



# THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ADELAIDE, THURSDAY, 26 JUNE 2025

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## GOVERNOR'S INSTRUMENTS

### ACTS

Department of the Premier and Cabinet  
Adelaide, 26 June 2025

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

No. 26 of 2025—Social Workers Registration (Commencement of Act) Amendment Bill 2025

An Act to amend the Social Workers Registration Act 2021

No. 27 of 2025—Statutes Amendment (Heritage) Bill 2025

An Act to amend the Heritage Places Act 1993 and the Planning, Development and Infrastructure Act 2016

No. 28 of 2025—Dog and Cat Management (Breeder Reforms) Amendment Bill 2025

An Act to amend the Dog and Cat Management Act 1995 and to make a related amendment to the Criminal Law Consolidation Act 1935

No. 29 of 2025—Biodiversity Bill 2025

An Act to provide for the conservation, restoration and enhancement of biodiversity in the State for the benefit of current and future generations, to make related amendments to various Acts, to repeal the Native Vegetation Act 1991 and for other purposes

By command,

NATALIE FLEUR COOK, MP  
For Premier

### APPOINTMENTS, RESIGNATIONS AND GENERAL MATTERS

Department of the Premier and Cabinet  
Adelaide, 26 June 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the Motor Accident Commission Board, pursuant to the provisions of the Motor Accident Commission Act 1992:

Director: from 1 July 2025 until 30 June 2028

Sandra Joy Pitcher  
Anthony Lloyd Coates  
Christine Jackie Uncle

Chair: from 1 July 2025 until 30 June 2028

Sandra Joy Pitcher

By command,

NATALIE FLEUR COOK, MP  
For Premier

T&F25/055CS

Department of the Premier and Cabinet  
Adelaide, 26 June 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the South Australian Government Financing Advisory Board, pursuant to the provisions of the Government Financing Authority Act 1982:

Member: from 26 June 2025 until 25 June 2028

Guy Debelle

By command,

NATALIE FLEUR COOK, MP  
For Premier

T&F25/062CS

Department of the Premier and Cabinet  
Adelaide, 26 June 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the South Australian Water Corporation Board, pursuant to the provisions of the South Australian Water Corporation Act 1994:

Director: from 25 July 2025 until 24 July 2028

Allan Norman Holmes

Chair: from 25 July 2025 until 24 July 2028

Allan Norman Holmes

By command,

NATALIE FLEUR COOK, MP  
For Premier

25MSAWCS06159

Department of the Premier and Cabinet  
Adelaide, 26 June 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the Health Services Charitable Gifts Board, pursuant to the provisions of the Health Services Charitable Gifts Act 2011:

Commissioner: from 1 July 2025 until 30 June 2028  
Keith David McNeil

By command,

NATALIE FLEUR COOK, MP  
For Premier

HEAC-2025-00026

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Department of the Premier and Cabinet  
Adelaide, 26 June 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the South Australian Tourism Commission Board, pursuant to the provisions of the South Australian Tourism Commission Act 1993:

Director: from 2 July 2025 until 1 July 2027  
Grant David Wilckens  
Ian Philip Horne  
Vicki-Jo Russell

By command,

NATALIE FLEUR COOK, MP  
For Premier

TMACAB036

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Department of the Premier and Cabinet  
Adelaide, 26 June 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Dr Susan Elizabeth Close, MP as Acting Premier from 3 July 2025 until 20 July 2025 inclusive, during the absence of the Honourable Peter Bryden Malinauskas, MP.

By command,

NATALIE FLEUR COOK, MP  
For Premier

DPC25/029CS

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Department of the Premier and Cabinet  
Adelaide, 26 June 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Katrine Anne Hildyard, MP as Acting Minister for Human Services and Acting Minister for Seniors and Ageing Well from 29 June 2025 until 19 July 2025 inclusive, during the absence of the Honourable Natalie Fleur Cook, MP.

By command,

NATALIE FLEUR COOK, MP  
For Premier

DPC25/029CS

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Department of the Premier and Cabinet  
Adelaide, 26 June 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Christopher James Picton, MP as Acting Minister for Infrastructure and Transport and Acting Minister for Energy and Mining from 1 July 2025 until 18 July 2025 inclusive, during the absence of the Honourable Anastasios Koutsantonis, MP.

By command,

NATALIE FLEUR COOK, MP  
For Premier

DPC25/029CS

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Department of the Premier and Cabinet  
Adelaide, 26 June 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Emily Sarah Bourke, MLC as Acting Minister for Infrastructure and Transport and Acting Minister for Energy and Mining from 19 July 2025 until 21 July 2025 inclusive, during the absence of the Honourable Anastasios Koutsantonis, MP.

By command,

NATALIE FLEUR COOK, MP  
For Premier

DPC25/029CS

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Department of the Premier and Cabinet  
Adelaide, 26 June 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint Frank Arnold Walsh as a Community Visitor for a term of three years commencing on 30 June 2025 and expiring on 29 June 2028 - pursuant to the Mental Health Act 2009.

