

KARCULTABY AREA SCHOOL GOVERNING COUNCIL INCORPORATED*Constitution***Table of Contents**

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GOVERNING COUNCIL MODEL CONSTITUTION

*(School with a school-based preschool)***1. Name**

The name of the council is Karcultaby Area School Governing Council Incorporated.

2. Interpretation

In this constitution, unless the contrary intention appears:

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

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

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

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

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

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

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

'governing council' means the Karcultaby Area School Governing Council established under Section 34 of the Act.

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

'department' means the Department for Education.

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

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

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

'majority' means more than half the total number.

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

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

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

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

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

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

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

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

(1) at least 14 days written notice has been given to all council members specifying the intention to propose the resolution as a special resolution; and

(2) it is passed by a majority of not less than three quarters of council members who vote in person or by proxy at that meeting.

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

3. Object

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

4. Powers of the Governing Council

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

4.1.1 employ persons, except as teachers, as members of the staff of the school on terms and conditions approved by the Chief Executive

4.1.2 enter into contracts

4.1.3 construct any building or structure for the benefit of the school, or make any improvements to the premises or grounds of the school, with the approval of the Chief Executive

4.1.4 purchase or take a lease or licence of premises for student residential facilities, and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;

4.1.5 establish and conduct, or arrange for the conduct of, facilities and services to enhance the education, development, care, safety, health or welfare of children and students.

4.1.6 do all those acts and things incidental to the exercise of these powers.

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

5. Functions of the Council

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

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

(i) providing a forum for the involvement of parents and others in the school community

- (ii) determining the educational needs of the local community, and their attitude towards educational developments within the school
 - (iii) ensuring that the cultural and social diversity of the community is considered and particular needs are appropriately identified.
 - 5.1.2 strategic planning for the school including:
 - (i) developing, monitoring and reviewing the objectives and targets of the strategic plan
 - (ii) considering, approving and monitoring human resource and asset management plans.
 - 5.1.3 determine local policies for the school.
 - 5.1.4 determine the application of the total financial resources available to the school including the regular review of the budget.
 - 5.1.5 present plans and reports on the council's operations to the school community and Minister.
 - 5.2 The council must be responsible for the proper care and maintenance of any property owned by the council.
 - 5.3 The council may perform such functions as necessary to establish and conduct, or arrange for the conduct of:
 - 5.3.1 facilities and services to enhance the education, development, care, safety, health or welfare of children and students;
 - 5.3.2 residential facilities for the accommodation of students.
 - 5.4 The council may raise money for school related purposes.
 - 5.5 The council may perform other functions as determined by the Minister or Chief Executive.
 - 5.6 The council may do all those acts and things incidental to the exercise of these functions.
 - 5.7 The council's functions must be exercised in accordance with legislation, administrative instructions and this constitution.
- 6. Functions of the Principal on Council**
- The functions of the principal on council are undertaken in the context of the principal's joint responsibility with the council for the governance of the school.
- 6.1 The principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and Regulations.
 - 6.2 The principal must also:
 - 6.2.1 implement the school's strategic plan, the school improvement plan and school policies
 - 6.2.2 provide accurate and timely reports, information and advice relevant to the council's functions
 - 6.2.3 report on learning, care, training and participation outcomes to council
 - 6.2.4 supervise and promote the development of staff employed by the council
 - 6.2.5 be responsible for the financial, physical and human resource management of the school
 - 6.2.6 be an *ex-officio* member of council with full voting rights
 - 6.2.7 be the returning officer for the election, nomination and appointment of council members
 - 6.2.8 chair the first meeting of the council held for the purpose of receiving nominations from nominating bodies, the direct appointment of council members by the council and the election of office holders
 - 6.2.9 contribute to the formulation of the agenda of council meetings.
- 7. Membership**
- 7.1 The Karcultaby Area School Governing Council must comprise 12 council members including:
 - 1 Principal of the school (*ex-officio*)
 - 8 Elected parent members (including preschool parents)
 - 1 Staff member nominated by the staff of the school and preschool (as per ratio in the administrative instructions).
 - 2 Student representatives nominated by SRC or the students of the school
 - 7.2 The majority of council members must be elected parents of the school.
 - 7.3 At the time of election, nomination or appointment, persons who are on the staff of a government school, persons who are employees of an administrative unit for which the Minister is responsible, and those appointed under the Act, or the *Technical and Further Education Act 1975*, must not comprise the majority of elected parent members and must not comprise the majority of council members.
 - 7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.
 - 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
 - 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
 - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
 - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.
- 8. Term of Office**
- 8.1 Elected parent members will be appointed for a term not exceeding two years, except in the case of the first council only, where one-half (or, if the total number of council members to be elected is odd, the highest integer that is less than one-half) of the parent members elected at the Annual General Meeting of the school will be elected for a term not exceeding one year.
 - 8.2 A council member nominated by an affiliated committee will be nominated for a term not exceeding two years, subject to the provisions that:
 - 8.2.1 for the first council only, where two or more affiliated committees each nominate a council member, one will be appointed for a term not exceeding one year. The person so appointed must be determined by agreement between the affiliated committees, or on failure to agree, by lot.
 - 8.2.2 the nomination may be revoked, in writing, by the affiliated committee.

- 8.3 Any council member nominated by the Student Representative Council (or equivalent) or elected by the body of students will hold office for a term not exceeding one year or until the nomination is revoked, in writing, by the nominating body.
- 8.4 A council member elected by the staff of the school will hold office for a term not exceeding one year subject to being a member of the staff of the school.
- 8.5 Each council member directly appointed by the council, will serve for a period not exceeding two years.
- 8.6 Upon expiry of term of office, each council member will remain incumbent until the position is declared vacant at the Annual General Meeting.
- 8.7 Council members are eligible for subsequent re-election, re-nomination or re-appointment.

9. Office Holders and Executive Committee

9.1 Appointment

- 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
- 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
- 9.1.3 The treasurer must not be a member of the staff of the school.
- 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
 - (i) meet to carry out business delegated or referred by the council; and
 - (ii) report to subsequent council meetings.

9.2 Removal from Office

- 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
- 9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:
 - (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
 - (ii) the office holder is given the right to be heard at the council meeting;
 - (iii) voting on the special resolution is by secret ballot.

9.3 The Chairperson

- 9.3.1 The chairperson must:
 - (i) call and preside at the meetings of the council and the executive committee;
 - (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;
 - (iii) include on the agenda any item requested by the principal;
 - (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
 - (v) report at the Annual General Meeting on the proceedings and operations of the Council for the period since the date of the previous Annual General Meeting.
- 9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.
- 9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.
- 9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.

9.4 The Secretary

- 9.4.1 The secretary must ensure that notices of meetings are given in accordance with the provisions of this constitution.
- 9.4.2 The secretary is responsible for ensuring the maintenance and safekeeping of:
 - (i) the constitution of the council and the code of practice;
 - (ii) official records of the business of the council and a register of minutes of meetings;
 - (iii) copies of notices, a file of correspondence and records of submissions or reports made by or on behalf of the council;
 - (iv) the register of council members;
 - (v) contracts or agreements entered into by the council;
 - (vi) copies of policies of the council.
- 9.4.3 The secretary must ensure that copies of the constitution and the code of practice are available for public inspection at the school during normal school hours, and that any copies requested are provided.
- 9.4.4 The secretary must ensure the safekeeping of the common seal and must ensure a record is kept of every use of the common seal.
- 9.4.5 Prior to each meeting, the secretary must ensure that a copy of the meeting agenda is forwarded to each council member.
- 9.4.6 The secretary must conduct the official correspondence of the council.
- 9.4.7 The secretary must ensure that the minutes of meetings are recorded and forwarded to each council member prior to the next meeting.

9.5 The Treasurer

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

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

10. Vacancies

- 10.1 Membership of the council ceases when a council member:
- 10.1.1 dies;
 - 10.1.2 in the case of an elected council member or a council member nominated or appointed for a term, completes a term of office and is not re-elected, re-nominated or re-appointed;
 - 10.1.3 ceases to hold office in accordance with 8.2.2 and 8.3;
 - 10.1.4 in the case of a member nominated by the staff of the school, is no longer a staff member of the school;
 - 10.1.5 resigns by written notice to the council;
 - 10.1.6 is removed from office by the Minister in accordance with Section 44 of the Act;
 - 10.1.7 is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors;
 - 10.1.8 has been convicted of any offence prescribed by administrative instruction;
 - 10.1.9 is subject to any disqualifying circumstance as prescribed by administrative instruction; or
 - 10.1.10 is absent from three consecutive council meetings without leave of absence approved by the council. Acceptance of an apology at a council meeting will be deemed a grant of such leave.
- 10.2 The council may appoint a person to temporarily fill a casual vacancy in its membership until a council member can be elected, nominated or appointed in accordance with this constitution.

11. Meetings

- 11.1 *General Meetings of the School Community*
- 11.1.1 Subject to 13.2, all persons within the school community are eligible to attend general meetings of the school community and vote on any matters proposed for resolution.
 - 11.1.2 The chairperson of the council must call and preside at general meetings of the school community, the timing to be agreed between the chairperson and the principal of the school.
 - 11.1.3 At least 14 days written notice of the meeting must be given to the school community by the means generally used to communicate with the school community. The notice must specify the date, time and place of the meeting.
 - 11.1.4 A general meeting must be held:
 - (i) at least once annually (the Annual General Meeting) to present reports, to elect parents to the council and/or declare election results;
 - (ii) for any other reason relating to the affairs, functions or membership of the council, determined by agreement between the chairperson and the principal.
 - 11.1.5 The period between each Annual General Meeting must not exceed 16 months.
 - 11.1.6 A general meeting must be held to elect council members, to discuss the finances of the council or for any other reason relating to the affairs or functions of the council:
 - (i) at the request of the Chief Executive;
 - (ii) by the resolution of the council;
 - (iii) at the request of 20 parents or one half of the parents of the school, whichever is less.
 - 11.1.7 A conference by telephone or other electronic means will be taken to be a general meeting of the school community provided that all procedures in this constitution relating to general meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.
- 11.2 *Council Meetings*
- 11.2.1 The council must meet at least twice in each school term.
 - 11.2.2 Notice of meetings must be given at the previous council meeting or by at least 7 days written notice distributed to all council members or in an emergency by such other notice as the council may determine.
 - 11.2.3 A conference by telephone or other electronic means between the council members will be taken to be a meeting of the council provided that all procedures in this constitution relating to council meetings are complied with and each participating member is capable of communicating with every other participating member during the conference.
- 11.3 *Extraordinary Council Meetings*
- 11.3.1 The chairperson of the council must call an extraordinary meeting of the council by written request from at least 3 council members.
 - 11.3.2 Notice of meeting must be given by written notice to all council members within a reasonable time, setting out the time, date, place and object of the meeting.
 - 11.3.3 The business of any extraordinary meeting must be confined to the object for which it is convened.
- 11.4 *Voting*
- 11.4.1 Voting must be by show of hands, or in the case of a meeting held pursuant to 11.1.7 and 11.2.3, by voices or in writing, but a secret ballot must be conducted for:
 - (i) a contested election; or
 - (ii) a special resolution to remove an office holder from office.

- 11.4.2 For the purposes of voting on a special resolution, each council member is entitled to appoint another council member as their proxy.

12. Proceedings of the Council

12.1 Meetings

- 12.1.1 The quorum for a council meeting is a majority of the filled positions of the council.
- 12.1.2 If at the expiration of 30 minutes after the appointed time for the meeting there is no quorum present, the meeting must stand adjourned to such time and place as those council members present determine.
- 12.1.3 Except in the case of a special resolution, a decision of the majority of those council members present and eligible to vote is the decision of the council.
- 12.1.4 The chairperson must have a deliberative vote only. In the event of an equality of votes, the chairperson does not have a second or casting vote and the motion must be taken to be defeated.
- 12.1.5 The council or any committee of council may, at its discretion, allow non-members who have special interests or knowledge relevant to the council to attend its meetings as observers and, if it agrees, take part in discussions on particular issues. Non-members cannot vote. This clause does not apply to the finance advisory committee.
- 12.1.6 Where there are one or more vacancies in the membership of the council, the council is not prevented from acting by the requirement that the majority of its members must be elected parents of the school or by any other requirement of membership (except the requirement as to quorum).
- 12.1.7 The council may from time to time determine procedures to facilitate and expedite its business.

12.2 Conflict of Interest

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

13. Election of Council Members

13.1 Eligibility for Nomination for Election

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

13.2 Eligibility to Vote

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

13.3 Conduct of Elections for Parent Council Members

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

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

13.4 Notice of Election

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

13.5 Election without Ballot

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

13.6 Contested Elections

13.6.1 If the number of persons nominated is greater than the number of vacancies to be filled, the ballot conditions apply.

13.6.2 A contested election must be conducted by secret ballot.

13.7 Scrutineers

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

13.8 Declaration of Election

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

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

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

13.9 Further Nomination for Unfilled Positions

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

13.10 Nomination and Appointment of Council Members

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

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

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

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

14. Minutes

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

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

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

15. Subcommittees**15.1 Committees**

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

15.2 Terms of Reference

The council must specify terms of reference for its committees.

15.3 Finance Advisory Committee

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

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

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

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

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

16. Finance and Accounts

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

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

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

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

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

16.5.1 an affiliated committee;

16.5.2 another existing or proposed Government school.

17. Audit

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

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

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

18. Reporting to the School Community and the Minister

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

18.2 At that meeting:

18.2.1 the chairperson must report on:

(i) strategic and other plans;

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

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

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

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

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

19. The Common Seal

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

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

20. Records

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

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

21. Amendment of the Constitution

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

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

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

22. Code of Practice

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

23. Dispute Resolution

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

24. Public Access to the Constitution and Code of Practice

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

25. Dissolution

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

26. Prohibition against Securing Profits for Members

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

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

Dated: 24 July 2025

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

ELECTORAL ACT 1985

Part 6—Registration of Political Parties

Notice is hereby given pursuant to Sections 42 and 43 of the *Electoral Act 1985*, that I have this day registered the change of party name for the following political party:

Name of Existing Party	Real Change SA
New Name of Party	STEPHEN PALLARAS REAL CHANGE SA

Dated: 24 July 2025

MICK SHERRY
Electoral Commissioner

ELECTORAL ACT 1985

Part 6—Registration of Political Parties

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

Name of Party	Sarah Game Fair Go for Australians
Abbreviation of Party Name	Fair Go for Australians
Name of Applicant	Sarah Leslie Game

Dated: 24 July 2025

MICK SHERRY
Electoral Commissioner

ENERGY RESOURCES ACT 2000

*Suspension of Condition Extension of Licence Term
Petroleum Exploration Licence—PEL 676*

Pursuant to Section 76A of the *Energy Resources Act 2000*, notice is hereby given that Condition 1 of Petroleum Exploration Licence (PEL) 676 has been suspended for the period from 2 March 2025 to 1 September 2025 inclusive, pursuant to delegated powers dated 19 August 2024. The term of PEL 676 has been extended by a period corresponding to the period of suspension, such that PEL 676 will now expire on 1 September 2028.

The effect of this suspension of licence Condition 1 would not have altered the outcome of the original competitive tender process.

Dated: 16 July 2025

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

FISHERIES MANAGEMENT (PRAWN FISHERIES) REGULATIONS 2017

July 2025 Fishing for the West Coast Prawn Fishery

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

SCHEDULE 1

The waters of the West Coast Prawn Fishery excluding Ceduna as defined in the West Coast Prawn Fishery Harvest Strategy.

SCHEDULE 2

Commencing at sunset on 18 July 2025 and ending at sunrise on 1 August 2025

SCHEDULE 3

- Each licence holder of a fishing licence undertaking fishing activities pursuant to this notice must ensure that a representative sample of catch (a 'bucket count') is taken at least 3 times per night during the fishing activity.
- Each 'bucket count' sample must be accurately weighed to 7kg where possible and the total number of prawns contained in the bucket must be recorded on the daily catch and effort return.
- Fishing must cease if a total of 14 nights of fishing are completed.
- Fishing must cease in a fishing region if one of the following limits is reached:
 - The average catch per vessel, per night (for all 3 vessels) drops below 300kg for two consecutive nights in a fishing region.
 - The average 'bucket count' for all vessels exceeds 240 prawns per 7kg bucket for two consecutive nights in the Coffin Bay region.
 - The average 'bucket count' for all vessels exceeds 240 prawns per 7kg bucket for two consecutive nights in the Venus Bay region.
 - The average 'bucket count' for all vessels exceeds 270 prawns per 7kg bucket for two consecutive nights in the Corvisart Bay region.
 - The average catch for all three vessels exceeds the 6 tonne catch cap in the Corvisart Bay region.
 - The average 'bucket count' for all vessels exceeds 260 prawns per 7kg bucket for two consecutive nights in waters outside the four main fishing regions defined in the Harvest Strategy (Ceduna, Corvisart Bay, Venus Bay and Coffins Bay), where those waters are part of the defined waters of the West Coast Prawn Fishery.
- Each licence holder, or registered master of a fishing license undertaking fishing activities must provide a daily report by telephone or SMS message, via a nominated representative, to the Department of Primary Industries and Regions, Prawn Fishery Manager, providing the following information for all vessels operating in the fishery from the previous nights fishing:
 - average prawn catch; and
 - the average prawn 'bucket count'

6. No fishing activity may be undertaken after the expiration of 30 minutes from the prescribed time of sunrise and no fishing activity may be undertaken before the prescribed time of sunset for Adelaide (as published in the *South Australian Government Gazette* pursuant to the requirements of the *Proof of Sunrise and Sunset Act 1923*) during the period specified in Schedule 2.

Dated: 15 July 2025

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

FISHERIES MANAGEMENT ACT 2007

SECTION 79

Temporary Prohibition on Setting of Rock Lobster Pots within Specified Waters

Pursuant to Section 79 of the *Fisheries Management Act 2007*, I Hon Clare Scriven MLC, Minister for Primary Industries and Regional Development, hereby declare that it shall be unlawful for any person to engage in the act of, or an act preparatory to or otherwise involved in, the fishing activities specified in Schedule 1, within the area described in Schedule 2 during the period specified in Schedule 3.

SCHEDULE 1

- The setting of rock lobster pots.

SCHEDULE 2

- The waters near the area known as The Granites—contained within and bounded by a line commencing at the Mean High Water Springs closest to 32°54'04" South 134°04'34" East, then in a westerly direction to the location 32°54'04" South 134°03'55" East, then northerly to 32°52'08" South 134°03'55" East, then Easterly to 32°52'08" South 134°05'50" East. The closure is inclusive of all coast within this area.

SCHEDULE 3

From 25 July 2025 to 24 July 2026 unless varied or revoked earlier.