By command,

NATALIE FLEUR COOK, MP  
For Premier

HEAC-2025-00025

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Department of the Premier and Cabinet  
Adelaide, 26 June 2025

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned as Community Visitors for a term of three years commencing on 26 June 2025 and expiring on 25 June 2028 - pursuant to the Mental Health Act 2009:

Sally Anne Fox  
Shana Terese McCormack  
Livinia Xia-Bednikov

By command,

NATALIE FLEUR COOK, MP  
For Premier

HEAC-2025-00025

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## NOTICES

South Australia

## **Emergency Services Funding (Declaration for Vehicles and Vessels) Notice 2025**

under section 24 of the *Emergency Services Funding Act 1998*

### **1—Short title**

This notice may be cited as the *Emergency Services Funding (Declaration for Vehicles and Vessels) Notice 2025*.

### **2—Commencement**

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

### **3—Interpretation**

In this notice—

*Act* means the *Emergency Services Funding Act 1998*.

### **4—Financial year to which notice applies**

This notice applies in relation to the 2025/2026 financial year.

### **5—Declaration of levy in respect of vehicles and vessels**

For the purposes of section 24 of the Act—

- (a) motor vehicles are divided into the same classes as the premium classes for motor vehicles determined by the CTP Regulator for the purposes of the *Compulsory Third Party Insurance Regulation Act 2016* (and in force at the time of publication of this notice); and
- (b) those classes are grouped into tiers and exempt motor vehicles as set out in Schedule 1; and
- (c) the amount of the levy in respect of the tiers of motor vehicles is as follows:
  - (i) Tier 1—\$32;
  - (ii) Tier 2—\$12;
  - (iii) Tier 3—\$8; and
- (d) the amount of the levy in respect of vessels is \$12.

#### **Editorial note—**

The Minister may, by notice in the Gazette under section 25 of the Act, exempt motor vehicles or vessels of a class specified in the notice from the imposition of a levy.

## Schedule 1—Classes of motor vehicles

### Tier 1—

- |               |                                   |
|---------------|-----------------------------------|
| 1—District 1  | Private passenger                 |
| 2—District 1  | Goods carrying: light             |
| 3—District 1  | Goods carrying: medium            |
| 4—District 1  | Goods carrying: primary producers |
| 5—District 1  | Taxis: metropolitan               |
| 5—District 2  | Taxis: metropolitan               |
| 6—District 1  | Hire car                          |
| 7—District 1  | Public passenger: small           |
| 8—District 1  | Public passenger: medium          |
| 9—District 1  | Public passenger: heavy           |
| 10—District 1 | Public passenger: no fare         |
| 15—District 1 | Motorcycles: light                |
| 16—District 1 | Motorcycles: medium               |
| 20—District 1 | Motorcycles: heavy                |
| 21—District 1 | Goods carrying: heavy             |
| 22—District 1 | Car carriers: light               |
| 23—District 1 | Car carriers: medium              |
| 24—District 1 | Car carriers: heavy               |
| 25—District 1 | Car carriers: trailer             |
| 29—District 1 | Special purpose vehicles          |
| 32—District 1 | Public passenger: omnibus         |
| 32—District 2 | Public passenger: omnibus         |
| 48—District 1 | Rideshare: metropolitan           |
| 48—District 2 | Rideshare: metropolitan           |
| 51—District 2 | Private passenger                 |
| 52—District 2 | Goods carrying: light             |
| 53—District 2 | Goods carrying: medium            |
| 55—District 1 | Taxis: country                    |
| 55—District 2 | Taxis: country                    |
| 56—District 2 | Hire car                          |
| 57—District 2 | Public passenger: small           |
| 58—District 2 | Public passenger: medium          |
| 59—District 2 | Public passenger: heavy           |
| 66—District 2 | Motorcycles: medium               |
| 70—District 2 | Motorcycles: heavy                |
| 71—District 2 | Goods carrying: heavy             |

- 72—District 2 Car carriers: light
- 73—District 2 Car carriers: medium
- 74—District 2 Car carriers: heavy
- 98—District 1 Rideshare: country
- 98—District 2 Rideshare: country

**Tier 2—**

- 14—District 1 Motorcycles: ultra light
- 54—District 2 Goods carrying: primary producers
- 60—District 2 Public passenger: no fare
- 64—District 2 Motorcycles: ultra light
- 65—District 2 Motorcycles: light
- 75—District 2 Car carriers: trailer
- 79—District 2 Special purpose vehicles

**Tier 3—**

- 11—District 1 Trailers
- 19—District 1 Historic and left hand drive vehicles
- 61—District 2 Trailers
- 69—District 2 Historic and left hand drive vehicles

**Exempt motor vehicles (vehicles of a class exempt from imposition of levy by Minister by notice under section 25 of Act)—**

- 12—District 1 Motor trade plates
- 17—District 1 Unregistered vehicle permits
- 18—District 1 Tractors
- 62—District 2 Motor trade plates
- 67—District 2 Unregistered vehicle permits
- 68—District 2 Tractors

**Made by the Governor's Deputy**

on the recommendation of the Treasurer and with the advice and consent of the Executive Council  
on 26 June 2025



South Australia

# Emergency Services Funding (Declaration of Levy and Area and Land Use Factors) Notice 2025

under section 10 of the *Emergency Services Funding Act 1998*

## 1—Short title

This notice may be cited as the *Emergency Services Funding (Declaration of Levy and Area and Land Use Factors) Notice 2025*.

## 2—Commencement

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

## 3—Interpretation

In this notice—

*Act* means the *Emergency Services Funding Act 1998*.

## 4—Declaration of levy

The levy under Part 3 Division 1 of the Act for the 2025/2026 financial year comprises—

- (a) an amount of 0.0846 cents in respect of each dollar of the value of land subject to assessment; and
- (b) a fixed charge of \$50 for each piece, section or aggregation of contiguous or non-contiguous land subject to separate assessment.

## 5—Declaration of area factors

The area factors for each of the emergency services areas for the 2025/2026 financial year are as follows:

- (a) Regional area 1—0.8;
- (b) Regional area 2—0.5;
- (c) Regional area 3—0.2;
- (d) Regional area 4—1.0.

## 6—Declaration of land use factors

The land use factors for each of the land uses referred to in section 8(1) of the Act for the 2025/2026 financial year are as follows:

- (a) commercial—1.337;
- (b) industrial—1.899;
- (c) residential—0.4;
- (d) rural—0.3;
- (e) all other uses—0.5.

**7—Relevant day**

The relevant day for the purposes of section 8 of the Act in respect of the 2025/2026 financial year is 30 June 2025.

**8—Required statement of amount and description of method used to determine amount**

The following information is provided in accordance with section 10(6) of the Act:

- (a) the Minister has determined under section 10(4)(a) of the Act that \$347.6 million needs to be raised by the levy on land under Part 3 Division 1 of the Act to fund emergency services in the 2025/2026 financial year;
- (b) the method used for determining the amount referred to in paragraph (a) is as follows:
  - (i) a strategic and business planning process was undertaken to establish a strategic context for assessing amounts to be expended for the kinds of emergency services and other purposes referred to in section 28(4) of the Act;
  - (ii) the amount to be raised from the levy under Part 3 Division 1 of the Act was determined on the basis of—
    - (A) forward estimates of expenditure for emergency services during the 2025/2026 financial year, excluding any expenditure carried over from prior years and any emergency services measures funded outside of the emergency services rates settings; and
    - (B) the shortfall between projected 2025/2026 emergency services expenditure and projected 2025/2026 revenue from the levy under Part 3 Division 2 of the Act and the projected decrease in the balance of the Community Emergency Services Fund and non-levy revenue (such as interest earnings) paid into the Community Emergency Services Fund.

**Made by the Governor's Deputy**

on the recommendation of the Treasurer and with the advice and consent of the Executive Council  
on 26 June 2025

## PROCLAMATIONS

South Australia

## **Statutes Amendment (Personal Mobility Devices) Act (Commencement) Proclamation 2025**

### **1—Short title**

This proclamation may be cited as the *Statutes Amendment (Personal Mobility Devices) Act (Commencement) Proclamation 2025*.

### **2—Commencement of Parts**

Parts 3 and 4 of the *Statutes Amendment (Personal Mobility Devices) Act 2024* (No 51 of 2024) come into operation on 13 July 2025.

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

with the advice and consent of the Executive Council  
on 26 June 2025

South Australia

## **Summary Offences (Knives and Other Weapons) Amendment Act (Commencement) Proclamation 2025**

### **1—Short title**

This proclamation may be cited as the *Summary Offences (Knives and Other Weapons) Amendment Act (Commencement) Proclamation 2025*.

### **2—Commencement of suspended provisions**

The following provisions of the *Summary Offences (Knives and Other Weapons) Amendment Act 2025* (No 10 of 2025) come into operation on 1 July 2025:

- (a) sections 3 to 5 (inclusive);
- (b) section 6, but only insofar as it inserts section 21DA into the *Summary Offences Act 1953*;
- (c) section 7.

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

with the advice and consent of the Executive Council  
on 26 June 2025

South Australia

## **South Australian Civil and Administrative Tribunal (Appointment of Acting President) Proclamation 2025**

under section 12 of the *South Australian Civil and Administrative Tribunal Act 2013*

### **1—Short title**

This proclamation may be cited as the *South Australian Civil and Administrative Tribunal (Appointment of Acting President) Proclamation 2025*.

### **2—Commencement**

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

### **3—Appointment of Acting President**

Steven Peter Dolphin, a Judge of the District Court, is appointed to be Acting President of the South Australian Civil and Administrative Tribunal from 27 June 2025 to 5 August 2025 (inclusive).