Dated: 23 July 2025

HON CLARE SCRIVEN MLC
Minister for Primary Industries and Regional Development

FISHERIES MANAGEMENT ACT 2007

SECTION 115

Variation—Ministerial Exemption ME9903377

Take notice that, pursuant to Section 115 of the *Fisheries Management Act 2007*, Ministerial exemption ME9903377 provided to Professor David Booth, University of Technology Sydney (the 'exemption holder'), dated 29 May 2025 and published in the *South Australian Government Gazette* dated 5 June 2025 being the second notice on page 1396 is hereby varied by removing Clause (3) of Schedule 3 and inserting the following:

SCHEDULE 3

(3) For the purposes of this notice, only the following persons may act as an agent of the exemption holder:

- Dr Janine Baker, Flinders University, College of Science and Engineering, Sturt Road, Bedford Park, SA, 5042
- Jamie Priest, National Parks and Wildlife, Dhillba Guuranda-Innes National Park, Yorke Peninsula, SA, 5577
- Lochie Cameron, Yorke Peninsula
- Amber Everett, Fleurieu Peninsula
- David Muirhead, Fleurieu Peninsula
- Roannna Horbelt, Kangaroo Island
- Jenni Bloom, Kangaroo Island
- Anthony Rowland, Encounter Bay
- Mickey Mason, Encounter Bay
- Samuel Kenworthy, Tumby Bay
- Wardens appointed under the *National Parks and Wildlife Act 1972*

Dated: 22 July 2025

PROFESSOR GAVIN BEGG
Executive Director
Fisheries and Aquaculture
Delegate of the Minister for Primary Industries and Regional Development

HIGHWAYS ACT 1926

SECTION 26(3)

Care, Control and Management of Local Roads

I, Andrew John Excell, delegate of the Commissioner of Highways, with the approval of the Minister for Infrastructure and Transport, and pursuant to my delegated powers under Section 12A of the *Highways Act 1926* do hereby give notice that I will undertake the care, control and management of the following local road, within the boundaries of the City of Port Adelaide Enfield until further notice, in association with the North-South, River Torrens to Darlington Project.

- North Arm Road (partial)

The extent of the Commissioners care, control and management is identified in Green on the attached plan.

Dated: 18 July 2025

ANDREW JOHN EXCELL
Delegate of the Commissioner of Highways

HOUSING IMPROVEMENT ACT 2016

Rent Control

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

Address of Premises	Allotment Section	Certificate of Title Volume/Folio	Maximum Rental per week payable
6 Lambert Avenue, Christies Beach SA 5165	Allotment 879 Deposited Plan 4901 Hundred of Noarlunga	CT5089/423	\$0.00
14 Flora Street, Stepney SA 5069	Allotment 505 Filed Plan 20313 Hundred of Adelaide	CT5438/740	\$506.00

Dated: 24 July 2025

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

HOUSING IMPROVEMENT ACT 2016

Rent Control Revocations

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

Address of Premises	Allotment Section	Certificate of Title Volume/Folio
23 Medina Street, Aberfoyle Park SA 5159	Allotment 103 Deposited Plan 9962 Hundred of Noarlunga	CT5181/578

Dated: 24 July 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	Certificate of Title Volume/Folio	Reason for Variation	Maximum Rental per week payable
12 Castle Street, Glanville SA 5015	Allotment 39 Filed Plan 3333 Hundred of Port Adelaide	CT5420/89		\$0.00

Dated: 24 July 2025

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

LIVESTOCK ACT 1997

LIVESTOCK REGULATIONS 2013

REGULATION 3(4)(b)

Prescribed Vaccines

Pursuant to Regulation 3(4)(b) of the *Livestock Regulations 2013*, I, Dr Skye Fruean, Chief Inspector of Stock and delegate of the Minister for Primary Industries and Regional Development, hereby revoke the Notice titled *Prescribed Vaccine*, made on 6 October 2020 and published on 22 October 2020 on page 4898 of the South Australian Government Gazette.

Dated: 21 July 2025

DR SKYE FRUEAN
Chief Inspector of Stock
Delegate of the Minister for Primary Industries and Regional Development

MENTAL HEALTH ACT 2009

Authorised Medical Practitioner

Notice is hereby given in accordance with Section 93(1) of the *Mental Health Act 2009* that the Chief Psychiatrist has determined the following person as an Authorised Medical Practitioner:

Rachel Mellor

A determination will be automatically revoked upon the person being registered as a specialist psychiatrist with the Australian Health Practitioner Regulation Agency and as a fellow of the Royal Australian and New Zealand College of Psychiatrists.

The Chief Psychiatrist may vary or revoke this determination at any time.

Dated: 24 July 2025

DR JOHN BRAYLEY
Chief Psychiatrist

MENTAL HEALTH ACT 2009

Authorised Mental Health Professional

Notice is hereby given in accordance with Section 94(1) of the *Mental Health Act 2009*, that the Chief Psychiatrist has determined the following person as an Authorised Mental Health Professional:

Megan Hyland

The determination will expire three years after the commencement date.

The Chief Psychiatrist may vary or revoke these determinations at any time.

Dated: 24 July 2025

DR JOHN BRAYLEY
Chief Psychiatrist

RETURN TO WORK ACT 2014

*Publication of Forms and Manners for Making a Claim and an Employer Statement**Preamble*

This Notice is given in accordance with the powers delegated to me, Michael Francis, Chief Executive Officer, by the Board of the Return to Work Corporation of South Australia ('the Corporation') under an Instrument of Delegations dated 12 June 2025.

Section 30(1)(a) of the *Return to Work Act 2014* ('the Act') states that a claim must be made in a manner and form approved by the Corporation.

Section 30(5)(b) of the Act states that an employer must forward to the Corporation a copy of the claim and a statement in the designated form.

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

NOTICE

1. Forms for Making a Claim

Pursuant to Section 30(1)(a) of the Act, I give notice that from 1 July 2015, the *Claim form* at Attachment 1 is the 'form approved by the Corporation' for the purposes of that section, to be completed jointly or separately by a worker (or a person on behalf of a worker) and their employer.

Further, pursuant to Section 30(1)(a) of the Act, I give notice that from 28 July 2025 the *Claim form* at Attachment 2 is the online 'form approved by the Corporation' for the purposes of that section, to be completed by an employer on behalf of the worker.

Further, pursuant to Section 30(1)(a) of the Act, I give notice that from 28 July 2025, the *Claim form* at Attachment 3 is the online 'form approved by the Corporation' for the purposes of that section, to be completed by a worker.

The requirement to provide the Claim form may be dispensed with pursuant to Section 30(8) of the Act if a claim is made by telephone.

2. Employer Statement

Pursuant to Section 30(5)(b) of the Act, I give notice that from 1 July 2015, the *Claim form* at Attachment 1 is also the 'designated form' for the purposes of that section, to be completed jointly or separately by an employer and the worker (or a person on behalf of a worker).

Further, pursuant to Section 30(5)(b) of the Act, I give notice that from 3 April 2024, the Claim form at Attachment 2 is also the online 'designated form' for the purposes of that section, to be completed by an employer on behalf of the worker.

The requirement to provide a statement in the 'designated form' may be dispensed with pursuant to Section 30(8) if a receipt of a worker's claim is reported by the employer by telephone.

3. Manner for Making a Claim

Pursuant to Section 30(1)(a) of the Act, I give notice that from 1 July 2015, the manner outlined at Attachment 4 is the 'manner approved by the Corporation' for the purposes of that section.

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

Dated: 11 July 2025

MICHAEL FRANCIS
Chief Executive Officer

ATTACHMENT 1

Claim form



The Return to Work scheme provides timely, personalised support and services to workers and their employers following a work injury.

South Australians who have been injured at work may be eligible for income support and/or the reimbursement of medical expenses and other return to work services.

Before making a claim workers need to

- > notify their employer about the injury
- > see a doctor to get a Work Capacity Certificate.



Call **13 18 55** as this form may not be required

How to make a claim using this form

Step 1 Complete this form

Wherever possible, the worker and the employer should complete this form together. A representative, such as a treating doctor, a worker's friend or a Return to Work Coordinator can assist the worker by completing information in the form with the worker's consent.

Step 2 Sign the Medical Authority and declarations (page 4)

Step 3 Lodge this form

South Australian businesses registered under the Return to Work scheme and their workers must ensure this completed and signed form and Work Capacity Certificate are sent to the employer's claims agent, either:

Employers Mutual SA

GPO Box 2575, Adelaide SA 5001
 newclaims@eml.rtwsa.com
 Fax (08) 8127 1200
 www.employersmutual.com.au
 Phone (08) 8127 1100 or 1800 688 825
 OR

Gallagher Bassett Services Pty Ltd

GPO Box 1772, Adelaide SA 5001
 newclaims@gb.rtwsa.com
 Fax (08) 8177 8451
 www.gallagherbassett.com.au
 Phone (08) 8177 8450 or free call 1800 774 177

To find which is the employer's claims agent, use the Claims Agent Lookup at www.rtwsa.com or call **13 18 55**.

Self-Insured / Crown employers

Most of South Australia's largest private and public sector organisations are self-insured, managing their own workers compensation claims. Workers of self-insured businesses with a work injury should speak to their employer about making a claim.

Important information for workers

- > Report a work injury to your employer as soon as possible and talk to them about a plan to stay at or return to work.
- > Talk to your doctor about work tasks you can still do and obtain a Work Capacity Certificate.
- > Be actively involved in your treatment, recovery and return to work, or stay at work plans.

Important information for employers

- > Call your claims agent as soon as possible to report a work injury. Your claims agent will advise you immediately whether a Case Manager will be assigned. You may not be required to submit this form.
- > If you do need to submit this form to your claims agent you must do so within five business days of receiving a claim from the worker.
- > There are financial incentives for employers who make the claim and submit the Work Capacity Certificate (if you have been given one) within five calendar days of receiving the form from the worker. For more information on financial incentives visit www.rtwsa.com
- > Notifiable incidents
 It is a legal requirement under the Work Health and Safety Act 2012 for a person who conducts a business or undertaking to notify SafeWork SA of:
 - the death of a person
 - a serious injury or illness of a person including immediate treatment for amputation, serious head, eye, burn and laceration injuries, separation of skin from underlying tissue, spinal injury or loss of body function; medical treatment within 48 hours of exposure to substance
 - a dangerous incident that exposes a worker or any other person to a serious risk to a person's health or safety emanating from an immediate or imminent exposure, whether or not an injury has actually occurred.

Please notify SafeWork SA by calling **1800 777 209**.

For more information about SafeWork SA please visit www.safework.sa.gov.au

Serious penalties could arise from failure to notify SafeWork SA of notifiable incidents. SafeWork SA receives ReturnToWorkSA claims data.

To contact ReturnToWorkSA in a language other than English call the Interpreting and Translating Centre (ITC) on 1800 280 203 and ask the consultant to organise a telephone interpreter in your language and to then be connected to ReturnToWorkSA on 13 18 55.

People with hearing / speech impairments can contact ReturnToWorkSA using the National Relay Service.

Need help?

If you have any questions about this form contact ReturnToWorkSA on

13 18 55 or
www.rtwsa.com



Government of
South Australia

Section 1 - About this claim**1A - What is the claim for?**

- ☐ Loss of wages ☐ Medical expenses
☐ Loss of wages and medical expenses

1B - Who is filling out this form?

When possible, it is suggested the worker and employer complete this form together.

- ☐ Worker ☐ Employer
☐ Both worker and employer completing the form together
☐ Other - Name: _____
 Relationship (i.e. Family, friend or representative): _____

 Phone: _____

Section 2 - Worker details

Family name: _____
 Given names: _____
 Former names (if any): _____
 Title: ☐ Miss ☐ Ms ☐ Mrs ☐ Mr
 Date of birth: ____/____/____
 Gender: ☐ M ☐ F ☐ Other
 Address: _____

 Postal address (or if same write 'same as above'): _____

 Daytime phone number: _____
 Mobile number: _____
 Email: _____
 (Note: Providing an email will ensure prompt receipt of important notices.)
 Does the worker wish to identify as:
☐ Aboriginal ☐ Torres Strait Islander
 Country of birth: _____

Does the worker need an interpreter?: ☐ Yes ☐ No

If yes, identify language (including Auslan): _____

Dialect: _____

Is the worker an Australian citizen or permanent resident of Australia?

☐ Yes ☐ No

If _____ 'No': _____

Type of _____ visa: _____

Expiry date: ____/____/____

*Throughout this form 'injury' should be read as
'work related illness, condition or injury'

Section 3 - Injury details**3A - Injury information**

What was the circumstance in which the injury occurred?

(tick one) while:

- ☐ Working at usual workplace
☐ Working, had a traffic accident—Police Report Number: _____
☐ Having a break _____
☐ Travelling to or from work
☐ Attending an approved course of study
☐ Working elsewhere
☐ Other (please specify): _____

Date and time of the injury: (or when was it first noticed)

Date ____/____/____ Time ____:____ am/pm

Did the worker stop work due to the injury? ☐ Yes ☐ No

If yes, date and time work was stopped:

Date ____/____/____ Time ____:____ am/pm

Has the worker resumed work? ☐ Yes ☐ No

If yes, date and time worker resumed:

Date ____/____/____ Time ____:____ am/pm

Has the worker returned to:

☐ pre-injury hours or ☐ less than pre-injury hours

Has the worker returned to:

☐ normal duties or ☐ modified duties

3B - Where did the injury occur?

Place (e.g. workshop floor): _____

Address: _____

Suburb / town: _____ Postcode: _____

3C - Description of the injury

What is the injury and part of the body affected? (e.g. broken left lower leg, dermatitis of the hands, lower back strain): _____

What was the worker doing at the time of the injury? (e.g. lifting bags of cement from pallet to trolley): _____

What happened and how was worker injured? (e.g. repeatedly lifting heavy bags causing lower back pain): _____

Section 4 - Capacity for work and treatment**4A - Treating doctor's information**

Name: _____

Practice name: _____

Practice phone: _____

Practice address: _____

Suburb / town: _____ Postcode: _____

Hospital (if the worker was or is hospitalised): _____

4B - Work Capacity Certificate details

The worker's Work Capacity Certificate covers the period from:

_____/_____/_____ to ____/____/_____

Section 5 - Employment details**5A - Employer's name and address**

Full company or business name: _____

Trading name: _____

Postal address: _____

Suburb / town: _____ Postcode: _____

Phone: _____

Email: _____

(Note: Providing an email address will ensure prompt receipt of important notices)

ReturnToWorkSA employer number: _____

ReturnToWorkSA location number: _____

Date worker started employment: ____/____/_____

Address of worker's usual workplace (if different from above): _____

Suburb / town: _____ Postcode: _____

5B - Employer contact person for this claim

(e.g. Manager or Return to Work Coordinator)

Name: _____

Phone: _____

Position title: _____

Email: _____

5C - Employment type

Is the worker any of the following? (if not leave blank)

☐ an apprentice ☐ a trainee ☐ a working director

If the worker is not an employee what is the relationship?

(e.g. non-working director, sole contractor, partner): _____

5D - Worker's occupation and main tasks

Occupation: _____

Main tasks: _____

Section 6 - Income support**Please complete section 6 if claiming for loss of wages.****6A - Worker's hours**

Is the worker:

☐ permanent or ☐ casual

Normal hours per week? _____ hours

Regular hours each day of the week:

Mon	Tue	Wed	Thu	Fri	Sat	Sun	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	OR

☐ tick if not regular hours (e.g. shiftwork)

Is the worker:

☐ full time or ☐ part time

If the worker works part time, what would their hours be

if they worked full time? _____ per week (if known)

6B - Worker's income details

What was the worker's gross weekly wage at

the time of the injury? \$ _____

Does the worker normally work overtime?

☐ Yes ☐ No

If yes, what is the average amount earned per week? \$ _____

What are the average hours of overtime per week? _____

Does the worker receive non-cash benefits? ☐ Yes ☐ No

If 'Yes' what is the benefit? (e.g. car, phone, computer)

(Note: 12 months of wages information may be requested in order to determine Average Weekly Earnings.)

6C - Other employment details

Does the worker have any other current employment?

☐ Yes ☐ No**Section 7 - EFT details****Payments and reimbursements are paid by EFT.****7A - Worker's Electronic Funds Transfer (EFT) details**

Bank name: _____

BSB number: ____/____/____

Account number: _____

Account name: _____

7B - Employer's EFT details

Bank name: _____

BSB number: ____/____/____

Account number: _____

Account name: _____

Section 8 - Notification of injury**Notification details**

When was the employer notified of the injury?

Date: / /

Name of person notified: _____

Position/title of person notified: _____

Person notifying: ☐ Worker ☐ Other, please specify: _____

Date claim form given to/completed with employer:

/ /

Section 9 - Other information

Provide any other information relevant to the assessment of the claim:

Important information—read before completing sections 10 and 11

It is intended that the worker and employer complete this form together. If this is the case, the employer should complete section 10 and the worker section 11. If not, only the person (worker or employer) completing the form should sign the relevant section.

Section 10 - Employer declaration

I acknowledge that it is an offence against the *Return to Work Act 2014* to make a statement that is false or misleading. The information I have provided is true and not misleading. I agree to advise ReturnToWorkSA:

- > if my circumstances change
- > if I become aware of any matter that would make the above information false or misleading
- > of any change in the worker's return to work status.

Employer's full name (or authorised person): _____

Employer's signature: _____

Date / /

Section 11 - Medical authority & worker declaration**Only the worker can complete this section.**

I give permission for:

- > my medical experts to provide ReturnToWorkSA, my employer's claims agent or my self-insured employer with information relating, and/or relevant to my work injury, condition or illness.
- > any of my medical experts to receive x-rays, medical records or reports relating to my claim (including copies) for the purpose of writing a report about my injury, condition or illness related issue.
- > ReturnToWorkSA or my employer's claims agent, or my self-insured employer to release my personal contact information to an independent medical examiner for the purpose of an appointment reminder.

A photocopy of this medical authority is valid.

I acknowledge that it is an offence against the *Return to Work Act 2014* to make a statement that is false or misleading. The information I have provided is true and not misleading. I agree to advise ReturnToWorkSA if:

- > my circumstances change
- > I become aware of any matter that would make the above information false or misleading.
- > I undertake any employment (paid or unpaid), including self-employment, during my claim.

Worker's full name: _____

Worker's signature: _____

Date / /

Next steps

When the claims agent receives this completed claim form they:

- > will contact the worker and employer
- > may request additional information such as information to assist in determining the rate of weekly payments
- > will assess and determine the claim for income support and/or medical services
- > will arrange services to help the worker to recover and return to work. This may include visiting the worker and the employer if the worker is likely to be away from work for more than two weeks.

Workers of self-insured organisations should discuss the next steps with their employer.


Keep a copy of this completed form for your records.

Scan the QR code to visit our website for more information about making a claim and employer and worker rights and responsibilities.

www.rtwsa.com



ATTACHMENT 2



Make a claim

For details on what you will need to make a claim see [report an injury or make a claim](#)

About your claim

*What category best describes your employee's injury?

☒ Physical injury

☐ Psychological injury

☐ Noise-induced hearing loss

☐ Dust injury

☐ Death and dependency

*What is the claim for?

☐ Medical expenses only

☒ Income support and medical expenses


☐ Reporting the injury only (at this stage)

When did your employee notify you of their intent to claim?

Steps

- About Your claim
- Business details
- Employee details
- Injury details
- Incident location
- Time off work
- Weekly earnings
- Review & Submit
- Thank you
- Feedback

[Next](#)



Make a claim

Business Details

Business Name

ABN

*First name

*Last name

*Phone Number

*Email address



Correspondence

How do you want to receive communication from us?

Steps

- About Your claim
- Business details
- Employee details
- Injury details
- Incident location
- Time off work

[Previous](#) [Next](#)



Make a claim

Injured employee details

1 Please provide details about the injured employee in this section. You will have an opportunity to discuss the incident and the injury in the next steps of this form.

* First name

Middle name

* Last name

* Date of birth

* Phone number

Email address

Occupation Details

What's your Employee's occupation?

Accessibility needs when contacting your employee

1 This section is about accessibility requirements for contacting your employee, not their injury. Please specify any relevant details, such as night shifts, hearing impairment, or if the employee is under 18 and requires contact with a guardian.

Is there anything we should know when contacting your employee?

[Previous](#) [Next](#)

Steps

- About Your claim
- Business details
- Employee details**
- Injury details
- Incident location
- Time off work
- Weekly earnings
- Review & Submit
- Thank you
- Feedback



Make a claim

Injury details

* When did the injury occur?

DD/MM/YYYY HH:MM:SS

When did your employee inform you about their injury? If unsure, leave blank.

DD/MM/YYYY

* What injury has your employee sustained? Please be specific as possible.

* Please provide details as to how injury happened.

What is your employee's current capacity to complete duties?

- ☐ My employee is unable to perform any duties
- ☐ My employee can perform some, but not all duties
- ☐ My employee is able to perform all duties
- ☐ I'm unsure

Do you have any concerns with the claim?

- ☐ Yes
- ☐ No

Previous

Next

Steps

- About Your claim
- Business details
- Employee details
- Injury details
- Incident location
- Time off work
- Weekly earnings
- Review & Submit
- Thank you
- Feedback



Make a claim

Incident location

* Where did the injury happen?

- ☐ Working at the usual workplace
- ☐ While working elsewhere
- ☐ Working from home
- ☐ Traffic accident while working
- ☐ While travelling to or from work
- ☐ At work on a break
- ☐ Other

Were there any witnesses?

- ☐ Yes
- ☐ No

Was transport for immediate medical treatment required?

- ☐ Yes
- ☐ No

Previous

Next

Steps

- About Your claim
- Business details
- Employee details
- Injury details
- Incident location
- Time off work
- Weekly earnings
- Review & Submit
- Thank you
- Feedback



Make a claim

Time off work

Has your employee had time off work due to their injury?

- ☐ Yes
☐ No

Are there any barriers for your employee returning to work?

- ☐ Yes
☐ No

> More about barriers returning to work

Previous

Next

Steps

- About Your claim
- Business details
- Employee details
- Injury details
- Incident location
- Time off work
- Weekly earnings
- Review & Submit
- Thank you
- Feedback



Make a claim

Weekly earnings

How long has your employee been in their current role?

Less than a year

How many hours on average per week does your employee work? Do not include overtime.

Does your employee get paid allowances?

- ☐ Yes
☐ No

Does your employee get paid any non-cash benefits?

- ☐ Yes
☐ No

Does your employee make any voluntary super contributions?

- ☐ Yes
☐ No

Overtime details

Does your employee work overtime?

- ☐ Yes
☐ No

Awards

Is your employee covered by an Award?

- ☐ Yes
☐ No

Upload earnings documents

Upload payslips for the last 12 months

Upload Files Or drop files

Upload payment summary

Upload Files Or drop files

Upload Employment Contract


Upload Files Or drop files

Previous

Next

Steps

- About Your claim
- Business details
- Employee details
- Injury details
- Incident location
- Time off work
- Weekly earnings
- Review & Submit
- Thank you
- Feedback



Make a claim

Review & submit

i To edit the information below, use the right-hand menu and click on the relevant section.

Your claim

What category best describes your employee's injury?

Physical injury

What is the claim for?

Income support and medical expenses

When did your employee notify you of their intent to claim?

> Business details

> Injured Employee Details

> Injury details

> Incident location


> Time off work

> Weekly earnings

Additional information

Please let us know if you have any additional information or questions regarding the claim process.

Upload any additional files

 Upload Files Or drop files

Previous Submit

Steps


- About Your claim
- Business details
- Employee details
- Injury details
- Incident location
- Time off work
- Weekly earnings
- Review & Submit**
- Thank you
- Feedback

ATTACHMENT 3—WORKER

Make a claim

Starting your claim

Your employer

 If any of your employer details below are incorrect, please let your claims agent know when they speak to you next.

Employer name

ABN

Location address


Contact person for this claim

Claim type

* What is the claim for?

- ☐ Medical expenses only
- ☐ Income support and medical expenses
- ☐ Reporting the injury only (at this stage)


Accessibility and assistance when completing this form

 Assistance may include the following:

- **National Relay Service:** a phone service for people who are deaf, hard of hearing or have a hearing impairment
- **Interpreter:** a person to translate speech through phone calls or face-to-face from another language to another
- **Translator:** a person to translate written information from another language to another

* Do you need any assistance from the National Relay Service, an interpreter or translator to complete this form?

- ☐ Yes
- ☐ No

 As you progress through this claims form, the information you share will be automatically saved once you press the 'Next' button. The claim will not be lodged until you complete all the questions and submit.

Steps

- Assistance
- Your details
- Injury details
- Your primary injury
- Treatment information
- Incident location
- Time off work
- EFT details
- Medical authorisation
- Review & submit

[Next](#)

Make a claim

Your details

* First name

Middle name

* Last name

Preferred name

Have you ever been known by a different name?

Yes

No

* Date of birth

DD/MM/YYYY

Steps

- Assistance
- Your details**
- Injury details
- Your primary injury
- Treatment information
- Incident location
- Time off work
- EFT details
- Medical authorisation
- Review & submit

*** Gender**

- ☐ Female
- ☐ Male
- ☐ Other
- ☐ Prefer not to say

Do you identify as an Aboriginal or Torres Strait Islander?

- ☐ Aboriginal
- ☐ Torres Strait Islander
- ☐ Aboriginal and Torres Strait Islander
- ☐ Neither
- ☐ Unsure

Contact details

*** Residential address****Mailing address**

☐ Same as residential address

*** Phone number**

* Email address

Correspondence

* How do you want to receive written communication from us?



We'll send correspondence to

Occupation details

* What is your occupation?

What is your employment type?

* Do you have the legal right to work in Australia?

Authorisation to act



This means that any information we provide to yourself will also be provided to your representative and they are able to communicate with us based on your instructions.

Do you currently have anyone else acting on your behalf for the purposes of lodging your claim?

- ☐ No
☐ Yes

Previous

Next

Make a claim

Injury details

* When did the injury occur?

DD/MM/YYYY

* Please provide details as to how the injury happened

When did you notify your employer of your injury?

DD/MM/YYYY

Identifying your injury

Please capture one injury at a time. You will have opportunities to add additional injury details below. Please note a noise-induced hearing loss injury only needs to be captured once.

* What category best describes your injury?

- ☐ Physical injury
- ☐ Psychological injury
- ☐ Dust injury

Additional injury

* Would you like to add another injury?

- ☒ Yes, add another injury
- ☐ No, the injury above is the only injury I am aware of

Additional injury

* What category best describes your injury?

☐ Physical injury

☐ Psychological injury

☐ Dust injury

When did you first notice your symptoms?

DD/MM/YYYY

+ Add another injury

Steps

- ✓

Assistance
- ✓

Your details
- Injury details
- Your primary injury
- Treatment information
- Incident location
- Time off work
- EFT details
- Medical authorisation
- Review & submit

Make a claim

Your primary injury

* Which of the following injuries is impacting you the most?

i We need to ask this question for reporting statistical purposes. It will not impact the potential entitlements you may receive.

- ☒ Injury #1
Physical injury
Left Knee - worker

Previous Next

Steps

- ☒ Assistance
- ☒ Your details
- ☒ Injury details
- ☒ Your primary injury
- ☐ Treatment information
- ☐ Incident location
- ☐ Time off work
- ☐ EFT details
- ☐ Medical authorisation
- ☐ Review & submit

Make a claim

Treatment information

When did you first seek consultation or treatment for this injury?

DD/MM/YYYY 

What type of treatment have you sought to assist with your injury?

Enter the treating provider or clinic name. Leave blank if there are no matches.

☐ I can't find the treating provider or clinic name

Additional treating provider information

Would you like to add another treating provider?

- ☐ Yes
- ☐ No

Steps

- ☒ Assistance
- ☒ Your details
- ☒ Injury details
- ☒ Your primary injury
- ☒ Treatment information
- ☐ Incident location
- ☐ Time off work
- ☐ EFT details
- ☐ Medical authorisation
- ☐ Review & submit

Additional information related to this claim

Is there anything further you would like to comment on in relation to this claim? Please be as specific as possible.

Previous

Next

Make a claim

Incident location

* Where did the injury or illness happen?

- ☐ While working at usual workplace
- ☐ While working elsewhere
- ☐ Working from home
- ☐ Traffic accident while working
- ☐ While travelling to or from work
- ☐ At work on a break
- ☐ While attending an approved course of study
- ☐ Other

Steps

- ✓

Assistance
- ✓

Your details
- ✓

Injury details
- ✓

Your primary injury
- ✓

Treatment information
- Incident location
- Time off work
- EFT details
- Medical authorisation
- Review & submit

Previous

Next

Make a claim

Time off work

Has your injury prevented you from working at any time?

- ☒ Yes, there was time taken off work
- ☐ No, there was no time taken off work

When did you stop working?

DD/MM/YYYY

Return to work capacity

Have you returned to work?

- ☐ Yes
- ☐ No

Upload any files related to your work capacity

Upload Files

Or drop files

Steps

- ✓

Assistance
- ✓

Your details
- ✓

Injury details
- ✓

Your primary injury
- ✓

Treatment information
- ✓

Incident location
- Time off work
- EFT details
- Medical authorisation
- Review & submit

Make a claim

Your Electronic Funds Transfer (EFT) details

i

Please provide your Electronic Funds Transfer (EFT) details to reimburse medical expenses and any compensations if applicable. Payments and reimbursements are paid by EFT.

You can submit these details later if you don't have them now.

Account name

BSB number

Account number

Steps

- ✓

Assistance
- ✓

Your details
- ✓

Injury details
- ✓

Your primary injury
- ✓

Treatment information
- ✓

Incident location
- ✓

Time off work
- EFT details
- Medical authorisation
- Review & submit

Make a claim

Medical authorisation

We need your permission to access medical information related to your recent injury claim from your healthcare providers. This is important because it:

- Helps us understand your medical condition
- Speeds up claim processing
- Ensures appropriate support and benefits

We're requesting:

- Permission to contact your medical team
- Authorisation to obtain relevant medical records

After you have made a decision to proceed, you may still change your decision when we will call you to discuss your claim after this form submission.

I, **Test Testing2**, authorise:

- my medical/treatment team to provide my claims agent with information relating, and/or relevant to my work injury, condition or illness
- my medical/treatment team to receive x-rays, medical records or reports relating to my claim (including copies) for the purpose of writing a report about my injury, condition or illness related issue
- my claims agent to release my personal contact information to an independent medical examiner for the purpose of an appointment reminder.

- ☐ Yes, I approve
- ☐ No, I do not approve


> What happens if I don't approve?

Steps

- ✓ Assistance
- ✓ Your details
- ✓ Injury details
- ✓ Your primary injury
- ✓ Treatment information
- ✓ Incident location
- ✓ Time off work
- ✓ EFT details
- **Medical authorisation**
- Review & submit

Make a claim

Review & submit

 To edit the information below, use the menu and click on the relevant section.

Employer details

Employer name

ABN

Location address

Your details

First name

Middle name

Steps

-  Assistance
-  Your details
-  Injury details
-  Your primary injury
-  Treatment information
-  Incident location
-  Time off work
-  EFT details
-  Medical authorisation
-  Review & submit

ATTACHMENT 4—MANNERS

- 1.1 For workers of an employer who is not a self-insured employer, the claim form must be given by the worker, or their representative, to
- their employer direct (if the worker is in employment at the commencement of incapacity), or
 - the Corporation, or the employer's claims agent (currently EML SA or Gallagher Bassett Services),
- in one of the following manners:
- in person
 - via post
 - via facsimile
 - via telephone
 - via email
 - online.

- 1.2 The contact details as at the date of publishing these manners are as follows:

EML SA

In person: 15th Floor, 26 Flinders Street, Adelaide
Via post: GPO Box 2575, Adelaide SA 5001 or
15th Floor, 26 Flinders Street, Adelaide SA 5000
Via facsimile: (08)8127 1200
Via telephone: 1800 688 825 (free call)
Via email: newclaims@eml.rtwsa.com
Online: www.eml.com.au

Gallagher Bassett Services

In person: Level 3, 115 Grenfell Street, Adelaide
Via post: GPO Box 1772, Adelaide SA 5001 or
Level 3, 115 Grenfell Street, Adelaide SA 5000
Facsimile: (08)8177 8451
Via telephone: (08)8177 8450 or free call 1800 774 177
Via email: newclaims@gb.rtwsa.com.au
Online: www.gallagherbassett.com.au

The Corporation (ReturnToWorkSA)

In person: Ground Floor, 400 King William Street, Adelaide
Via post: GPO Box 2668, Adelaide SA 5001
400 King William Street, Adelaide SA 5000
Via facsimile: (08)8233 2466
Via telephone: 13 18 55
Via email: silicosis@rtwsa.com (for silicosis claims)

Note: Current contact details will be maintained on the employer's claims agent's website (currently EML SA at www.eml.com.au or Gallagher Bassett Services at www.gallagherbassett.com.au) or the Corporation's website at www.rtwsa.com.

- 1.3 For workers of a self-insured employer, the claim form must be provided by the worker or their representative to the self-insured employer in such manner as decided by a worker's employer.

RETURN TO WORK ACT 2014

*Scales of Charges for Medical Practitioners, Medical and Other Charges**Preamble*

Subsection 33(12)(a) of the *Return to Work Act 2014* (the Act), provides that the Minister for Industrial Relations may, by notice in the Gazette, on the recommendation of the Return to Work Corporation of South Australia, publish "scales of charges for the purposes of this Section (ensuring as far as practicable that the scales comprehensively cover the various kinds of services to which this Section applies)".

This republication replaces the item numbers and service descriptions below, which were published on 13 June 2025.

NOTICE

Pursuant to subsection 33(12)(a) of the Act, I publish the following scales of charges to have effect on and from 31 July 2025.

Dated: 13 July 2025

HON KYAM MAHER MLC
Minister for Industrial Relations and Public Sector

SCHEDULE 1A

Scale of Charges—Clinical Medical Services

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Item No.	Description	Max Fee (excl. GST)
COVID-19 Specialist, Anaesthesia—Telehealth Services		
92701	Video attendance by a medical practitioner in the practice of anaesthesia for a consultation on a patient undergoing advanced surgery or who has complex medical problems, involving a selective history and the formulation of a written patient management plan documented in the patient notes, and lasting more than 15 minutes (other than a service associated with a service to which any of items 2801 to 3000 of the general medical services table apply)	\$333.00
Other Therapeutic Procedures		
14224	Electroconvulsive therapy, with or without the use of stimulus dosing techniques, including any electroencephalographic monitoring and associated consultation (H)(Anaes.)	\$279.30

SOUTH AUSTRALIAN MOTOR SPORT ACT 1984

SECTION 20(1)

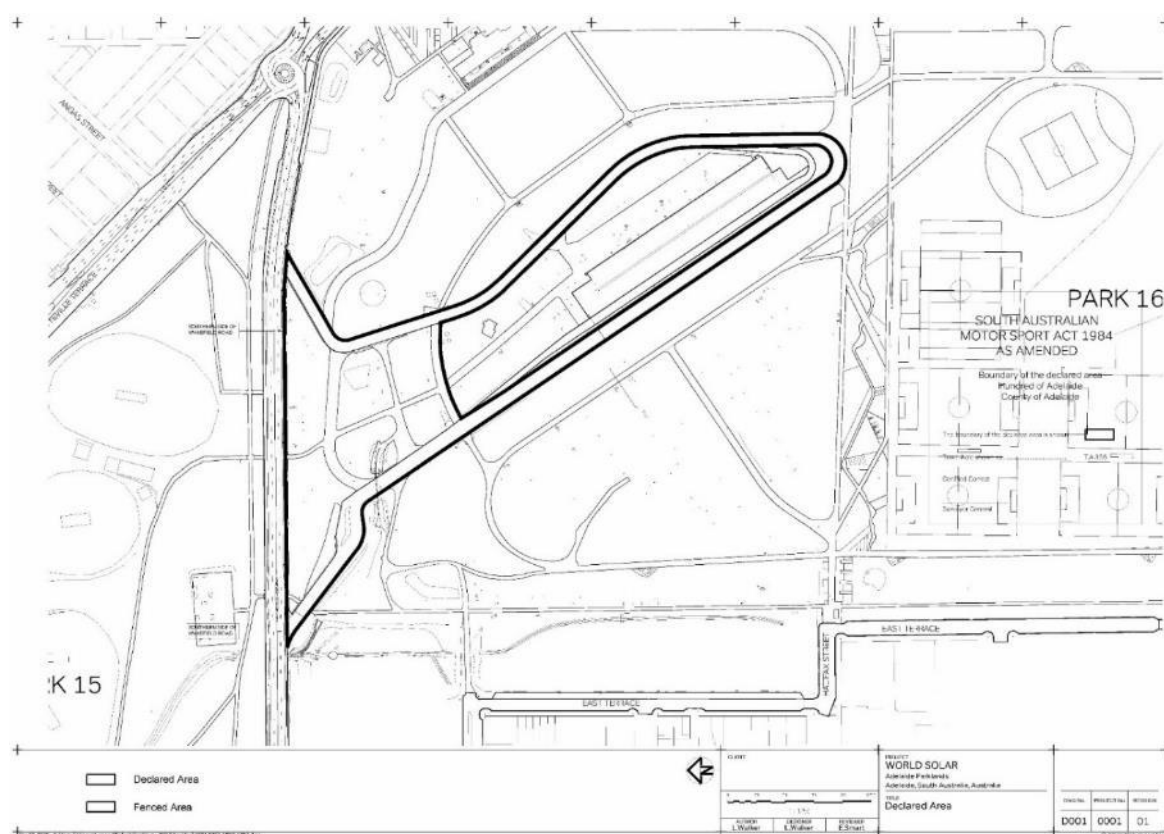
Declaration of Area, Period and Prescribed Works Period—Notice by the Minister

Pursuant to Section 20(1) of the *South Australian Motor Sport Act 1984*, I, the Minister to whom the administration of that Act has been committed, in respect of the motor sport event promoted by the South Australian Motor Sport Board under the name '2025 Bridgestone World Solar Challenge', acting on the recommendation of the Board, declare:

- that the area delineated on the plan in the schedule will be the declared area under the Act for the purposes of the event;
- that the period commencing on 27 August 2025 and ending on 31 August 2025 (both days inclusive) will be the declared period under the Act for the purposes of the event; and
- that the prescribed works period in respect of works necessary for the purpose of staging the 2025 Bridgestone World Solar Challenge in both Victoria Square/Tarntanyangga and Victoria Park/Pakapakanthi (Park 16), be the period commencing on 22 August 2025 and concluding on 3 September 2025 inclusive.