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

after consultation by the Attorney-General with the Acting Chief Justice of the Supreme Court and the Chief Judge of the District Court and with the advice and consent of the Executive Council  
on 26 June 2025

## REGULATIONS

South Australia

**Motor Vehicles (Personal Mobility Devices) Amendment Regulations 2025**under the *Motor Vehicles Act 1959***Contents****Part 1—Preliminary**

- 1 Short title
- 2 Commencement

**Part 2—Amendment of *Motor Vehicles Regulations 2010***

- 3 Amendment of regulation 3—Interpretation
- 4 Insertion of regulation 3B
  - 3B Meaning of motor vehicle
- 5 Substitution of regulation 8A
  - 8A Exemption from registration and insurance for certain electric personal transporters
- 6 Repeal of regulation 10
- 7 Amendment of regulation 45—Exemptions from duty to hold licence, learner's permit or particular class of licence
- 8 Insertion of regulation 94AA
  - 94AA Meaning of uninsured motor vehicle

**Part 1—Preliminary****1—Short title**

These regulations may be cited as the *Motor Vehicles (Personal Mobility Devices) Amendment Regulations 2025*.

**2—Commencement**

These regulations come into operation on the day on which Part 3 of the *Statutes Amendment (Personal Mobility Devices) Act 2024* comes into operation.

**Part 2—Amendment of *Motor Vehicles Regulations 2010*****3—Amendment of regulation 3—Interpretation**

- (1) Regulation 3(1), definition of *moped*—delete "(other than a power-assisted pedal cycle)"

- (2) Regulation 3(1), definition of *power-assisted pedal cycle*—delete the definition (including the note) and substitute:

*power-assisted pedal cycle* means a power-assisted pedal cycle within the meaning of vehicle standards determined under the *Road Vehicle Standards Act 2018* of the Commonwealth, but does not include such a pedal cycle if it has an auxiliary propulsion motor comprised (in whole or in part) of an internal combustion engine;

Note—

*power-assisted pedal cycle* is defined in the *Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005* determined under the *Road Vehicle Standards Act 2018* of the Commonwealth.

#### 4—Insertion of regulation 3B

After regulation 3A insert:

##### 3B—Meaning of motor vehicle

- (1) The following kinds of devices and vehicles are excluded from the definition of *motor vehicle* in section 5(1) of the Act:
- (a) personal mobility devices;
  - (b) power-assisted pedal cycles.
- (2) In this regulation—

*personal mobility device* has the same meaning as in the *Road Traffic Act 1961*.

#### 5—Substitution of regulation 8A

Regulation 8A—delete the regulation and substitute:

##### 8A—Exemption from registration and insurance for certain electric personal transporters

An electric personal transporter in respect of which an approval under section 161A of the *Road Traffic Act 1961* is in force may, subject to the conditions (if any) of the approval, be driven on roads without registration or insurance.

#### 6—Repeal of regulation 10

Regulation 10—delete the regulation

#### 7—Amendment of regulation 45—Exemptions from duty to hold licence, learner's permit or particular class of licence

Regulation 45(3)—delete subregulation (3)

#### 8—Insertion of regulation 94AA

After regulation 94 insert:

##### 94AA—Meaning of uninsured motor vehicle

For the purposes of section 116(1)(f) of the Act, motor vehicles that are electric personal transporters are motor vehicles of a prescribed class.

**Editorial note—**

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

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 26 June 2025

No 41 of 2025

South Australia

# Road Traffic (Miscellaneous) (Personal Mobility Devices) Amendment Regulations 2025

under the *Road Traffic Act 1961*

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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement

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

- 3 Amendment of regulation 3—Interpretation
  - 4 Substitution of regulation 64A  
64A Personal mobility devices
  - 5 Amendment of Schedule 4—Expiation of offences
- 

## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Road Traffic (Miscellaneous) (Personal Mobility Devices) Amendment Regulations 2025*.

### 2—Commencement

These regulations come into operation on the day on which Part 4 of the *Statutes Amendment (Personal Mobility Devices) Act 2024* comes into operation.

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

### 3—Amendment of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *electric personal transporter*—delete the definition and substitute:

*electric personal transporter* means a device or vehicle that is powered by 1 or more electric motors and is designed for use by a single person, but does not include—

- (a) a registered vehicle; or
- (b) a vehicle that is exempt from registration, other than a vehicle exempt only by the operation of regulation 8A of the *Motor Vehicles Regulations 2010*; or
- (c) a personal mobility device; or
- (d) a motorised wheelchair; or



- (e) a power-assisted pedal cycle;
- (2) Regulation 3(1)—after the definition of *pig trailer* insert:

*power-assisted pedal cycle* means a power-assisted pedal cycle within the meaning of vehicle standards determined under the *Road Vehicle Standards Act 2018* of the Commonwealth, but does not include such a pedal cycle if it has an auxiliary propulsion motor comprised (in whole or in part) of an internal combustion engine;
- (3) Regulation 3—after subregulation (2) insert:
  - (2a) For the purposes of the definition of *bicycle* in section 5(1) of the Act, a vehicle with 2 or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor) including—
    - (a) a pedicab, penny farthing and tricycle; and
    - (b) a power-assisted pedal cycle,but not including a wheelchair, wheeled recreational device, wheeled toy, or any vehicle (other than a vehicle referred to in paragraph (b)) with an auxiliary motor capable of generating a power output over 200 watts (whether or not the motor is operating) is prescribed.
- (4) Regulation 3—after subregulation (6) insert:
  - (6a) The following kinds of devices and vehicles are excluded from the definition of *motor vehicle* in section 5(1) of the Act:
    - (a) personal mobility devices;
    - (b) power-assisted pedal cycles.
  - (6b) For the purposes of the definition of *personal mobility device* in section 5(1) of the Act, a vehicle that—
    - (a) has 1 or more wheels; and
    - (b) is propelled by 1 or more electric motors; and
    - (c) is designed for use by a single person only; and
    - (d) has an effective stopping system controlled by using brakes, gears or motor control; and
    - (e) is not more than 1 250mm in length, 700mm in width and 1 350mm in height; and
    - (f) weighs not more than—
      - (i) if the Minister has specified a weight by notice in the Gazette in relation to a vehicle of that kind—that weight; or
      - (ii) in any other case—45 kilograms,when the vehicle is not carrying a person or other load; and
    - (g) has no sharp protrusions; and
    - (h) meets any applicable electrical safety standards; and
    - (i) is not—