Dated: 1 July 2025

HON PETER BRYDEN MALINAUSKAS MP
Premier



SOUTH AUSTRALIAN MOTOR SPORT ACT 1984

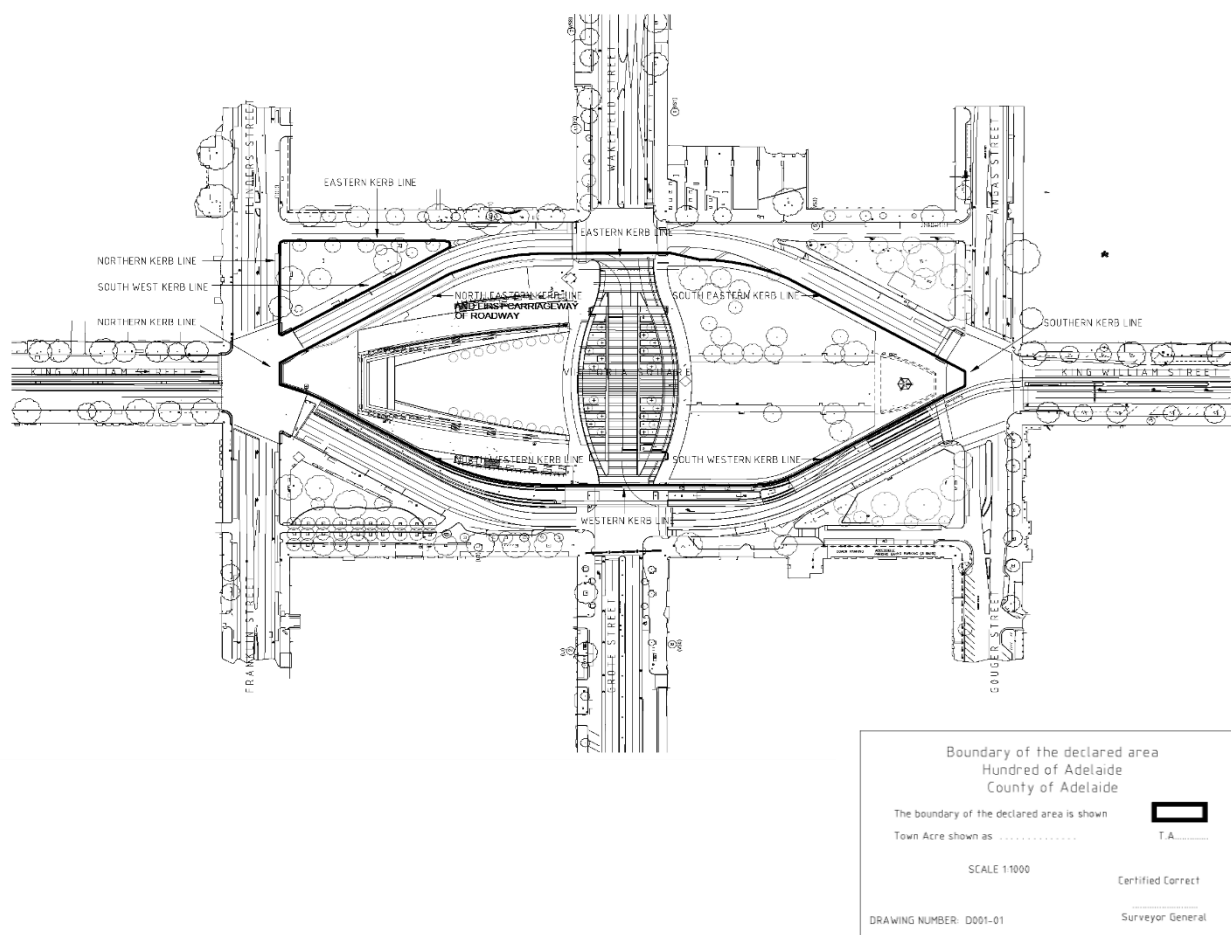
SECTION 26

Availability of Plans for Public Inspection—Notice by the Minister

Pursuant to Section 26 of the *South Australian Motor Sport Act 1984*, I, the Minister to whom the administration of that Act has been committed, hereby designates the offices of the South Australian Motor Sport Board, Level 5, 182 Victoria Square Adelaide SA 5000, as the place at which may be inspected by members of the public plans of all works proposed to be carried out by the South Australian Motor Sport Board in relation to the event known as the '2025 Bridgestone World Solar Challenge'.

Dated: 1 July 2025

HON PETER BRYDEN MALINAUSKAS MP
Premier



LOCAL GOVERNMENT INSTRUMENTS

CITY OF MOUNT GAMBIER

PERMITS AND PENALTIES BY-LAW 2025

By-law No. 1 of 2025

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

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Permits and Penalties By-law 2025* and is By-law No. 1 of the City of Mount Gambier.
 2. **Authorising Law**
This By-law is made under section 246 of the Act.
 3. **Purpose**
The objectives of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:
 - 3.1 creating a permit system for Council By-laws;
 - 3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and
 - 3.3 clarifying the construction of Council By-laws.
 4. **Commencement, Revocation and Expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

*By-law No. 1 – Permits and Penalties 2018.*²
 - 4.2 This By-law will expire on 1 January 2033.³
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
This By-law applies throughout the Council's area.
 6. **Interpretation**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **Council** means the City of Mount Gambier; and
 - 6.3 **person** includes a natural person or a body corporate;
 - 6.4 **prescribed offence** means an offence against a by-law of the Council relating to the driving, parking or standing of vehicles;
 - 6.5 **road** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
 - 6.5.1 a bridge, viaduct or subway; or
 - 6.5.2 an alley, laneway or walkway; and
 - 6.6 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:
 - 6.6.1 a motor vehicle trailer and a tram;
 - 6.6.2 a bicycle;
 - 6.6.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
 - 6.6.4 a combination; and
 - 6.6.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.
- Note-**
- Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.
7. **Construction of By-laws Generally**
 - 7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
 - 7.2 In any By-law of the Council and unless the contrary intention appears, permission means permission granted by the Council (or its delegate) prior to the act, event or activity to which it relates and includes:
 - 7.2.1 permission granted specifically to an applicant; or
 - 7.2.2 permission of general application granted by way of the Council adopting a policy for that purpose.

PART 2 – PERMITS AND PENALTIES

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

Note-

The maximum penalty for a breach of a By-law is prescribed by section 246(3)(g) of the Act. Pursuant to section 246(5) of the Act expiation fees may be fixed for alleged offences against By-laws either by a By-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty for the offence to which it relates.

- 10. Liability of Vehicles Owners and Expiation of Certain Offences**
- 10.1 Without derogating from the liability of any other person, but subject to this clause 10, if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of an offence and liable to the same penalty or expiation fee as is prescribed for the principal offence.
- 10.2 The owner and driver of a vehicle are not both liable through the operation of this paragraph to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the driver and conversely, conviction of the driver exonerates the owner.
- 10.3 An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged prescribed offence involving the vehicle must be accompanied by a notice inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:
- 10.3.1 setting out the name and address of the driver; or
- 10.3.2 if they had transferred ownership of the vehicle to another prior to the time of the alleged offence and complied with the *Motor Vehicles Act 1959* in respect of the transfer - setting out details of the transfer (including the name and address of the transferee).
- 10.4 Before proceedings are commenced against the owner of a vehicle for a prescribed offence, the Informant must send the owner a notice:
- 10.4.1 setting out particulars of the alleged prescribed offence; and
- 10.4.2 inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Informant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subclause 10.3.
- 10.5 Subclause 10.4 does not apply to:
- 10.5.1 proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
- 10.5.2 proceedings commenced against an owner of a vehicle who has been named in a statutory declaration provided under this clause 10 as the driver of the vehicle.
- 10.6 Subject to subparagraph 10.7, in proceedings against the owner of a vehicle for an offence against this paragraph, it is a defence to prove:
- 10.6.1 that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or
- 10.6.2 that the owner provided the Informant with a statutory declaration in accordance with an invitation given pursuant to this clause 10.
- 10.7 The defence in paragraph 10.6.2 does not apply if the owner made the declaration knowing it to be false in a material particular.
- 10.8 If:
- 10.8.1 an expiation notice is given to a person named as the alleged driver in a statutory declaration under this clause 10; or
- 10.8.2 proceedings are commenced against a person named as the alleged driver in such a statutory declaration,
- the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.
- 10.9 The particulars of the statutory declaration provided to the person named as the alleged driver must not include the address of the person who provided the statutory declaration.
- 11. Evidence**
- In proceedings for a prescribed offence, an allegation in an Information that:
- 11.1 a specified place was a road or local government land; or
- 11.2 a specified vehicle was driven, parked or left standing in a specified place; or
- 11.3 a specified vehicle was parked or left standing for the purposes of soliciting business from a person or offering or exposing goods for sale; or
- 11.4 a specified place was not formed or otherwise set aside by the Council for the purposes of the driving, parking or standing of vehicles; or
- 11.5 a specified person was an authorised person; or
- 11.6 a specified provision was a condition of a specified permit granted under this By-law; or
- 11.7 a specified person was the owner or driver of a specified vehicle; or
- 11.8 a person named in a statutory declaration under clause 10 of this By-law for the prescribed offence to which the declaration relates was the driver of the vehicle at the time at which the alleged offence was committed; or
- 11.9 an owner or driver of a vehicle for a prescribed offence was given notice under clause 10 of this By-law on a specified day,

is proof of the matters so alleged in the absence of proof to the contrary.

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on **17 June 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

CITY OF MOUNT GAMBIER
LOCAL GOVERNMENT LAND BY-LAW 2025
By-law No. 2 of 2025

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

PART 1 – PRELIMINARY

- 1. Title**
This By-law may be cited as the *Local Government Land By-law 2024* and is By-law No. 2 of the City of Mount Gambier.
- 2. Authorising law**
This By-law is made under sections 238, 239 and 246 of the *Local Government Act 1999* and section 18A of the *Harbors and Navigation Act 1993*.
- 3. Purpose**
The objectives of this By-law are to regulate the access to and use of Local Government land and certain public places:
- 3.1 to prevent and mitigate nuisances;
- 3.2 to prevent damage to Local Government land;
- 3.3 to protect the convenience, comfort and safety of members of the public;
- 3.4 to enhance the amenity of the Council's area; and
- 3.5 for the good rule and government of the Council's area.
- 4. Commencement, Revocation and Expiry**
- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

*By-law No. 2 – Local Government Land 2018.*²

- 4.2 This By-law will expire on 1 January 2033³
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
- 5. Application**
- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.
 - 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.
 - 5.3 Subclauses 9.3, 9.5.1, 9.10.1, 9.10.4, 9.22.2, 9.24.9, 9.26.1, 9.26.3, 9.26.4, 9.28.2, 9.37, 10.4 and 10.10 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.
 - 5.4 Subclauses 9.1, 9.5.3, 9.11.2.1, 9.15.2.2, and 9.26.5, of this By-law apply throughout the Council's area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.
- 6. Interpretation**
- In this By-law, unless the contrary intention appears:
- 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **animal** includes birds and insects but does not include a dog unless stated otherwise;
 - 6.3 **aquatic life** means any animal or plant living or growing in water including, but not limited to, yabbies, molluscs, fish, insects, insect pupa or larvae and water plants;
 - 6.4 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
 - 6.5 **boat** includes a raft, pontoon, personal watercraft or other similar device;
 - 6.6 **boat ramp** means a facility constructed, maintained and operated for the launching and retrieval of a boat;
 - 6.7 **camp** includes setting up a camp or causing:
 - 6.7.1 a tent or other structure of calico, canvas, plastic or other similar material;
 - 6.7.2 a swag or similar bedding; or
 - 6.7.3 subject to the *Road Traffic Act 1961*, a caravan, motor home or other vehicle—
 to remain on Local Government land or on a road for the purpose of staying overnight, whether or not any person is in attendance or stays overnight therein;
- Note-**
- To avoid doubt, setting up a calico, canvas, plastic or other tent, marquee or similar structure for recreation purposes to provide shade during daylight hours only (and not overnight) is not within the meaning of 'camp'.
- 6.8 **Council** means City of Mount Gambier;
 - 6.9 **effective control** means a person exercising effective control of an animal either:
 - 6.9.1 by means of physical restraint; or
 - 6.9.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
 - 6.10 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
 - 6.11 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
 - 6.12 **foreshore** means land (regardless of whether or not it is Local Government land) extending from the edge of any navigable waterway or body of water in the Council's area to the nearest road or section boundary or for a distance of 50 metres (whichever is the lesser);
 - 6.13 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
 - 6.14 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
 - 6.15 **Local Government land** means land owned by the Council or under the Council's care, control and management (except roads);
 - 6.16 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
 - 6.17 **open container** means a container that:
 - 6.17.1 after the contents of the container have been sealed at the time of manufacture:
 - 6.17.1.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
 - 6.17.1.2 being a can, it has been opened or punctured;
 - 6.17.1.3 being a cask, it has had its tap placed in a position to allow it to be used;
 - 6.17.1.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
 - 6.17.2 is a flask, glass, mug or other container able to contain liquid;
 - 6.18 **personal watercraft** means a device that:
 - 6.18.1 is propelled by a motor; and
 - 6.18.2 has a fully enclosed hull; and
 - 6.18.3 is designed not to retain water if capsized; and
 - 6.18.4 is designed to be operated by a person who sits astride, stands, or kneels on the device;
 and includes the device commonly referred to as a jet ski;
 - 6.19 **road** has the same meaning as in the Act;
 - 6.20 **special event** means an organised gathering of more than one hundred (100) persons for any social, sporting or cultural purpose;
 - 6.21 **tobacco product** has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*;
 - 6.22 **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
 - 6.23 **waters** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council; and
 - 6.24 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.
- Note-**
- Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in a By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.
- PART 2 – ACCESS TO LOCAL GOVERNMENT LAND**
- 7. Access**
- The Council may:
- 7.1 close to the public or otherwise regulate or restrict access to any part of Local Government land for specified times and days; and

- 7.2 fix charges or fees payable for entry onto any part of Local Government land.
8. **Closed lands**
A person must not, without permission, enter or remain on any Local Government land:
- 8.1 which has been closed, or in respect of which access by the public is regulated or restricted in accordance with subclause 7.1;
- 8.2 where entry fees or charges are payable, without paying those fees or charges; or
- 8.3 where the land has been enclosed by fences and/or walls and gates that have been closed and locked or, where a sign is displayed at or near the entrance of the land notifying that the land has been closed.

PART 3 – USE OF LOCAL GOVERNMENT LAND

9. Activities requiring permission

Note-

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

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

- 9.1 **Advertising**
Except on any Local Government land as resolved by the Council, display, paint or erect or cause to be displayed, painted or erected, (including on a structure, building or fixture on that Local Government land) any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose.
- 9.2 **Aircraft**
Subject to the *Civil Aviation Act 1988*, land any aircraft on, or take off any aircraft from the land.
- 9.3 **Alcohol**
Consume, carry or be in possession or in charge of any liquor in an open container on Local Government land comprising parks or reserves to which the Council has resolved this subclause applies.
- 9.4 **Amplification**
Use an amplifier or other mechanical or electrical device for the purpose of amplifying sound or broadcasting announcements.
- 9.5 **Animals**
- 9.5.1 Cause or allow an animal to stray onto, move over, graze, remain or be left unattended on any Local Government land to which the Council has resolved this clause applies.
- 9.5.2 Cause or allow an animal to enter, swim, bathe or remain in any waters thereon.
- 9.5.3 Lead, herd, drive or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind (as indicated by signage on the track), and provided that the animal or animals are under effective control.
- 9.6 **Annoyance**
Do anything likely to offend or unreasonably interfere with any other person:
- 9.6.1 using that land; or
- 9.6.2 occupying nearby premises;
- by making a noise or creating a disturbance.
- 9.7 **Aquatic Life**
Introduce any aquatic life to any waters located on Local Government land.
- 9.8 **Attachments**
Subject to subclause 9.1, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.
- 9.9 **Bees**
Place a hive of bees on such land, or allow it to remain thereon.
- 9.10 **Boats & Mooring**
Subject to the provisions of the *Harbours and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:
- 9.10.1 launch or retrieve a boat to or from any waters to which the Council has resolved that this subclause applies;
- 9.10.2 launch or retrieve a boat to or from any waters other than from a boat ramp constructed for that purpose;
- 9.10.3 hire out a boat or otherwise use a boat for commercial purposes;
- 9.10.4 subject to this subclause 9.10, moor any boat on or to Local Government land to which the Council has resolved this subclause applies; or
- 9.10.5 moor any boat on or to Local Government land other than in accordance with such time limits and other conditions determined by the Council and contained in any signage erected on or in the vicinity of the land.
- 9.11 **Boat Ramps**
- 9.11.1 Allow any vehicle or boat to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat.
- 9.11.2 Launch or retrieve a boat (or boat of a specified class) from or on to any boat ramp on the foreshore or on Local Government land except:
- 9.11.2.1 onto any foreshore or Local Government land as resolved by the Council; and
- 9.11.2.2 other than in accordance with the conditions determined by the Council and specified on a sign displayed on or in the vicinity of the boat ramp.
- 9.12 **Bridge Jumping**
Jump or dive from a bridge on Local Government land.
- 9.13 **Buildings**
Use a building, or structure on Local Government land for a purpose other than for its intended purpose and otherwise in accordance with any conditions of use contained on signage in or on the building or structure.
- 9.14 **Burials and Memorials**
- 9.14.1 Bury, inter or spread the ashes of any human or animal remains, including the remains of a dog.
- 9.14.2 Erect any memorial.
- 9.15 **Camping and Tents**
On Local Government land, the foreshore or on a road:
- 9.15.1 subject to this subclause 9.15, erect a tent or other structure of calico, canvas, plastic or similar material as a place to stay overnight;
- 9.15.2 camp, sleep overnight or occupy any caravan or other vehicle for or in connection with undertaking camping activities (including but not limited to washing, cooking, sleeping) except:

- 9.15.2.1 in a caravan park (the proprietor of which has been given permission to operate the caravan park on that land); or
- 9.15.2.2 on any Local Government land, foreshore or road to which the Council has resolved this subclause applies (and thereby designates as a camping area) and only then, in accordance with any conditions determined by the Council and displayed on any signage on or near the Local Government land, foreshore or road.
- 9.16 **Canvassing**
Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other person.
- 9.17 **Defacing Property**
Deface, remove, paint, spray, write upon, cut names, letters or make marks on any tree, rock, gate, fence, object, monument, building, sign, bridge or property of the Council.
- 9.18 **Distribution**
Subject to subclause 14.2 and the *Local Nuisance and Litter Control Act 2016*, give out or distribute any book, leaflet or other printed matter to any bystander, passer-by or other person.
- 9.19 **Donations**
Ask for or receive or indicate a desire for a donation of money or any other thing.
- 9.20 **Encroachment**
Erect or cause to be erected or placed any fencing, post or other structures or any other items so as to encroach onto the land.
- 9.21 **Entertainment and Busking**
9.21.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.
9.21.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 9.22 **Fires and Barbeques**
9.22.1 Subject to the *Fire and Emergency Services Act 2005* light a fire except:
9.22.1.1 in a place provided by the Council for that purpose; or
9.22.1.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four (4) metres.
9.22.2 Light or maintain any barbeque, gas light or gas stove on Local Government land to which the Council has resolved this clause applies.
- 9.23 **Fireworks**
Ignite, explode or use any fireworks.
- 9.24 **Flora and Fauna**
Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
9.24.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;
9.24.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
9.24.3 deposit, dig, damage, disturb, interfere with, clear or remove any soil, sand, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
9.24.4 take, interfere with, tease, harm or disturb any animal, bird or aquatic life or the eggs or young of any animal, bird or aquatic life;
9.24.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
9.24.6 disturb, interfere with or damage any burrow, nest or habitat of any native animal or bird;
9.24.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or
9.24.8 collect or take any dead wood or timber or burn any timber or dead wood;
9.24.9 feed any animal on any Local Government land to which Council has determined this clause applies - with the exception that subclauses 9.24.4 and 9.24.7 do not apply to lawful fishing activities.
- 9.25 **Foreshore**
On the foreshore:
9.25.1 drive or propel a vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or set aside by the Council for that purpose; or
9.25.2 drive or propel a vehicle on the foreshore except on an area or road that is constructed or set aside by the Council for that purpose.
- 9.26 **Games and Sport**
9.26.1 Participate in, promote or organise any organised competition or sports distinct from organised social play on Local Government land to which the Council has resolved this subclause applies.
9.26.2 Play or practise any game which involves kicking, hitting or throwing a ball or other object that may, as determined by an authorised person acting reasonably, cause or be likely to cause injury or discomfort to a person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.
9.26.3 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
9.26.4 Play or practise any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council (if any) and indicated on a sign on or in the vicinity of the land.
9.26.5 Play, take part in or practice golf, hang gliding, scuba or hookah diving, except in any area as resolved by the Council and only then, in accordance with any conditions determined by the Council that apply to such activity and are contained in signage on or near the land.
- 9.27 **Interference with Land**
Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
9.27.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
9.27.2 erecting or installing a structure in, on, across, under or over the land;
9.27.3 changing or interfering with the construction, arrangement or materials of the land;
9.27.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
9.27.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 9.28 **Model Aircraft, Boats and Cars**
Subject to the *Civil Aviation Safety Regulations 1998*:

- 9.28.1 fly or operate a model or drone aircraft, boat or model or remote-control vehicle in a manner which may, as determined by an authorised person acting reasonably, cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or
- 9.28.2 fly or operate a model or drone aircraft, boat or model or remote-control vehicle on any Local Government land to which the Council has resolved this subclause applies.
- 9.29 **Overhanging Articles**
Suspend or hang an article or object from a building, verandah, pergola, post or other structure where it might, in the reasonable opinion of an authorised person:
- 9.29.1 present a nuisance or danger to a person using the land; or
- 9.29.2 cause an unsightly condition.
- 9.30 **Playing Area**
Use or occupy a playing area:
- 9.30.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);
- 9.30.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 9.30.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.
- 9.31 **Preaching**
Preach, harangue or solicit for religious or other purposes.
- 9.32 **Rubbish Dumps and Rubbish Bins**
- 9.32.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land.
- 9.32.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin, or placed on Local Government land for collection by the Council (or its agent).
- 9.33 **Shared Transport Devices**
Subject to the *Road Traffic Act 1961*:
- 9.33.1 operate a share transport device scheme;
- 9.33.2 leave a share transport device on Local Government land other than in accordance with conditions determined by the Council (including as may be set out in a policy from time to time) that are published on the Council's website (if any).
- 9.33.3 For the purposes of this subclause 9.33:
- 9.33.3.1 **share transport device** means a bike, scooter or similar that is available for hire (for fee or otherwise) in the Council's area by members of the public in connection with a share transport device scheme, including through the use of a special purpose smartphone application; and
- 9.33.3.2 **share transport device** scheme means a scheme operated in the Council's area which involves share bikes, scooters (dockless or otherwise) being made available for hire by any person for a fee or otherwise.
- 9.34 **Trading**
- 9.34.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing.
- 9.34.2 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.
- 9.35 **Vehicles**
- 9.35.1 Drive or propel a vehicle on Local Government land except on land constructed and set aside by the Council for that purpose as indicated by signs on or in the vicinity of the land.
- 9.35.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on land properly constructed for that purpose as indicated by signage on the land.
- 9.35.3 Repair, wash, paint, panel beat or carry out any other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.36 **Weddings, Functions and Special Events**
- 9.36.1 Hold, conduct or participate in a marriage ceremony, funeral ceremony or special event.
- 9.36.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral ceremony or special event.
- 9.36.3 Hold or conduct any filming where the filming is for a commercial purpose.
- 9.37 **Wheeled Recreational Devices**
Subject to the *Road Traffic Act 1961*, ride or operate a wheeled recreational device on Local Government land to which the Council has resolved this subclause applies.
10. **Prohibited Activities**
A person must not do any of the following activities on Local Government land:
- 10.1 **Animals**
- 10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person;
- 10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.
- 10.1.3 Lead, herd or exercise an animal in such manner as to cause a nuisance or endanger the safety of a person.
- 10.2 **Annoyances**
- 10.2.1 Annoy, or unreasonably interfere with any other person's use of Local Government land by making a noise or by creating a disturbance that has not been authorised by the Council.
- 10.2.2 Spit, urinate or defecate other than in toilet provided thereon.
- 10.3 **Equipment**
- 10.3.1 Use any item of equipment, facilities or property belonging to the Council:
- 10.3.1.1 other than in the manner and for the purpose for which it was designed, constructed or intended to be used;
- 10.3.1.2 where any nearby sign states the conditions of use, except in accordance with such conditions; or
- 10.3.1.3 in such a manner as is likely to damage or destroy it.

- 10.3.2 Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.
- 10.3.3 Use an item of equipment, facilities or property belonging to the Council other than in accordance with any conditions of use contained on a sign or notice in the vicinity of the equipment, facility or property (if any).
- 10.4 **Fishing**
Fish in any waters to which the Council has resolved this subclause applies.
- 10.5 **Glass**
Willfully break any glass, china or other brittle material.
- 10.6 **Interference with Permitted Use**
Interrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.
- 10.7 **Nuisance**
Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.
- 10.8 **Obstruction**
Obstruct:
- 10.8.1 any path or track;
- 10.8.2 any door, entrance, stairway or aisle in any building; or
- 10.8.3 any gate or entrance to or on Local Government land.
- 10.9 **Playing Games**
Play or practise a game:
- 10.9.1 which is likely, in the reasonable opinion of an authorised person, to cause damage to the land or anything on it; or
- 10.9.2 in any area where a sign indicates that the game is prohibited.
- 10.10 **Smoking**
Subject to the *Tobacco and E-Cigarette Products Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has resolved this subclause applies.
- 10.11 **Solicitation**
Subject to subclause 9.31, tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.
- 10.12 **Throwing Objects**
Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.
- 10.13 **Toilets**
In any public convenience on Local Government land (including showers, changerooms, toilets and hand washing facilities):
- 10.13.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 10.13.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage or damage to the facility, or any drain, pipe or property associated with the facility;
- 10.13.3 use the facilities for a purpose for which it was not designed or constructed; or
- 10.13.4 enter any gender specific public convenience except:
- 10.13.4.1 if the person is of the gender indicated on a sign or writing located on the public convenience;
- 10.13.4.2 where the person is:
- (a) a vulnerable person; or
- (b) a caregiver, parent or guardian and is providing assistance to a vulnerable person in that person's care; or
- 10.13.4.3 for the purpose of providing assistance to a person with a disability; or
- 10.13.4.4 where the person identifies as gender diverse and is using the public convenience of the gender that the person identifies with; or
- 10.13.4.5 in the case of a genuine emergency.
- 10.14 **Waste**
- 10.14.1 Deposit or leave thereon anything obnoxious or offensive.
- 10.14.2 Deposit any rubbish other than in receptacles provided by the Council for that purpose.
- 10.14.3 Deposit in any rubbish bin:
- 10.14.3.1 any trash or rubbish emanating from a domestic, trade or commercial source; or
- 10.14.3.2 any rubbish contrary to any information on signs on the bin or in its vicinity.

PART 4 – ENFORCEMENT**11. Directions**

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

12. Orders

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

Note-

Section 262(1) of the Act states:

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

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

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

- cease smoking on Local Government land;
 - remove an object or structure encroaching on Local Government land;
 - dismantle and remove a structure erected on Local Government land without permission.
13. **Removal of Animals and Objects**
An authorised person may remove an animal or object that is on Local Government land in breach of a By-law if the authorised officer reasonably believes that no person is in charge of the animal or object.
- PART 5 – MISCELLANEOUS**
14. **Exemptions**
- 14.1 The restrictions in this By-law do not apply to any Police Officer, emergency worker, authorised person, Council officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council officer.
- 14.2 The restrictions in subclauses 9.16 and 9.18 of this By-law do not apply to electoral matter authorised by a candidate and which is:
- 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
- 14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.
- 14.3 The Council may otherwise, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 14.4 An exemption:
- 14.4.1 may be granted or refused at the discretion of the Council;
- 14.4.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 14.4.3 is subject to any conditions specified in the instrument of exemption.
- 14.5 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 14.6 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on the **17 June 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

CITY OF MOUNT GAMBIER
ROADS BY-LAW 2025
By-law No. 3 of 2025

A By-law for the management, control and regulation of activities on roads and other land in the Council's area.

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Roads By-law 2025* and is By-law No. 3 of the City of Mount Gambier.
2. **Authorising Law**
This By-law is made under sections 239 and 246 of the *Local Government Act 1999* and regulation 28 of the *Local Government (General) Regulations 2013*.
3. **Purpose**
The objectives of this By-law are to manage, control and regulate certain uses of roads in the Council area:
- 3.1 to protect the convenience, comfort and safety of road users and members of the public;
- 3.2 to prevent damage to buildings and structures on roads;
- 3.3 to prevent certain nuisances occurring on roads; and
- 3.4 for the good rule and government of the Council area.
4. **Commencement, Revocation and Expiry**
- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
- By-law No. 3 – Roads 2018.*²
- 4.2 This By-law will expire on 1 January 2033.²
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Subclause 7.3.2 of this By-law applies throughout the Council's area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.
6. **Interpretation**
In this By-law, unless the contrary intention appears:
- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds, insects and poultry but does not include a dog;
- 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.4 **Council** means City of Mount Gambier;
- 6.5 **effective control** means a person exercising effective control of an animal either:
- 6.5.1 by means of a physical restraint; or
- 6.5.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.6 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.7 **moveable sign** has the same meaning as in the Act;
- 6.8 **road** has the same meaning as in the Act being, a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
- 6.8.1 a bridge, viaduct or subway; or
- 6.8.2 an alley, laneway or walkway;
- 6.9 **vehicle** has the same meaning as in the *Road Traffic Act 1961*; and

- 6.10 **waste container** means a container for the disposal of domestic waste, recyclables or green organics that is used to facilitate the kerbside collection of waste from premises by the Council or its agents or contractors.

Note-

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

PART 2 – USE OF ROADS**7. Activities Requiring Permission**

A person must not engage in or undertake any of the following activities on a road (or where otherwise indicated, on other land) without the permission of the Council.

7.1 Advertising

Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services or for any other purpose, other than a moveable sign that is displayed in accordance with the Council's *Moveable Signs By-law 2025*.

Note-

Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's *Moveable Signs By-law 2025*.
Section 226(2a) of the Act prohibits the display of certain electoral advertising posters displayed in connection with a Local Government election.

Section 226A(1)) of the Act prohibits the display of a designated electoral advertising poster on roads and road-related areas (including any structure, fixture or vegetation thereon).

7.2 Amplification

Use an amplifier or other device whether mechanical or electrical for the purpose of amplifying or magnifying sound, including for the broadcasting of announcements or advertisements.

7.3 Animals

- 7.3.1 Subject to this subclause 7.3, lead, herd, exercise or cause or allow an animal to stray onto or move over any road unless the animal is under effective control.
- 7.3.2 Cause or allow an animal to stray onto, move over, or graze on a road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind as indicated by signage on or in the vicinity of the road.
- 7.3.3 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.

7.4 Obstructions

Erect, install, place or maintain or cause to be erected, installed, placed or maintained any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road.

7.5 Preaching and Canvassing

- 7.5.1 Preach, harangue, or canvass for religious or charitable purposes.
- 7.5.2 Convey any religious or other message to any bystander, passer-by or other person.

7.6 Public Exhibitions and Displays

- 7.6.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.
- 7.6.2 Conduct, cause or hold a concert, festival, show, display, public gathering, circus, performance or a similar activity.
- 7.6.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.
- 7.6.4 Cause any public exhibition or displays.

7.7 Shared Transport Devices

Subject to the *Road Traffic Act 1961*:

- 7.7.1 operate a share transport device scheme;
- 7.7.2 leave a share transport device on a road other than in accordance with conditions determined by the Council (including as may be set out in a policy from time to time) that are published on the Council's website (if any);
- 7.7.3 For the purposes of this subclause 7.7:
- 7.7.3.1 **share transport device** means a bike, scooter or similar that is available for hire (for fee or otherwise) in the Council's area by members of the public in connection with a share transport device scheme, including through the use of a special purpose smartphone application; and
- 7.7.3.2 **share transport device** scheme means a scheme operated in the Council's area which involves share bikes, scooters (dockless or otherwise) being made available for hire by any person for a fee or otherwise.

7.8 Soliciting

Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.

7.9 Repairs to Vehicles

Repair, wash, paint, panel beat or perform other work of any nature on or to any vehicle, except for running repairs in the case of a vehicle breakdown.

7.10 Rubbish Bins

Deposit in any Council bin on a road any rubbish:

- 7.10.1 emanating from a domestic, commercial or trade source; or
- 7.10.2 that is not rubbish of the type permitted to be placed in the bin, as indicated on signs on the bin or in its vicinity.

7.11 Waste Containers

Place, cause or allow to be placed, waste containers on a road or on any other land to facilitate the collection, by the Council (including its agents or contractors), of waste generated on neighbouring or nearby premises unless the waste containers are placed on the road:

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

Note-

To avoid doubt clause 7.11.3 operates such that a waste container that is placed on a road for collection must be removed from the road before 11.59pm on the day following the date of collection.

PART 3 – ENFORCEMENT**8. Directions**

A person on a road who, in the reasonable opinion of an authorised person is committing or has committed a breach of this

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

Note-

Section 262(1) of the Act states:

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

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

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

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

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

10. **Removal of Animals and Objects**

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

10.2 The Council may seek to recover from the owner of an object removed under subclause 10.1 the costs it incurs in removing that object.

PART 4 – MISCELLANEOUS11. **Exemptions**

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

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

11.3 An exemption:

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

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

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

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on **17 June 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

CITY OF MOUNT GAMBIER
MOVEABLE SIGNS BY-LAW 2025
By-law No. 4 of 2025

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

PART 1 – PRELIMINARY1. **Title**

This By-law may be cited as the *Moveable Signs By-law 2025* and is By-law No. 4 of the City of Mount Gambier.

2. **Authorising Law**

This By-law is made under sections 226, 238, 239 and 246 of the Act.

3. **Purpose**

The objectives of this By-law are to set standards for moveable signs on roads:

- 3.1 to protect the comfort and safety of road users and members of the public;
3.2 to enhance the amenity of roads and surrounding parts of the Council area;
3.3 to prevent nuisances occurring on roads;
3.4 to prevent unreasonable interference with the use of a road; and
3.5 for the good rule and government of the Council area.

4. **Commencement, Revocation and Expiry**

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

*By-Law No. 4 – Moveable Signs 2018.*²

4.2 This By-law will expire on 1 January 2033.³

Note-

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

5. **Application**

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.

5.2 This By-law applies throughout the Council's area and is subject to the exemptions set out in clause 11.

6. **Interpretation**

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

- 6.1 **Act** means the *Local Government Act 1999*;
6.2 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
6.3 **banner** means a strip of cloth, plastic or other material hung up or attached to a pole, fence or other structure;
6.4 **business premises** means premises from which a business is being conducted;
6.5 **Council** means City of Mount Gambier;
6.6 **footpath area** means:
6.6.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary; or
6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;

- 6.7 **Local Government land** has the same meaning as in the Act, being land owned by the Council or under the Council's care, control and management;
- 6.8 **moveable sign** has the same meaning as in the Act, being a moveable advertisement or sign but does not include a banner;
- 6.9 **road** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
- 6.9.1 a bridge, viaduct or subway;
 - 6.9.2 an alley, laneway or walkway; and
 - 6.9.3 the footpath area.
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:
- 6.10.1 a motor vehicle trailer and a tram;
 - 6.10.2 a bicycle;
 - 6.10.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
 - 6.10.4 a combination; and
 - 6.10.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Note-

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

PART 2 – MOVEABLE SIGNS**7. Construction and Design**

A moveable sign must:

- 7.1 be of a kind known as:
 - 7.1.1 an 'A' frame or sandwich board sign;
 - 7.1.2 an 'inverted 'T' sign;
 - 7.1.3 a flat sign; or
 - 7.1.4 with the permission of the Council (including as may be set out in a Council policy of general application from time to time), be a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition (in the reasonable opinion of an authorised person) so as not to present a hazard to any member of the public;
- 7.3 be of strong construction and sufficiently stable so as to keep its position in any weather conditions (as determined by an authorised person acting reasonably);
- 7.4 not contain any sharp or jagged edges or corners;
- 7.5 not, in the opinion of an authorised person, be unsightly or offensive in appearance or content;
- 7.6 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.7 not rotate or contain flashing parts;
- 7.8 not exceed 1000mm in height, 600mm in width and 600mm in depth;
- 7.9 in the case of an 'A' frame or sandwich board sign:
 - 7.9.1 be hinged or joined at the top; or
 - 7.9.2 be of such construction that its sides are securely fixed or locked in position when erected; and
 - 7.9.3 not have a base area in excess of 0.6 square metres;
- 7.10 in the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign; and
- 7.11 not have balloons, flags, streamers or other things attached to it.

8. Placement

A moveable sign must not be:

- 8.1 placed on any part of a road other than the footpath area;
- 8.2 placed on a footpath area that is less than 2.5 metres wide;
- 8.3 tied, fixed or attached to, or placed closer than 2 metres from another structure, object (including another moveable sign), tree, bush or plant;
- 8.4 placed on a designated parking area or within 1 metre of an entrance to any business or other premises;
- 8.5 placed on the sealed part of a footpath area if there is an unsealed part on which the sign can be placed in accordance with this By-law;
- 8.6 placed so as to, in the reasonable opinion of an authorised person, interfere with the reasonable movement of persons or vehicles using the road in the vicinity of where the moveable sign is placed;
- 8.7 placed closer than 1.5 metres to the kerb (or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, whichever is the greater);
- 8.8 placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.9 placed within 10 metres of an intersection of two or more roads;
- 8.10 placed on a footpath area with a minimum height clearance from a structure above it of less than 2 metres;
- 8.11 displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible; or
- 8.12 be placed in such a position or in such circumstances that, in the reasonable opinion of an authorised person:
 - 8.12.1 it compromises the safety of any person or places a person at risk of harm; or
 - 8.12.2 it obstructs or impedes (or would be likely to obstruct or impede) a vehicle door when opened, provided that the vehicle is parked lawfully on a road.

9. Banners

A person must not erect or display a banner on a building or structure on a road without the Council's permission.

Note

A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under section 222 of the *Local Government Act 1999*.

10. Restrictions

- 10.1 The owner or operator of a business must not cause or allow more than one moveable sign for each business premises to be displayed on a road at any time.
- 10.2 A person must not display or cause to be displayed a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or on a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
- 10.3 A person must not cause or allow a moveable sign to be placed on a road unless:
 - 10.3.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and
 - 10.3.2 the business premises to which it relates is open to the public during such times as the sign is displayed.
- 10.4 If, in the opinion of the Council, a footpath area is unsafe for a moveable sign to be displayed, the Council may by resolution prohibit or restrict the display of a moveable sign thereon on such conditions as the Council thinks fit.

11. **Exemptions**
- 11.1 Subclauses 10.1 and 10.3 of this By-law do not apply to a moveable sign that:
- 11.1.1 advertises a garage sale taking place from residential premises; or
- 11.1.2 is solely a directional sign to an event run by an Incorporated Association, a community organisation or charitable body,
- provided that the sign is not displayed for a period of more than 48 hours both before and after the relevant garage sale or event has taken place.
- 11.2 Subclauses 10.1 and 10.3.1 of this By-law do not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.
- 11.3 A requirement of this By-law will not apply where the Council has otherwise granted permission (including by way of adopting a policy for this purpose) for the moveable sign (or class of moveable sign) to be displayed contrary to that requirement.

Note-

This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes any sign:

- placed there pursuant to an authorisation under another Act;
- designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- certain signs (as set out in section 226(3) of the Act) related to a State or Commonwealth election; or
- of a prescribed class.

PART 3 – ENFORCEMENT**12. Removal of moveable signs**

- 12.1 A person must immediately comply with the order of an authorised person to remove a moveable sign that is made pursuant to section 227(1) of the Act.

Note-

Pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:

- the design, construction or positioning of a moveable sign does not comply with a requirement of this By-law; or
 - any other requirement of this By-law is not complied with; or
 - the moveable sign unreasonably restricts the use of the Road or endangers the safety of other persons.
- 12.2 The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.
- 12.3 The owner of, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 12.3.1 if, in the reasonable opinion of an authorised person, and not withstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
- 12.3.2 for the purpose of community events, special events, parades, roadworks or in any other circumstances which, in the reasonable opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on 17 June 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

CITY OF MOUNT GAMBIER**DOGS BY-LAW 2025****By-law No. 5 of 2025**

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

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Dogs By-law 2025* and is By-law No. 5 of the City of Mount Gambier.
2. **Authorising Law**
This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, sections 238 and 246 of the Act, and section 18A of the *Harbours and Navigation Act 1993*.
3. **Purpose**
The objectives of this By-law are to control and manage dogs in the Council area:
- 3.1 to reduce the incidence of environmental nuisance caused by dogs;
- 3.2 to promote responsible dog ownership;
- 3.3 to protect the convenience, comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council's area.
4. **Commencement, Revocation and Expiry**
- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
- By-law No. 5 – Dogs 2018*²
- 4.2 This By-law will expire on 1 January 2033.³
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Subclauses 9.1 and 10.2 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.
6. **Interpretation**
In this By-law, unless the contrary intention appears:
- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **approved kennel establishment** means a building, structure, premises or area approved under the *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
- 6.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
- 6.4 **children's playground** means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);
- 6.5 **Council** means the City of Mount Gambier;
- 6.6 **dog** (except for in subclause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;

- 6.7 **effective control** means a person exercising effective control of a dog either:
 6.7.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
 6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.8 For the purposes of clause 9 of the By-law, a dog is under **effective control by means of a leash** if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:
 6.8.1 the leash, chain or cord is either tethered securely to a fixed object; or
 6.8.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.
- 6.9 **keep** includes the provision of food or shelter;
- 6.10 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.11 **premises** includes land and any part thereof, whether used or occupied for domestic or non-domestic purposes;
- 6.12 **small dwelling** means a self-contained dwelling that is:
 6.12.1 a residential flat building; or
 6.12.2 contained in a separate strata unit or community title; or
 6.12.3 on an allotment less than 400 square metres in area; or
 6.12.4 without a secure yard of at least 100 square metres in area;
- 6.13 **working livestock dog** means a dog:
 6.13.1 usually kept, proposed to be kept or worked on rural land by a person who is:
 6.13.1.1 a primary producer; or
 6.13.1.2 engaged or employed by a primary producer; and
 6.13.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.

Note-

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

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

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

PART 3 – DOG CONTROLS**8. Dog Exercise Areas**

Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council area for the purpose of exercising a dog under his or her effective control.

Note –

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

9. Dog on Leash Areas

A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain:

- 9.1 on any Local Government land or a public place to which the Council has resolved that this subclause applies; or
 9.2 on any park or reserve during times when organised sport is being played;

unless the dog is under effective control by means of a leash.

10. Dog Prohibited Areas

A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain:

- 10.1 on any children's playground on Local Government land;
 10.2 on any other Local Government land or public place to which the Council has determined this subclause applies.

11. Dog Faeces

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995*).

PART 4 – EXEMPTIONS**12. Council may grant exemptions**

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

PART 5 – ENFORCEMENT**13. Orders**

- 13.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:
 13.1.1 if the conduct is still continuing – to stop the conduct; and

- 13.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 13.2 A person must comply with an order made by an authorised person pursuant to section 262 of the Act.
- 13.3 If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 13.4 An authorised person may not use force against a person.

Note-

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

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

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on **17 June 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present

CITY OF MOUNT GAMBIER**CATS BY-LAW 2025****By-law No. 6 of 2025**

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

PART 1 - PRELIMINARY

1. **Title**
This By-law may be cited as the *Cats By-law 2025* and is By-law No. 6 of the City of Mount Gambier.
 2. **Authorising Law**
This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995* and section 246 of the Act.
 3. **Purpose**
The objectives of this By-law are to control and manage cats in the Council's area:
 - 3.1 to promote responsible cat ownership;
 - 3.2 to reduce the incidence of public and environmental nuisance caused by cats;
 - 3.3 to protect the comfort and safety of members of the public; and
 - 3.4 for the good rule and government of the Council's area.
 4. **Expiry**
4.1 This By-law will commence in accordance with the Act¹ and will expire on 1 January 2033².
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
 2. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
 - 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.
 - 5.2 This By-law applies throughout the Council's area.
 6. **Interpretation**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 except for the purposes of clauses 8 and 9, **cat** means an animal of the species *felis catus* which is three months of age, or has lost its juvenile canine teeth;
 - 6.3 **Council** means the City of Mount Gambier;
 - 6.4 **effective control by means of physical restraint** means:
 - 6.4.1 a person is exercising effective control of a cat by means of a cord or leash that does not exceed 2 metres in length restraining the cat; or
 - 6.4.2 a person has effectively secured the cat by placing it in a cage, vehicle or other object or structure; or
 - 6.4.3 a person is holding the cat;
 - 6.5 **keep** includes the provision of food or shelter;
 - 6.6 for the purposes of clause 8, a cat (or cats) causes a **nuisance** if it:
 - 6.6.1 unreasonably interferes with the peace, comfort or convenience of a person, including but not limited to by displaying aggressive nature or creating unpleasant noise or odour;
 - 6.6.2 damages or otherwise has an adverse impact upon native flora or fauna;
 - 6.6.3 acts in a manner that is injurious or causes damage to a person's real or personal property;
 - 6.6.4 wanders onto premises without the consent of the owner or occupier of the premises; or
 - 6.6.5 defecates or urinates on premises without the consent of the owner or occupier of the premises;
 - 6.7 **owner** of a cat has the same meaning as in section 5 of the *Dog and Cat Management Act 1995*;
 - 6.8 the **person responsible for the control of a cat** has the same meaning as in section 6 of the *Dog and Cat Management Act 1995*; and
 - 6.9 **premises** includes any land (whether used or occupied for domestic or non-domestic purposes) and any part thereof.

Note-

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

PART 2 – LIMITS ON CAT NUMBERS

7. **Limits on Cat Numbers**
 - 7.1 Subject to this clause 7, a person must not, without the Council's permission, keep, or cause suffer or permit to be kept, more than two (2) cats on any premises.
 - 7.2 The limit prescribed by subclause 7.1 does not apply to:
 - 7.2.1 premises comprising a business involving the keeping of cats that is approved to operate as such under the *Planning, Development and Infrastructure Act 2016* and provided the business is operating in accordance with all required approvals and consents;
 - 7.2.2 a person who is keeping more than two cats on premises that the person occupies at the time this By-law comes into effect provided that:
 - 7.2.2.1 details as required by the Council of the cats that are kept on the premises at that time are provided to the Council within six (6) months of the commencement of this By-law;
 - 7.2.2.2 all the cats being kept on the premises are desexed in accordance with the *Dog and Cat Management Act 1995*; and
 - 7.2.2.3 no additional cats over and above those cats notified to the Council in accordance with subclause 7.2.2.1 are acquired or kept on the premises without the permission of the Council after the By-law commences operation.
 - 7.3 The Council may require that premises that are the subject of an application for permission to keep additional cats are inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.
 - 7.4 Permission under subclauses 7.1 and 7.2.2.3 may be given if the Council is satisfied that:

- 7.4.1 no insanitary condition exists or is likely to arise on the premises as a result of the keeping of cats; and
 7.4.2 a nuisance is not or is not likely to be caused to any neighbour as a result of the keeping of cats on the premises.

PART 3 – CAT CONTROLS**8. Cats not to be a Nuisance**

- 8.1 An owner or occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance.
 8.2 Without limiting liability under subclause 8.1, the owner of or person responsible for the control of a cat is guilty of an offence under this By-law if the cat causes a nuisance.
 8.3 For the purposes of this clause 8, *cat* means an animal of the species *felis catus* (of any age).

9. Effective Confinement of Cats

- 9.1 As and from a date that is resolved by the Council (if any, and which date cannot be within the first twelve months of the commencement of this By-law), and subject to subclause 9.2, the owner of, or person responsible for the control of, a cat must take steps to ensure that the cat is confined at all times to the premises occupied by that person unless the cat is under effective control by means of physical restraint.
 9.2 Subclause 9.1 does not apply to any cat that was born before 1 January 2026 provided that evidence of the cat's age that is satisfactory to an authorised person (acting reasonably) is provided to the Council.
 9.3 For the purposes of this subclause 9, *cat* means an animal of the species *felis catus* (of any age).

10. Registration of cats

- 10.1 The Council may resolve to adopt a registration scheme for cats.
 10.2 Where the Council has resolved to adopt a registration scheme for cats, a person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.
 10.3 An application for registration of a cat must:
 10.3.1 be made to the Council in the manner and form prescribed by Council (if any); and
 10.3.2 be accompanied by the fee (if any) prescribed by the Council; and
 10.3.3 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name; and
 10.3.4 identify with reference to an address the premises at which the cat is kept; and
 10.3.5 otherwise comply with any other requirements determined by the Council.
 10.4 Registration under this By-law remains in force until 30 June next following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months.
 10.5 Subclause 10.2 does not apply to premises comprising a cattery approved under the *Planning, Development and Infrastructure Act 2016* provided it is operating in accordance with all required approvals and consents.
 10.6 The Council may, by resolution, revoke a resolution to adopt a registration scheme under subclause 10.1 should it see fit to do so.

PART 4 – EXEMPTIONS**11. Council May Grant Exemptions**

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

PART 5 - ENFORCEMENT**12. Orders**

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

Note–

- For example, an authorised person may order a person to:
 • cease keeping more than the permitted number of cats on that person's premises; or
 • take the necessary steps to mitigate a nuisance caused by howling or wandering cats.

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on **15 July 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 24 July 2025

SARAH PHILPOTT
Chief Executive Officer

CITY OF NORWOOD PAYNEHAM AND ST PETERS

Resignation of Councillor

Notice is hereby given in accordance with Section 54(6) of the *Local Government Act 1999*, that a vacancy has occurred in the office of Councillor for the West Norwood/Kent Town Ward, due to the resignation of Councillor Sue Whittington, to take effect from 19 July 2025.

Dated: 24 July 2025

M. BARONE PSM
Chief Executive Officer

CITY OF NORWOOD PAYNEHAM AND ST PETERS

LOCAL GOVERNMENT (ELECTIONS) ACT 1999

Close of Roll for Supplementary Election

A supplementary election will be necessary to fill the vacant position of councillor for West Norwood/Kent Town Ward.

The voters roll for this supplementary election will close at 5pm on Thursday, 31 July 2025.

You are entitled to vote in the election if you are enrolled on the State electoral roll for the council area. If you have recently turned 18 or changed your residential or postal address, you must complete an electoral enrolment form available online at www.ecsa.sa.gov.au

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

Nominations to fill the vacancy will open on Thursday, 28 August 2025 and will be received until 12 noon on Thursday, 11 September 2025.

The election will be conducted by post with the return of ballot material to reach the Returning Officer no later than 12 noon on polling day, Monday, 27 October 2025.

Dated: 24 July 2025

MICK SHERRY
Returning Officer

CITY OF PLAYFORD

ROADS (OPENING AND CLOSING) ACT 1991

Road Closing—Legoe Road/Tippets Bridge Road, Riverlea Park

Notice is hereby given, pursuant to Section 10 of the *Roads (Opening and Closing) Act 1991* that the City of Playford proposes to make a Road Process Order to Close and retain a portion of Legoe Road and Tippets Bridge Road at the intersection of Tippets Bridge Road and Legoe Road adjoining allotment 9012 in D132334, Block 66 in D1671 and Section 174 Hundred of Port Adelaide more particularly delineated and lettered 'A' and 'B' on Preliminary Plan 25/0014.

The Preliminary Plan is available for public inspection at the Playford Civic Centre (10 Playford Boulevard, Elizabeth), the Stretton Centre (307 Peachey Road, Munno Para), and the Adelaide Office of the Surveyor-General located at Level 10, 83 Pirie Street Adelaide, during normal office hours. The Preliminary Plan can also be viewed at www.sa.gov.au/roadsactproposals or playford.engagementhub.com.au.

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 Playford, 12 Bishopstone Road, Davoren Park SA 5113 within 28 days of this notice, and a copy must be forwarded to the Surveyor-General at PO Box 1815, Adelaide 5001. Where a submission is made, the applicant must be prepared to support their submission in person upon council giving notification of a meeting at which the matter will be considered.

Dated: 24 July 2025

SAM GREEN
Chief Executive Officer

CORPORATION OF THE TOWN OF WALKERVILLE

Adoption of Valuation and Declaration of Rates 2025/26

Notice is hereby given that the Council of the Corporation of the Town of Walkerville at its Ordinary Meeting of 21 July 2025, and in relation to the 2025/26 financial year, in exercise of the powers contained in the *Local Government Act 1999*:

1. Adopted the most recent valuations of the Valuer-General available to the Council of the capital value of land in its area totalling \$6,205,697,240.
2. Declared differential general rates as follows:
 - 2.1 Residential: a rate of 0.00161989 in the dollar on the capital value of such rateable land;
 - 2.2 Commercial—Shop: a rate of 0.00267282 in the dollar on the capital value of such rateable land;
 - 2.3 Commercial—Office: a rate of 0.00267282 in the dollar on the capital value of such rateable land;
 - 2.4 Commercial—Other: a rate of 0.00267282 in the dollar on the capital value of such rateable land;
 - 2.5 Industry—light: a rate of 0.00267282 in the dollar on the capital value of such rateable land;
 - 2.6 Industry—other: a rate of 0.00267282 in the dollar on the capital value of such rateable land;
 - 2.7 Primary production: a rate of 0.00267282 in the dollar on the capital value of such rateable land;
 - 2.8 Vacant land: a rate of 0.00315878 in the dollar on the capital value of such rateable land;
 - 2.9 Other: a rate of 0.00267282 in the dollar on the capital value of such rateable land.
3. Declared a minimum amount payable by way of general rates of \$1,487.
4. Declared a separate rate of 0.000067 in the dollar on the capital valuation of all rateable land in the area of the Council and the Green Adelaide Board.

Payment of rates

Rates can be paid in one payment by 11 September 2025 or in four equal, or approximately equal, parts which, pursuant to Section 181(2) of the *Local Government Act 1999*, will fall due on the following dates:

- 1st payment: 11 September 2025
- 2nd payment: 11 December 2025
- 3rd payment: 11 March 2026
- 4th payment: 11 June 2026

A copy of the 2025/26 *Annual Community Plan* can be viewed at the Civic and Community Centre, 66 Walkerville Terrace, Gilberton, SA 5081, during business hours, or from www.walkerville.sa.gov.au.

Dated: 24 July 2025

ANDREW JOHNSON
Chief Executive Officer

BARUNGA WEST COUNCIL

Adoption of Valuations and Declaration of Rates 2025-2026

Notice is hereby given that the Barunga West Council, at a meeting held on 8 July 2025, resolved for the year ending 30 June 2026 as follows:

Adoption of Valuations

Pursuant to Section 167(2)(a) of the *Local Government Act 1999*, to adopt for rating purposes the capital valuations of the Valuer-General, dated 30 June 2025 of the land within the area of the Council totalling \$3,184,936,420, of which \$3,152,956,918 is the capital value of rateable land.

Declaration of Differential General Rates

Pursuant to Sections 152(1)(c), 153(1)(b) and 156(1)(c) of the *Local Government Act 1999*, declares the following differential general rates which vary by reference to land use categories as per Regulation 14 of the *Local Government (General) Regulations 2013* as follows;

- On rateable land with a category of Residential, a rate of 0.23920 cents in the dollar;
- On rateable land with a category of Commercial—Shop, Commercial—Office, Commercial—Other, and Industry—Light, a rate of 0.26312 cents in the dollar;
- On rateable land with a category of Industry-Other, a rate of 0.31574 cents in the dollar;
- On rateable land with a category of Primary Production a rate of 0.13874 cents in the dollar;
- On rateable land with a category of Vacant a rate of 0.59597 cents in the dollar;

Declaration of Fixed Charge

Pursuant to Sections 15(1)(c)(ii) and 152(1)(c)(ii) of the *Local Government Act 1999*, a fixed charge of \$435 be imposed on each separate piece of rateable land within the area of Council.

Note that the Separate Rate—SA Power Network Power Pole Relocation, Whiting Road, Fisherman Bay has entered its last year

Pursuant to Section 154 of the *Local Government Act 1999*, Council impose a fixed amount of \$800 in respect to each assessment for the properties located at 22-94 Whiting Road, Fisherman Bay (even numbered properties) to fund the relocation of electricity poles by SA Power Networks will be charged in 2025-26 as the last year out of four years that this separate rate has been declared.

Note that the Separate Rate—Fisherman Bay Plumbing Connection will enter its second year

Pursuant to Section 154 of the *Local Government Act 1999*, Council impose a separate rate over those rateable assessments within Council's area where the owners of the land have entered into an Agreement with Council for participating in the activity being the Council's facilitation of the connection of the Fisherman Bay Community Wastewater Management System of residential properties. The varying separate rates was approved at Council's ordinary meeting of 9 April 2024 for a period of four financial years, with 2025-26 being the second financial year.

Declaration of Community Wastewater Management Scheme Annual Service Charges

That pursuant to Section 155 of the *Local Government Act 1999*, Council impose an annual service charge on each assessment of rateable and non-rateable land within the Council area to which land Council makes available a Community Wastewater Management System based on the nature of the service and the number of property units that apply with respect to the relevant land, as determined under the CWMS Property Units Code described in Regulation 12 of the *Local Government (General) Regulations 2013* as follows:

- In respect of each effluent unit applying to occupied Port Broughton and Bute allotments a charge of \$564 per unit;
- In respect of each effluent unit applying to occupied Fisherman Bay allotments a charge of \$645 per unit;
- In respect of each vacant allotment, a charge of \$279 per unit.

Declaration of Separate Rates—Regional Landscape Levy Valuations

That pursuant to the new *Landscape South Australia Act 2019* formerly the *Natural Resources Management Act 2004* and Section 154 of the *Local Government Act 1999*, the Council declares, in respect of the year ending 30 June 2026 a separate rate of 0.009217 cents in the dollar on all rateable land in the Council's area, to raise an amount of \$289,302.42 payable to the Northern and Yorke Regional Landscape Board.