- (i) a bicycle; or
- (ii) a motorised wheelchair,

is prescribed.

- (5) Regulation 3(7a)—delete "(but excluding an electric personal transporter)"

#### 4—Substitution of regulation 64A

Regulation 64A—delete the regulation and substitute:

##### 64A—Personal mobility devices

A personal mobility device or the rider, owner, operator or manufacturer of a personal mobility device (as the case requires) is exempt from a provision of the Act that does not apply to a bicycle or the rider of a bicycle.

#### 5—Amendment of Schedule 4—Expiation of offences

- (1) Schedule 4, Part 1, clause 5(2)—after paragraph (b) insert:
- (ba) an offence against regulation 30A(4), (5), (9), (10), (12), (13) or (14) of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*; or
- (2) Schedule 4, Part 5, table, items relating to regulations 30(1) to 30A(12) (inclusive)—delete the items and substitute:

30(1)	<i>Commercial operator of personal mobility device failing to provide adequate instruction or reasonable supervision</i>	\$389
30(2)	<i>Commercial operator of personal mobility device causing or permitting person under 16 years, or person without safety helmet complying with regulation and properly adjusted and securely fastened, to ride or be carried on the device</i>	\$129
30A(4)(a)	<i>Riding personal mobility device on road, bicycle path or separated footpath at a speed exceeding 25 kph</i>	\$215
30A(4)(b)	<i>Riding personal mobility device on footpath or shared path, beach, or crossing a road, at a speed exceeding 10 kph</i>	\$215
30A(4)(c)	<i>Riding personal mobility device at speed exceeding safe speed in the circumstances</i>	\$215
30A(5)	<i>Riding personal mobility device on length of road with speed limit greater than 50 kph</i>	\$469
30A(9)	<i>Riding personal mobility device past a no wheeled recreational device or toys sign</i>	\$70
30A(10)	<i>Rider of personal mobility device causing or permitting another person to ride or be carried on the device at the same time</i>	\$129
30A(12)	<i>Person in possession or control of personal mobility device causing or permitting person under 16 years to ride or be carried on the device</i>	\$129
30A(13)	<i>Riding personal mobility device while towing a vehicle</i>	\$70

30A(14)	<i>Riding personal mobility device on road, footpath or other road-related area alongside another personal mobility device, wheeled recreation device etc</i>	\$70
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**Editorial note—**

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

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 26 June 2025

No 42 of 2025

South Australia

# **Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) (Personal Mobility Devices) Amendment Regulations 2025**

under the *Road Traffic Act 1961*

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  - 5 Substitution of regulations 30A and 30B
    - 30A Rules relating to personal mobility devices
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- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) (Personal Mobility Devices) Amendment Regulations 2025*.

### **2—Commencement**

These regulations come into operation on the day on which Part 4 of the *Statutes Amendment (Personal Mobility Devices) Act 2024* comes into operation.

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

### **3—Amendment of regulation 3—Interpretation**

Regulation 3, definition of *electric personal transporter*—delete the definition

### **4—Amendment of regulation 30—Operator of electric personal transporter to provide instruction, support**

- (1) Regulation 30, heading—delete "Operator of electric personal transporter" and substitute:  
Commercial operator of personal mobility device

- (2) Regulation 30—delete "the transporter" wherever occurring and substitute in each case:  
the device
- (3) Regulation 30(1)—delete "The operator of an electric personal transporter" and substitute:  
A commercial operator of a personal mobility device
- (4) Regulation 30(2)—delete "regulation 30B, the operator of an electric personal transporter" and substitute:  
subregulation (2a), a commercial operator of a personal mobility device
- (5) Regulation 30(2)(a)—delete "12" and substitute:  
16
- (6) Regulation 30—after subregulation (2) insert:
  - (2a) A requirement under subregulation (2)(b) that a person be wearing a safety helmet does not apply if that person—
    - (a) is of the Sikh religion; and
    - (b) is wearing a turban.
  - (2b) It is a defence to a charge of an offence against subregulation (2)(b) for the defendant to prove that there were, in the circumstances of the case, special reasons justifying non-compliance with the requirements of the provision.
- (7) Regulation 30(3)—delete "an electric personal transporter" and substitute:  
a personal mobility device
- (8) Regulation 30(3)—after "injured and the" insert:  
commercial
- (9) Regulation 30, note—delete the note
- (10) Regulation 30—after subregulation (5) insert:
  - (6) In this regulation—  
*commercial operator* of a personal mobility device means the operator of a personal mobility device that is part of a fleet of personal mobility devices used for commercial hire arrangements.