General Rates Cap

That pursuant to Section 153(3) and (4) of the *Local Government Act 1999*, rebates shall be granted to the extent of a 14% maximum increase in rates from the previous year's general rates raised, with land use being Residential or Primary Production. Except where the increase is the result of capital improvement (valued \$30,000 or less), the ownership of the property has changed since 1 July 2024, or a boundary realignment, subdivision or amalgamation has occurred since 1 July 2024.

Payment of Rates

That all rates imposed in respect of the year ending 30 June 2026 will fall due in four equal or approximately equal instalments and will fall due as follows:

- 3 September 2025;
- 3 December 2025;
- 4 March 2026; and
- 3 June 2026.

Dated: 21 July 2025

PAUL SIMPSON
Chief Executive Officer

DISTRICT COUNCIL OF CEDUNA

Adoption of Annual Business Plan

Notice is hereby given that the District Council of Ceduna at its Special Council Meeting held on 16 July 2025 resolved the following charges for the year ending 30 June 2026:

1. Adopted Capital Valuation to apply in its area for rating purposes supplied by the Valuer-General, being the most recent valuations available to council totalling \$920,291,880.

2. Rateable Land within the localities of the Employment (Bulk Handling) and Deferred Urban Zones as defined by the Planning and Design Code in force as at the date of this declaration and with the land use:
 - a. Residential: 0.435298 cents in the dollar;
 - b. Commercial—Shop or Commercial—Office: 0.565888 cents in the dollar;
 - c. Commercial—Other: 1.580134 cents in the dollar;
 - d. Industry—Light or Industry—Other: 0.565888 cents in the dollar;
 - e. Primary Production: 0.478828 cents in the dollar;
 - f. Vacant Land: 0.870597 cents in the dollar;
 - g. Other: 0.435298 cents in the dollar.
3. Rateable Land within all other localities, being all other zones as defined by the Planning and Design Code in force as at the date of this declaration and with the land use:
 - a. Residential: 0.435298 cents in the dollar;
 - b. Commercial—Shop, Commercial—Office or Commercial—Other: 0.565888 cents in the dollar;
 - c. Industry—Light or Industry—Other: 0.565888 cents in the dollar;
 - d. Primary Production: 0.478828 cents in the dollar;
 - e. Vacant Land: 0.870597 cents in the dollar;
 - f. Other: 0.435298 cents in the dollar.
4. Declared that the fixed charge payable by way of general rates in respect of all rateable land within Council's area is \$770.
5. Imposed an Annual Service Charge on all land to which the Council provides or makes available within the townships of Ceduna, Thevenard and Smoky Bay for its Community Wastewater Management System of \$573.80.
6. Imposed an Annual Service charge of \$216.60 on all land to which the Council provides or makes available its Waste Management service for the collection, treatment and disposal of waste.
7. Imposed an Annual Service Charge on all land to which the Council provides or makes available the service of the supply of potable water on the Ceduna Water West Scheme as follows:
 - a. All rateable land with a land use of Residential, Vacant Land or Commercial—Other: \$497.40 per water meter per assessment
 - b. All rateable land with any other land use: \$850.20 per water meter per assessment.
8. Declared Separate Rates varying accordance to Land Use, for the recovery on Council's contribution to the Eyre Peninsula Regional Landscapes Board as follows:
 - a. A fixed charge of \$94.66 per assessment for residential, other and vacant land uses,
 - b. A fixed charge of \$141.99 per assessment for commercial and industrial land uses, and
 - c. A fixed charge of \$189.32 per assessment for primary production properties

AERODROME FEES ACT 1998

Notice is hereby given that, pursuant to the *Aerodrome Fees Act 1998*, the District Council of Ceduna hereby advises that Arrival and Departure Fees at the Ceduna Airport are fixed as follows and are effective from 17 July 2025:

Landing Fees

General Aviation Landing Fee—\$21.76/tonne for all aircraft (including helicopters) except Regular Passenger Transport.

Passenger Fees

Regular Passenger Transport operations:

Arrival Fees—\$21.76 per person

Departure Fees—\$21.76 per person

Charter Fees:

Arrival Fees—\$21.76 per person

Departure Fees—\$21.76 per person

Note - all above fees are GST inclusive

Dated: 24 July 2025

TIM COOTE
Chief Executive Officer

CLARE AND GILBERT VALLEYS COUNCIL

Adoption of Valuation and Declaration of Rates

Notice is hereby given that, at its Council Meeting of 16 July 2025, Clare & Gilbert Valleys Council, in exercising of the powers contained in Chapter 10 of the *Local Government Act 1999*, resolved the following in relation to the 2025-2026 financial year:

1. Adopted Capital Valuation to apply in its area for rating purposes supplied by the Valuer-General, being the most recent valuations available to Council, totalling \$5,310,683,540 of which \$5,242,616,027 represents rateable land.
2. Declared differential general rates based upon the use of the land as follows:
 - 2.1 in respect of Category 1(a) (Residential), a rate in the dollar of 0.00331376
 - 2.2 in respect of Category 1(b) (Commercial—Shop), Category 1(c) (Commercial—Office) and Category 1(d) (Commercial—Other), a rate in the dollar of 0.00450671

- 2.3 in respect of Category 1(e) (Industry—Light) and Category 1(f) (Industry—Other) a rate in the dollar of 0.00453985
- 2.4 in respect of Category 1(g) (Primary Production), a rate in the dollar of 0.00228649
- 2.5 in respect of Category 1(h) (Vacant), a rate in the dollar of 0.00341317
- 2.6 in respect of Category 1(i) (Other), a rate in the dollar of 0.00362857;
3. Imposed a minimum rate of \$775.00 in respect of each separate piece of rateable land in the Council area.
4. Imposed for the financial year ending 30 June 2026, for each of the schemes, an annual service charge of \$507.00 based on the level of usage of the service in respect of land to which it provides or makes available a Community Wastewater Management System service within the Townships of Clare, Riverton and Saddleworth.
5. Imposed for the financial year ending 30 June 2026, the following annual service charge based on the nature of the service in respect of all land within the towns and/or designated collection areas of Clare, Riverton, Saddleworth, Mintaro, Sevenhill, Auburn, Watervale, Manoora, Rhynie, Marrabel, Stockport, Tarlee, Waterloo, Armagh and Golfview Heights to which it provides or makes available the waste collection service, an annual service charge of \$260.00.
6. Declared a separate rate in the dollar of 0.00009668 based on the capital value of the rateable land be declared in respect of all rateable land in the Council area, in order to reimburse the Council the amount contributed to the Northern & Yorke Landscape Board being \$501,126.
7. Declared that all rates declared or payable in respect of or during the 2025-2026 financial year will fall due in four equal or approximately equal instalments payable 3 September 2025, 3 December 2025, 4 March 2026 and 3 June 2026.

Dated: 22 July 2025

DAVID STOBBE
Chief Executive Officer

DISTRICT COUNCIL OF CLEVE
LOCAL GOVERNMENT ACT 1999—SECTION 198
Amendment or Revocation of Management Plan

The District Council of Cleve gives notice of its adoption of a proposal for the amendment of a Community Land Management Plan (CLMP) at its Ordinary Council Meeting held on Tuesday, 15 July 2025.

The below listed document may be viewed on the District Council of Cleve website under Management Plans at www.cleve.sa.gov.au/council/performance/plans and at the Council office during normal office hours at 10 Main Street, Cleve.

CLMP No 7: Eyre Peninsula Field Days (Site and Car Parking)

Dated: 24 July 2025

D. J. PENFOLD
Chief Executive Officer

COORONG DISTRICT COUNCIL
Adoption of Valuations and Declarations of Rates

Notice is hereby given that at the special Council meeting held on Tuesday 8 July 2025, Coorong District Council resolved for the financial year ended 30 June 2026:

Adoption of Valuations

To adopt for rating purposes the most recent capital valuations of the Valuer-General totalling \$4,429,679,240.

Declaration of General Rates and Separate Rates

To declare general rates as follows:

1. A fixed charge of \$200 in respect to each rateable assessment.
2. Differential general rates on the capital value and locality of all rateable land within the Bulk Handling Zone as described in Council's Rating Strategy at 0.007800.
3. Differential general rates on the capital value and locality of all rateable land outside the Bulk Handling Zone according to the use of the land as follows:
 - (a) 0.002671 for the land use category of Residential;
 - (b) 0.003205 for the land use category of Commercial—Shop;
 - (c) 0.003205 for the land use category of Commercial—Office;
 - (d) 0.003205 for the land use category of Commercial—Other;
 - (e) 0.003205 for the land use category of Industry—Light;
 - (f) 0.003205 for the land use category of Industry—Other;
 - (g) 0.002270 for the land use category of Primary Production;
 - (h) 0.004407 for the land use category of Vacant Land; and
 - (i) 0.002671 for the land use category of Other.
4. A separate rate of 0.0001475 on the capital value of all rateable land within that part of the Council area that is within the area of the Murraylands & Riverland Landscape Board.
5. A differential separate rate on all rateable land within that part of the Council area that is within the area of the Limestone Coast Landscape Board with the following land uses:
 - (a) \$94.00 per rateable property with the land use of Residential, Vacant & Other;
 - (b) \$141.00 per rateable property with the land use of Commercial—Shop, Office or Other;

- (c) \$225.00 per rateable property with the land use of Industrial—Light or Other; and
- (d) \$412.00 per rateable property with the land use of Primary Production.

Annual Service Charges

To impose annual service charges as follows:

1. \$348 on each eligible assessment of rateable and non-rateable land within the kerbside collection boundary to which the Council makes available a Kerbside Waste Management Service.
2. The Community Wastewater Management Scheme (CWMS) for Tailem Bend, Meningie, Tintinara and Wellington East:
 - \$780 per occupied unit;
 - \$749 per vacant allotment.
3. On each assessment of rateable and non-rateable land to which the Council makes available a water supply service in the areas of Wellington East and Peake:
 - A supply charge of \$280 per property;
 - A usage charge of \$1.47 per kilolitre used.

Dated: 24 July 2025

BRIDGET MATHER
Chief Executive Officer

DISTRICT COUNCIL OF FRANKLIN HARBOUR

Adoption of Valuation and Declaration of Rates

Notice is hereby given that the District Council of Franklin Harbour at its meeting held on 16 July 2025, resolved for the 2025/2026 financial year:

Adoption of Capital Valuations

Pursuant to Section 167(2)(a) of the *Local Government Act 1999* adopts for the year ending 30 June 2026 for rating purposes, the valuations of the Valuer-General of capital values in relation to the area of the Council totalling \$423,441,500.

Declaration of Rates

Pursuant to Sections 153(1)(b) and 156 (1)(c) of the *Local Government Act 1999*, the District Council of Franklin Harbour declares the following Differential Rates based on the assessed capital value of all rateable properties within the Council for the financial year ending 30 June 2026, the said differential general rates to vary by reference to the land use and to locality in which the rateable land is situated:

Rateable land with land use Residential—0.19600 cents in the dollar;
 Rateable land with land use Commercial Shop—0.23000 cents in the dollar
 Rateable land with land use Commercial Other—0.27050 cents in the dollar
 Rateable land with land use Industry Light—0.22000 cents in the dollar
 Rateable land with land use Industry Other—0.21500 cents in the dollar
 Rateable land with the Commercial (Bulk Handling) zone—1.80000 in the dollar
 Rateable land with land use Primary Production—0.40500 cents in the dollar
 Rateable land with land use Vacant Land—0.4800 cents in the dollar
 Rateable land with land use Other—0.19000 cents in the dollar

Declaration of a Fixed Charge

Pursuant to Section 152(1)(c) of the *Local Government Act 1999*, the District Council of Franklin Harbour declares a fixed charge of \$505.00 on each separate assessed rateable property for the financial year ending 30 June 2026.

Declaration of a Separate Rate—Regional Landscape Levy

Pursuant to Section 66 of the *Landscape South Australia Act 2019* and Section 154 of the *Local Government Act 1999*, and in order to reimburse Council for amounts contributed to the Eyre Peninsula Regional Landscape Board, declare a separate rate on all rateable properties within the area of the Council and of the Board for the year ending 30 June 2026 based on the purpose of land use, these rates being:

Residential \$94.66
 Commercial and Industrial..... \$141.99
 Primary Producers..... \$189.32
 Other and Vacant Land \$94.66

Declaration of an Annual Service Charge—Garbage

Pursuant to Section 155 (1)(b) of the *Local Government Act 1999*, the District Council of Franklin Harbour declares an Annual Service Charge of \$335.00 (140L bin) and \$397.00 (240L bin) for all occupied properties in Cowell, Port Gibbon and Lucky Bay for the first service and \$258.00 for each additional service for the year ended 30 June 2026.

Separate Rate—Cowell CWMS Fixed Charge

Pursuant to Section 154(1) and (2)(c) of the *Local Government Act 1999*, declares a Separate Rate of \$460.00 for the fixed component of the Community WasteWater Management Scheme, for all properties within the CWMS collection area in Cowell, for the year ending 30 June 2026.

Declaration of an Annual Service Charge—Cowell CWMS Service Charge

Pursuant to Section 155(1)(a) of the *Local Government Act 1999*, declares an Annual Service Charge of \$525.00 for the variable component of the Community WasteWater Management Scheme, for all properties within the CWMS collection area in Cowell, for the year ending 30 June 2026.

Declaration of an Annual Service Charge—Lucky Bay Water

Pursuant to Section 155(1)(a) of the *Local Government Act 1999*, declares an Annual Service Charge of \$345.00 for the Lucky Bay water supply capital and maintenance costs for the year ended 30 June 2026.

Separate Rate—Lucky Bay Lease Fee

Pursuant to Section 154(1) and (2)(c) of the *Local Government Act 1999*, and in order to reimburse Council for expenditure on the Lucky Bay Lease, declares a separate rate based on a fixed charge of \$197.00 on all rateable properties, which fall under the lease, within Lucky Bay for the year ending 30 June 2026.

Declaration of an Annual Service Charge—Port Gibbon Water

Pursuant to Section 155(1)(a) of the *Local Government Act 1999*, declares an Annual Service Charge of \$345.00 for the Port Gibbon water supply capital and maintenance costs for the year ended 30 June 2026.

Declaration of an Annual Service Charge—Port Gibbon CWMS

Pursuant to Section 155(1)(a) of the *Local Government Act 1999*, declares an Annual Service Charge of \$551.00 for the Port Gibbon CWMS capital and maintenance costs for the year ended 30 June 2026.

Declaration of an Annual Service Charge—Coolanie Water

Pursuant to Section 155(1)(a) of the *Local Government Act 1999*, declares an Annual Service Charge of \$1,130.00 for the Coolanie water supply capital and maintenance costs for the year ended 30 June 2026.

Declaration of Payment of Rates

Pursuant to Section 181 of the *Local Government Act 1999*, the District Council of Franklin Harbour declares that the rates for the financial year ending 30 June 2026 will fall due in four equal or approximately equal instalments payable on 15 September 2025, 15 December 2025, 15 March 2026 and 15 June 2026.

Dated: 24 July 2025

S. GILL
Chief Executive Officer

DISTRICT COUNCIL OF KIMBA*Change of Meeting Date*

Notice is hereby given that the District Council of Kimba resolved at its meeting held on 9 July 2025, to change the scheduled September 2025 Council Meeting from Wednesday, 10 September 2025 commencing at 2pm to Thursday, 18 September 2025 commencing at 2pm.

Dated: 17 July 2025

DEB LARWOOD
Chief Executive Officer

LIGHT REGIONAL COUNCIL*Adoption of Valuation and Declaration of Rates and Charges*

Notice is hereby given that at its Meeting held on 15 July 2025, in relation to the financial year ending 30 June 2026, the Light Regional Council, in exercise of the powers contained within Chapter 10 of the *Local Government Act 1999*, made the following resolution:

Adoption of Property Valuation

For the financial year ending 30 June 2026, pursuant to Section 167(2)(a) of the *Local Government Act 1999*, adopt the valuations of the Valuer-General of South Australia available to the Council as at 15 July 2025 of the capital value of land in the Council area for rating purposes (subject to alteration), such valuations to govern the assessment of rates in the Council area for the financial year commencing 1 July 2025 and totalling \$6,773,333,280 of which \$6,678,108,439 is assessable.

Declaration of General Rate

For the financial year ending 30 June 2026, having taken into account the general principle of rating outlined in Section 150 of the *Local Government Act 1999* and the requirements of Section 153(2) of the *Local Government Act 1999*, and pursuant to Sections 153(1)(b) and 156(1)(a) of the Act, declares the following differential general rates based on the capital value of rateable land varying according to the land use category:

- (i) on all rateable land attributed Land Use Category 1—Residential, and Land Use Category 9—Other, a rate of 0.3430 cents in the dollar of the capital value of the land
- (ii) on all rateable land attributed Land Use Category 2—Commercial Shop, or Land Use Category 3—Commercial Office, a rate of 0.5400 cents in the dollar of the capital value of the land
- (iii) on all rateable land attributed Land Use Category 4—Commercial Other, a rate of 0.7950 cents in the dollar of the capital value of the land
- (iv) on all rateable land attributed Land Use Category 5—Industrial Light, or Land Use Category 6—Industrial Other, a rate of 0.9550 cents in the dollar of the capital value of the land
- (v) on all rateable land attributed Land Use Category 7—Primary Production, a rate of 0.2736 cents in the dollar of the capital value of the land; and
- (vi) on all rateable land attributed Land Use Category 8—Vacant Land, a rate of 0.7500 cents in the dollar of the capital value of the land.

Application for a Rate Rebate

Determines to grant a discretionary rebate of rates to provide relief against what would otherwise amount to a substantial change in rates caused by rapid changes in property valuations. In accordance with Section 166(1)(1)(ii) of the *Local Government Act 1999* a rebate will be available on application by the ratepayer only for the financial year ending 30 June 2026 for all rateable land, and Council delegates to the person occupying the office of Chief Executive Officer of the Council, or a staff member authorised by the person occupying office of the Chief Executive Officer, the power to accept and approve ratepayer applications in accordance with the following conditions:

- the rebate is available only for property valuation increases that would result in an increase in the General rates payable by greater than 10% compared to the rates payable for the year ended 30 June 2025.
- a rebate application must be received from the ratepayer within 25 days of the notice date of the first rates instalment notice.

- the rebate is unavailable for:
 - (i) any property that has had improvements (valued at greater than \$50,000) since the valuation adopted for the year commencing 1 July 2024,
 - (ii) any property where there has been a change of ownership since the valuation adopted for the year commencing 1 July 2024,
 - (iii) any property where the land use has changed since the valuation adopted for the year commencing 1 July 2024,
 - (iv) any property where the minimum rate otherwise applies in the 2025/26 financial year,
 - (v) the increase is as a result of a valuation correction by the Valuer-General.
 - (vi) any rebate amount of less than \$10 would not be approved or granted.

Adoption of Minimum Rate

Pursuant to Section 158(1)(a) of the *Local Government Act 1999*, for the financial year ending 30 June 2026, fix a minimum amount payable by way of the general rate of \$995.00 in respect of all rateable land within the council area.