## 5—Substitution of regulations 30A and 30B

Regulations 30A and 30B—delete the regulations and substitute:

### 30A—Rules relating to personal mobility devices

- (1) This regulation applies despite anything in the Rules.
- (2) Subject to this regulation—
  - (a) a reference to a bicycle in the Rules or in these regulations will be taken to include a reference to a personal mobility device; and
  - (b) a reference to the rider of a bicycle in the Rules or in these regulations will be taken to include a reference to a rider of a personal mobility device; and

- (c) a traffic sign that, in accordance with the Rules or these regulations, applies to a bicycle or the rider of a bicycle will be taken to also apply in the same way to a personal mobility device or the rider of a personal mobility device (as the case requires).
- (3) Subregulation (2) does not apply in respect of the following rules:
  - (a) rule 245 (Riding a bicycle);
  - (b) rule 246 (Carrying people on a bicycle);
  - (c) rule 257 (Riding with a person on a bicycle trailer).
- (4) A person must not ride a personal mobility device at a speed greater than—
  - (a) if the person is riding on a road, bicycle path or separated footpath designed for bicycles—25 kilometres per hour; or
  - (b) if the person is riding on a footpath or shared path, a beach, or crossing a road—10 kilometres per hour; or
  - (c) if a lesser speed is required in the circumstances to allow the person to stop safely in order to avoid endangering any person—that speed.

Maximum penalty: \$2 500.

- (5) Subject to subregulations (6), (7) and (8), a person must not ride a personal mobility device on a length of road on which the speed limit is greater than 50 kilometres per hour.

Maximum penalty: \$2 500.

- (6) Subject to subregulations (7) and (8), a person may ride a personal mobility device on a length of road on which the speed limit is greater than 50 kilometres per hour but not greater than 60 kilometres per hour, which has a bicycle lane designed for bicycles travelling in the same direction as the rider, if—
  - (a) the person is riding a personal mobility device that is an electric scooter; and
  - (b) the person rides the device in the bicycle lane; and
  - (c) if the bicycle lane is expressed to apply only on certain days, at certain times or in certain circumstances—the person is riding the device on such a day, at such a time or in such circumstances.
- (7) A person who rides a personal mobility device is exempt from compliance with subregulations (5) and (6) if—
  - (a) there is an obstruction—
    - (i) on a footpath, nature strip, bicycle path or shared path adjacent to a road (an *adjacent area*); or
    - (ii) in a bicycle lane in which the person is required to be riding the device; and
  - (b) because of the obstruction it is impracticable to travel on the adjacent area or in the bicycle lane; and

- (c) the person who rides the device travels less than 50 metres along the road to avoid the obstruction.
- (8) Subregulations (5) and (6) do not apply to a person who is crossing a road on a personal mobility device if the person—
  - (a) crosses the road by the shortest safe route; and
  - (b) does not stay on the road longer than necessary to cross the road safely; and
  - (c) is not prohibited, under another law of this jurisdiction, from crossing the road on the personal mobility device.
- (9) A person who rides a personal mobility device must not travel past a no wheeled recreational device or toys sign.  
Maximum penalty: \$2 500.
- (10) A person who rides a personal mobility device must not cause or permit another person to ride or be carried on the device at the same time.  
Maximum penalty: \$2 500.
- (11) A person under the age of 16 years must not ride a personal mobility device on a road or a road-related area.  
Maximum penalty: \$2 500.
- (12) A person who has possession or control of a personal mobility device must not cause or permit a person under the age of 16 years to ride or be carried on the device.  
Maximum penalty: \$2 500.
- (13) A person must not ride a personal mobility device while towing another vehicle.  
Maximum penalty: \$2 500.
- (14) A person must not, on a road, or on a footpath or other road-related area, ride a personal mobility device alongside another personal mobility device, a wheeled recreational device or a wheeled toy.  
Maximum penalty: \$2 500.
- (15) For the purposes of subregulations (5) and (6), **road** does not include a road-related area, but does include the shoulder of a road.
- (16) In this regulation—
  - beach** has the same meaning as in regulation 8A;
  - electric scooter** means a personal mobility device that—
    - (a) transports a person while the person is either—
      - (i) standing on the device; or
      - (ii) sitting on a seat that is structurally part of the device or purposely built for and correctly installed on the device; and
    - (b) has two wheels (one in front of the other); and

(c) has a footboard between the front and rear wheels; and

(d) is steered by a handlebar.

**6—Amendment of regulation 32—Additional requirements applicable to riders of bicycles on crossings**

Regulation 32(1)(a)—delete "or person riding an electric personal transporter,"

**7—Repeal of regulation 66A**

Regulation 66A—delete the regulation

**Editorial note—**

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

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 26 June 2025

No 43 of 2025



South Australia

# **Public Corporations (Distribution Lessor Corporation) Regulations 2025**

under the *Public Corporations Act 1993*

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#### **Schedule 1—Repeal of *Public Corporations (Distribution Lessor Corporation) Regulations 2010***

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Public Corporations (Distribution Lessor Corporation) Regulations 2025*.

### 2—Commencement

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

### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Public Corporations Act 1993*;

*board* means the board of directors established as the governing body of the subsidiary under Part 3;

*director* means a person appointed or holding office as a member of the board under Part 3;

*SAFA* means the South Australian Government Financing Authority established under the *Government Financing Authority Act 1982*;

*the subsidiary* means Distribution Lessor Corporation continued in existence under Part 3;

*Treasurer* means the Treasurer for the State of South Australia.

## Part 2—Application of Act to Treasurer

### 4—Application of Act to Treasurer

The following provisions of the Act apply to the Treasurer:

- (a) Part 1 (Preliminary);
- (b) section 24 (Formation of subsidiary by regulation);
- (c) section 25 (Dissolution of subsidiary established by regulation);
- (d) the Schedule (Provisions applicable to subsidiaries).

## Part 3—Distribution Lessor Corporation

### Division 1—Distribution Lessor Corporation continues as subsidiary of Treasurer

#### 5—Establishment of subsidiary (section 24)

- (1) Distribution Lessor Corporation continues as a subsidiary of the Treasurer.
- (2) The subsidiary—
  - (a) is a body corporate; and
  - (b) has perpetual succession and a common seal; and
  - (c) is capable of suing and being sued in its corporate name.

**6—Establishment of board**

- (1) A board of directors continues as the governing body of the subsidiary.
- (2) Anything done by the board in the administration of the subsidiary's affairs is binding on the subsidiary.

**7—Composition of board**

- (1) The board consists of 3 members appointed by the Treasurer.
- (2) One director will be appointed by the Treasurer to chair meetings of the board.
- (3) The Treasurer may appoint a director to be the deputy of the director appointed to chair meetings of the board and the deputy may perform or exercise the functions and powers of that director in their absence.
- (4) On the office of a director becoming vacant, a person may be appointed in accordance with this regulation to the vacant office.
- (5) The Treasurer may appoint a suitable person to be deputy of a member of the board during any period of absence of the member (and any reference to a director in these regulations will be taken to include, unless the contrary intention appears, a reference to a deputy while acting as a member of the board).

**8—Conditions of membership**

- (1) A director will be appointed for a term, not exceeding 3 years, specified in the instrument of appointment and, at the expiration of a term of appointment, will be eligible for reappointment.
- (2) The Treasurer may remove a director from office by written notice on any ground that the Treasurer considers sufficient.
- (3) The office of a director becomes vacant if the director—
  - (a) dies; or
  - (b) completes a term of office and is not reappointed; or
  - (c) resigns by written notice to the Treasurer; or
  - (d) becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
  - (e) is convicted of an indictable offence or sentenced to imprisonment for an offence; or
  - (f) is removed from office under subregulation (2).

**9—Vacancies or defects in appointment of directors**

An act of the board is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a director.

**10—Remuneration**

A director is entitled to be paid from the funds of the subsidiary such remuneration, allowances and expenses as may be determined by the Treasurer.

## 11—Proceedings

- (1) A quorum of the board consists of 2 directors.
- (2) The director appointed to chair meetings of the board will preside at a meeting of the board at which the director is present.
- (3) If the director appointed to chair meetings of the board is absent from a meeting of the board, the following provisions apply:
  - (a) if another director has been appointed as that director's deputy and is present at the meeting—the deputy will preside at the meeting;
  - (b) in any other case—a director chosen by the directors present at the meeting will preside at the meeting.
- (4) A decision carried by a majority of the votes cast by directors at a meeting is a decision of the board.
- (5) Each director present at a meeting of the board has 1 vote on a question arising for decision and, if the votes are equal, the director presiding at the meeting may exercise a casting vote.
- (6) A telephone or video conference between directors will, for the purposes of this regulation, be taken to be a meeting of the board at which the participating directors are present if—
  - (a) notice of the conference is given to all directors in the manner determined by the board for that purpose; and
  - (b) each participating director is capable of communicating with every other participating director during the conference.
- (7) A proposed resolution of the board becomes a valid decision of the board despite the fact that it is not voted on at a meeting of the board if—
  - (a) notice of the proposed resolution is given to all directors in accordance with procedures determined by the board; and
  - (b) a majority of the directors express their concurrence in the proposed resolution by letter, fax or other written communication setting out the terms of the resolution.
- (8) The board must cause accurate minutes to be kept of its proceedings.
- (9) A representative of the Treasurer authorised in writing by the Treasurer may attend a meeting of the board and may have access to papers provided to directors for the purpose of the meeting.
- (10) If the board considers that a matter dealt with at a meeting attended by a representative of the Treasurer should be treated as confidential, the board may advise the Treasurer of that opinion giving the reason for the opinion and the Treasurer may, subject to subregulation (11), act on that advice as the Treasurer thinks fit.
- (11) If the Treasurer is satisfied on the basis of the board's advice under subregulation (10) that the subsidiary owes a duty of confidence in respect of a matter, the Treasurer must ensure the observance of that duty in respect of that matter, but this subregulation does not prevent a disclosure as required in the proper performance of ministerial functions or duties.
- (12) Subject to these regulations, the board may determine its own procedures.