Community Wastewater Management System (CWMS) Annual Service Charge

For the financial year ending 30 June 2026 pursuant to Section 155 of the *Local Government Act 1999*, impose the following annual service charge based on the nature of the service on each assessment, whether vacant or occupied, to which the Council provides or makes available a Community Wastewater Management System Annual Service Charge: \$650

Domestic Refuse and Recycling Annual Service Charge

For the financial year ending 30 June 2026, pursuant to Section 155 of the *Local Government Act 1999*, declare an annual service charge based on the nature of the service of refuse collection and recycling of \$390 per assessment in respect of all land to which Council makes available the 3-bin service, and of \$260 per assessment in respect of all land to which Council provides or makes available the 2-bin service on the basis that the sliding scale provided for in Regulation 13 of the *Local Government (General) Regulations 2013* will be applied to reduce the service charge payable, as prescribed. An additional recycling or organics recycling bin can be requested for \$95 per annum.

Water Reuse Scheme Separate Rate

For the financial year ending 30 June 2026, pursuant to Section 154 of the *Local Government Act 1999* declare a separate rate (based on a fixed charge against the land subject to the rate) of \$900,000 to be levied against the rateable assessment number 6512, Valuer-General of South Australia assessment number 3120415503, described as Allotment 100 of Filed Plan 35604, Certificate of Title Volume 5253 Folio 627, but collection is deferred until the scheme is operational. Further, in identifying the aforementioned relevant rateable assessment, Council has formed the opinion that the making available of access to the scheme is to be of particular benefit to the land, occupiers of the land and visitors to that part of the Council's area by allowing the land to have access to the water reuse scheme. Council will grant a discretionary rebate proportionate to the months of the financial year that the scheme was not operational.

Regional Landscape Levy

For the financial year ending 30 June 2026 in exercise of the powers contained in *Landscape South Australian Act 2019*, and Section 154 of the *Local Government Act 1999*, and in order to reimburse the Council for the amount contributed to the Northern and Yorke Landscape Board, being \$583,697, declare a separate rate of 0.0087406 cents in the dollar of the Capital Value of land, in respect of all rateable land in the Council's area and in the area of that Board, the Capital Value of such land totalling \$6,677,960,439.

Due Dates for Payment of Rates

Pursuant to Section 181 of the *Local Government Act 1999*, rates and charges imposed in respect of the financial year ending 30 June 2026, shall be payable in four equal or approximately equal instalments, such instalments being due and payable by:

- Friday, 5 September 2025 (first instalment),
- Friday, 5 December 2025 (second instalment),
- Friday, 6 March, 2026 (third instalment), and
- Friday, 5 June 2026 (final instalment).

provided that in cases where the initial account requiring payment of rates is not sent at least 30 days prior to this date, or an amended account is required to be sent, authority to fix the date by which rates must be paid in respect of those assessments affected is hereby delegated to the Chief Executive Officer.

In exercise of the powers contained in Section 44 of the *Local Government Act 1999*, the Council hereby delegates on this 15th day of July 2025 to the person occupying the office of Chief Executive Officer of the Council the power pursuant to Section 181(4)(b) of the *Local Government Act 1999*, in any case where they consider it necessary or desirable to do so, to agree with the Principal Ratepayer that rates will be payable in such instalments falling due on such days as may be specified in the agreement and in that event that ratepayer's rates will thereby be payable accordingly.

Dated: 24 July 2025

R. DODSON
Chief Executive Officer

MOUNT BARKER DISTRICT COUNCIL*Adoption of Valuations and Declaration of Rates*

Notice is given that at its meeting held on 7 July 2025, the Council declared as follows for the financial year ending 30 June 2026:

Adoption of Valuation

That the most recent valuations of the Valuer-General available to the Council of the Capital Value of land within the Council area totalling \$16,196,573,200 of which \$15,903,212,433 is rateable, be adopted for rating purposes for the 2025/2026 financial year.

Declaration of Differential General Rates

Differential rates be declared according to the use of the land and its locality as follows:

- (1) All residential land within the Productive Rural Landscape Zone and Rural Zone: 0.269841 cents in the dollar

- (2) All other land according to its land use as follows:
- Residential (Category (a)): 0.299823 cents in the dollar;
 - Commercial (Categories (b), (c) and (d)): 0.299823 cents in the dollar;
 - Industry (Categories (e) and (f)): 0.299823 cents in the dollar;
 - Vacant Land (Category (h)): 0.299823 cents in the dollar;
 - Other (Category (i)): 0.299823 cents in the dollar;
 - Primary Production (Category (g)): 0.251851 cents in the dollar.

Minimum Rate

A minimum amount payable by way of general rates of \$1,064.

Declaration of Service Charges—Community Wastewater Management Systems

An annual service charge of \$740 per unit based on the level of usage for any common effluent drainage scheme authorised by the Minister.

Wastewater Sewer Systems

An annual service charge of \$835 based upon the nature of the prescribed service of a sewerage scheme per property/connection.

Council provides a rebate of \$67 per property/connection for Brukunga assessments connected to the Sewer System to provide relief against what would otherwise amount to a substantial increase in the service charge.

Waste Management Charge

An annual service charge based on the nature of the service for the collection of kerbside waste and recycling in respect of all land:

- (1) Within any area designated as ‘township’ of \$305;
- (2) Outside any area designated as ‘township’ but within the prescribed collection area of \$255.
- (3) For occupied Council owned properties where a refuse service is provided a service charge of \$255 (one weekly MGB Kerbside waste collection of two bins for each service charge)

Meadows Non-Potable Water Charge

An annual service charge of \$499 for the Meadows non-potable water service based on the nature of the service.

Recycled Water Charge

An annual service charge of \$73 for Meadows recycled water service based on the nature of the service.

Declaration of Separate Rates**Hahndorf Separate Rate**

A differential separate rate of 0.099754 cents in the dollar on all rateable land within the Township of Hahndorf on Land uses—Category (b) (Commercial—Shop), Category (c) (Commercial—Office), Category (d) (Commercial—Other), Category (e) (Industry—Light), Category (f) (Industry—Other) and Category (h) (Vacant Land), with any land with a value that results in a separate rate liability in excess of \$2,500 being capped at a maximum amount payable of \$2,500 under Section 158(1)(b) of the *Local Government Act 1999*.

Mount Barker Regional Town Centre Separate Rate

A differential separate rate of 0.032989 cents in the dollar on all rateable land within the township of Mount Barker, previously known as the Mount Barker Regional Town Centre Zone, with the Land Uses—Category (b) (Commercial—Shop), Category (c) (Commercial—Office), Category (d) (Commercial—Other), Category (e) (Industry—Light), Category (f) (Industry—Other) and Category (h) (Vacant Land).

Transport Infrastructure MDPA Area

A separate rate of a proportionate amount of \$83,578 per hectare on rateable land within the defined MDPA Area which separate rate is the primary mechanism to raise funds to meet the costs of the activity of the required transport infrastructure to support and service the MDPA Area for the benefit of the land the subject of the separate rate and also to the occupiers of the land within the MDPA Area.

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

Wastewater (Sewer) Infrastructure Mount Barker MDPA Area

A separate rate of a fixed charge of \$12,338 per new allotment on all rateable land within the defined MDPA Area (excepting land parcels in Nairne being Lot 2 DP83527 CT6064/932; Lot 4 FP157339 CT5385/949 and Lot 3 FP157338 CT5520/779 and that portion contained within the MDPA Lot 1 DP83527 CT6077/952) the purpose of which is to fund the activity of essential infrastructure works to meet Wastewater needs and being of particular benefit to the land and to the occupiers of the land to which the separate rate applies.

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

Wastewater (CWMS) Infrastructure Nairne MDPA Area

A separate rate of a fixed charge of \$8,505 per new allotment on all rateable land within the defined Nairne MDPA Area namely land parcels in Nairne being Lot 2 DP83527 CT6064/932, Lot 4 FP157339 CT5385/949 and Lot 3 FP157338 CT5520/779 and that portion contained within the MDPA Lot 1 DP83527 CT6077/952 the purpose of which is to fund the activity of essential infrastructure works to meet Wastewater needs and being of particular benefit to the land and to the occupiers of the land to which the separate rate applies.

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

Recreation, Sport and Community Infrastructure—Mount Barker MDPA Area

A separate rate of a fixed charge of \$2,653 per new allotment on all rateable land within the defined MDPA Area (excepting land parcels in Nairne being Lot 2 DP83527 CT6064/932, Lot 4 FP157339 CT5385/949 and Lot 3 FP157338 CT5520/779 and that portion contained within the MDPA Lot 1 DP83527 CT6077/952) the purpose of which is to contribute to the activity of recreation, sport and community infrastructure that will be of direct benefit to land within the MDPA Area and to occupiers of that land.

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

Recreation, Sport and Community Infrastructure—Nairne MDPA Area

A separate rate of a fixed charge of \$2,241 per new allotment on all rateable land within the defined Nairne MDPA Area namely land parcels in Nairne being Lot: 2 DP83527 CT6064/932, Lot 4 FP157339 CT5385/949 and Lot 3 FP157338 CT5520/779 and that portion contained within the MDPA Lot 1 DP83527 CT6077/952 the purpose of which is to contribute to the activity of recreation, sport and community infrastructure that will be of direct benefit to land within the MDPA Area and to occupiers of that land.

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

Western Sector Community Open Space Land Acquisition

A separate rate of fixed charges the purpose of which is to provide security to recover the total cost to Council of the purchase of Lot 503, Bollen Road, Mount Barker for the purposes of community open space, that will be of direct benefit to the specified land within the Western Sector of the MDPA Area and to occupiers of that land.

CT6236/354 Pce 101 and 102 DP123403	\$401,076
CT6308/814 Lot 3090 DP135913	\$125,714
CT6250/893 Lot 1075 DP125783	\$364,689

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

MDPA Wastewater Commitment

A separate rate of fixed charges the purpose of which is as a replacement mechanism for the existing Wastewater (Sewer) Infrastructure MDPA Mount Barker Area Separate Rate where the developer has executed a Wastewater Commitment Deed with Council and requested the use of this mechanism to provide security commensurate with the amount specified in their Wastewater Commitment Deed.

CT6250/893 Newenham Parade Lot 1075 DP125783	\$310,868
CT6308/811 Newenham Parade Pce 1090-1091 DP135913	\$1,093,052
CT6315/562 Angas Parkway Lot 1012 DP135476	\$1,293,612
CT6308/814 Newenham Parade Lot 3090 DP135913	\$340,952
CT6276/914 Heysen Boulevard Pce 8201-8202 DP130654	\$822,296
CT6300/476 Heysen Boulevard Lot 2 DP134264	\$401,120
CT6314/395 Spinebill Street Pce 701-705 DP135397	\$169,260
CT6236/354 Rainbird Drive Pce 101 and 102 DP123403	\$792,212
CT6310/663 Glenlea Boulevard Lot 7003 DP135937	\$1,133,164
CT6316/279 Wellington Road Lot 8000 DP137503	\$1,023,874
CT6223/774 19 Hawthorn Road Lot 692 DP120995	\$701,352
CT6247/862 Flaxley Road Lot 2003 DP125523	\$30,084
CT6231/683 Martin Road Lot 1000 DP122249	\$2,186,240
CT6311/911 Flaxley Road Pce 3030-3034 DP135637	\$218,624
CT6165/943 52 Beneva Road Lot 6 DP49619	\$1,403,920
CT6299/61 Ridge Street Lot 3001 DP133821	\$737,418
CT5902/342 47 Fulford Terrace Lot 102 DP62247	\$1,369,440
CT6307/699 Old Princes Highway Lot 451 DP134889	\$363,351
CT6307/698 Sargent Street Lot 450 DP134889	\$363,351
CT6064/932 Jeffrey Street Lot 2 DP83527	\$2,461,410
CT6275/860 Paech Road Lot 9001 DP130553	\$2,398,464
CT6316/752 Barker Road Lot 1002 DP136844	\$2,964,092

Wastewater Infrastructure Augmentation Separate Rate

A Separate Rate of a fixed charge the purpose of which is to provide the mechanism for Council to apply this to affected land parcels and secure a commensurate contribution from the developer (when development is undertaken) to the cost of upsizing of the capacity of wastewater infrastructure.

CT5626/645 Lot 3 DP15515	\$278,897
CT6262/216 and CT6262/217 Lot 101 and 102 DP125249	\$321,135
CT6037/784 Lot 411 DP73444	\$53,984
CT5520/779 Lot 3 FP157338	\$1,098,048
CT5385/949 Lot 4 FP157339	\$826,620

This separate rate is subject to the Infrastructure Contributions—Separate Rate Relief Policy

Littlehampton Development Sites Infrastructure Contributions

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

Littlehampton Direct Infrastructure

A Separate Rate of a fixed charge of \$418,518 on Piece 500-501 DP134716 CT6303/643, the separate rate will ensure that the beneficiaries of development, as a result of the rezoning of land initiated by Council in 2006, contribute to the necessary additional specific and critical infrastructure, and existing ratepayers will be protected from excessive increases in general rates to fund such additional infrastructure.

Littlehampton In-direct Infrastructure

A Separate Rate of fixed charges the purpose of which is to ensure the beneficiaries of development as a result of the rezoning of land initiated by Council in 2006, contribute to the necessary additional specific and critical infrastructure, and existing ratepayers will be protected from excessive increases in general rates to fund such additional infrastructure.

CT6303/645 Lot 600 DP134716	\$153,333
CT5902/342 Lot 102 DP62247	\$153,333

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

Regional Landscape levy

A separate rate of 0.009059 cents in the dollar be declared within the Hills and Fleurieu landscape management region.

Dated: 24 July 2025

A. STUART
Chief Executive Officer

DISTRICT COUNCIL OF MOUNT REMARKABLE*Revocation of Community Land Classification*

Notice is hereby given that pursuant to Section 193(6) of the *Local Government Act 1999* that Council resolved at its meeting held on 15 April 2025 to revoke the classification as community land applicable to:

1. Allotment 221 described in Certificate of Title Volume 5709 Folio 529, being a portion of the Port Germein Caravan Park, located at 39-41 Esplanade, Port Germein;
2. Allotment 111 described in Deposited Plan 26609 Certificate of Title Volume 5220 Folio 479, being a portion of the Melrose Council Works Depot, located at 9 Giles Street, Melrose;
3. Section 426 described in Certificate of Title Volume 6103 Folio 967, being the site of the Wirrabara STEDS (Community Wastewater Management Scheme);

and at its meeting held on 15 July 2025 resolved to revoke the classification as community land applicable to:

4. Allotment 736 in Filed Plan 184818 described in Certificate of Title Volume 5693, Folio 195 being the Booleroo Centre CWA Hall.

Dated: 24 July 2025

MARTIN BORGAS
Acting Chief Executive Officer

SOUTHERN MALLEE DISTRICT COUNCIL*Adoption of Valuation and Declaration of Rates*

Notice is hereby given that the Southern Mallee District Council at its ordinary council meeting held on Wednesday, 16 July 2025, resolved for the year ending 30 June 2026 as follows:

Adoption of Valuation

To adopt the most recent valuations of the Valuer-General available to the Council of the capital value of land within the Council's area totalling \$1,486,313,700 and of which \$1,466,158,400 is the total valuation of rateable land.

Declaration of Differential General Rate

Differential rates be declared for the financial year ending 30 June 2026 on the assessed capital value of all rateable land and according to its land use classification within the area of the Council as follows:

- 0.00332200 rate in the dollar on the capital value of rateable land with the following land use codes within the area of the Council as follows: Residential, Commercial—Shop, Commercial—Office, Commercial—Other, Industry—Light, Industry—Other, Primary Production, Other.
- 0.00664400 rate in the dollar on the capital value of rateable land with the following land use code within the area of the Council as follows: Vacant land.
- 0.01328800 rate in the dollar on the capital value of rateable land with the following land use code within the area of the Council as follows: Employment—Bulk Handling.

Minimum Rate

Pursuant to Section 158 of the *Local Government Act 1999*, the Council declares a minimum amount payable by way of general rates of \$695.00 in respect of all rateable properties within its area.

Regional Landscape Levy

That pursuant to Part 5 of the *Landscape South Australia Act 2019* and Section 154 of the *Local Government Act 1999*, the Council declares, in respect of the year ending 30 June 2026, a separate rate of 0.00016184 in the dollar, based on the capital value of rateable land within the Council's area and within the area of the Murraylands and Riverland Landscape Board in order to recover the amount payable to the Board.

Community Wastewater Management Scheme Service Charge

Community Wastewater Management Scheme as set out in Section 155 of the *Local Government Act 1999*, the Council imposes an annual service charge on each piece of occupied dwelling of \$740.00 and on each piece of unoccupied dwelling of \$370.00 to which the prescribed service (Community Wastewater Management Scheme) is available.

Mobile Garbage Bin Collection Service Charge

As set out in Section 155 of the *Local Government Act 1999*, the Council imposes an annual service charge against each rateable and non-rateable piece of land within the collection area of \$350.00 per annum and \$250.00 per annum for each additional Mobile Garbage Bin Collection.

Dated: 22 July 2025

JASON BEATON
Chief Executive Officer
Southern Mallee District Council

PUBLIC NOTICES

NATIONAL ELECTRICITY LAW

Notice of Extension of the Making of a Draft Determination

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

Under s 107, the time for making the draft determination on the *Real-time data for consumers* (Ref. ERC0399) proposal has been extended to **11 September 2025**.

Documents referred to above are available on the [AEMC's website](https://www.aemc.gov.au) and are available for inspection at the AEMC's office.

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

Dated: 24 July 2025

NATIONAL ENERGY RETAIL LAW

Notice of Extension of the Making of a Draft Determination

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

Under s 266, the time for making the draft determination on the *Real-time data for consumers* (Ref. RRC0057) proposal has been extended to **11 September 2025**.

Documents referred to above are available on the [AEMC's website](https://www.aemc.gov.au) and are available for inspection at the AEMC's office.

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

Dated: 24 July 2025

TRUSTEE ACT 1936

PUBLIC TRUSTEE

Estates of Deceased Persons

AIRD Laurel Isabel late of 2-8 Oregon Street Manoora QLD Retired Facilities Administrator who died 30 September 2024

BATSTONE Margaret Anne late of 30 Sussex Terrace Westbourne Park of no occupation who died 27 June 2024

CAMPAIN Helen late of 24 Hawdon Street Barmera Retired Bookkeeper who died 9 April 2025

GUTSCHMIDT Kaye Elizabeth late of 66 Nelson Road Valley View Retired Cake Decorator who died 27 February 2025

HEPPINSTALL James Bernard late of 59 George Street Paradise Retired Nurse who died 15 October 2024

LIGHTFOOT Janet Winifred late of 15 Bluegum Road Morphet Vale Retired Nurse who died on or about 17 February 2024

MANTHORPE Nancy Mackenzie late of 26 Flinders Highway Port Lincoln of no occupation who died 23 December 2024

NAISMITH Hazel Wilhelmina late of 477-479 Military Road Largs Bay Retired Postal Assistant who died 7 March 2025

O'MALLEY Shane Ronald late of 152-160 Carrington Street Adelaide Sheet Metal Worker who died on or about 19 December 2023

WESTON Lorraine Jean late of 19 Bay Road Victor Harbor Retired Cook/Cleaner who died 13 January 2025

WILSON Thomas Brown late of 30 Sussex Terrace Westbourne Park Retired Forklift Driver/Storeman who died 22 February 2025

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 SA 5001, full particulars and proof of such claims, on or before the 22 August 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: 24 July 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
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All instruments appearing in this gazette are to be considered official, and obeyed as such