## 12—Disclosure

- (1) If the subsidiary discloses to the Treasurer in pursuance of the Act or these regulations a matter in respect of which the subsidiary owes a duty of confidence, the subsidiary must give notice in writing of the disclosure to the person to whom the duty is owed.
- (2) A director of the subsidiary does not commit any breach of duty by reporting a matter relating to the affairs of the subsidiary to the Treasurer.

## Division 2—Functions and powers

### 13—Functions of subsidiary

- (1) The subsidiary's functions are limited to the following:
  - (a) to be the lessor under a lease granted in respect of prescribed assets by a transfer order or a sale/lease agreement made under the *Electricity Corporations (Restructuring and Disposal) Act 1999*;
  - (b) to be a party to any instrument related to a lease referred to in paragraph (a) or related to property the subject matter of such a lease;
  - (c) to be the operator of prescribed assets on the expiration or sooner termination of such a lease;
  - (d) to hold prescribed assets as owner or lessee for the purposes of a function referred to in a preceding paragraph;
  - (e) to carry out other functions conferred on the subsidiary by the Treasurer;
  - (f) to do anything necessary or expedient to be done for the purposes of a function referred to in a preceding paragraph.
- (2) In this regulation—

**asset, lease, lessor** and **lessee** have the same meanings as in the *Electricity Corporations (Restructuring and Disposal) Act 1999*;

**prescribed assets** means—

  - (a) powerlines within the meaning of the *Electricity Act 1996*; or
  - (b) substations for converting, transforming or controlling electricity; or
  - (c) land on or under which infrastructure referred to in paragraph (a) or (b) is situated; or
  - (d) any other assets that are, have been or may be used in connection with the operation of a distribution network.

### 14—Charter

- (1) The subsidiary must continue to have a charter prepared by the Treasurer.
- (2) The charter must address—
  - (a) the nature and scope of the subsidiary's operations;
  - (b) the subsidiary's obligations to report on its operations;
  - (c) the form and contents of the subsidiary's accounts and financial statements;

- (d) any accounting, internal auditing or financial systems or practices to be established or observed by the subsidiary;
  - (e) the acquisition or disposal of capital or assets or the borrowing or lending of money.
- (3) The charter may—
  - (a) limit or otherwise regulate the functions or powers of the subsidiary; and
  - (b) deal with any other matter not specifically referred to in subregulation (2).
- (4) The Treasurer must, after consultation with the subsidiary, review the charter at the end of each financial year.
- (5) The Treasurer may, after consultation with the subsidiary, amend the charter at any time.
- (6) The charter, or an amendment to the charter, comes into force and is binding on the subsidiary on a day specified in the charter or amendment (but without affecting any contractual obligations previously incurred by the subsidiary).
- (7) On the charter or an amendment to the charter coming into force, the Treasurer must, within 12 sitting days, have copies of the charter, or the charter in its amended form, laid before both Houses of Parliament.

### **15—Other subsidiary companies**

- (1) The subsidiary must not, without the approval of the Treasurer—
  - (a) form a subsidiary company; or
  - (b) acquire, or enter into any arrangement under which it will at a future time or would on the happening of some contingency hold, relevant interests in shares in a company such that the company becomes a subsidiary of the subsidiary.
- (2) The Treasurer may, as a condition of approval under this regulation, or by direction, require the subsidiary to take steps to include in a subsidiary company's constitution such provisions as the Treasurer considers appropriate—
  - (a) imposing limitations on the nature or scope of the company's operations; or
  - (b) imposing other controls or practices,consistent with those applicable to the subsidiary.

### **16—Guarantee or indemnity for other subsidiary company subject to Treasurer's approval**

The subsidiary must not, without the approval of the Treasurer, give a guarantee or provide an indemnity in respect of liabilities of a company that is a subsidiary of the subsidiary.

### **17—Indirect or joint operations**

The subsidiary must not, without the approval of the Treasurer, establish a trust scheme or a partnership or other scheme or arrangement for sharing of profits or joint venture with another person or undertake any operations or transactions pursuant to such a scheme or arrangement.

## **Division 3—Financial and related matters**

### **18—Internal audit**

- (1) The subsidiary must, unless exempted by the Treasurer, maintain effective internal auditing of its operations.
- (2) The subsidiary must, unless exempted by the Treasurer, have an audit committee.
- (3) The audit committee will comprise—
  - (a) a member of the board of the subsidiary, or such members of the board, as the board may from time to time determine; and
  - (b) such other person or persons as the board may from time to time appoint, but may not include the chief executive (if any) of the subsidiary.
- (4) The functions of the audit committee include—
  - (a) reviewing annual financial statements to ensure that they provide a true and fair view of the state of affairs of the subsidiary; and
  - (b) liaising with external auditors; and
  - (c) reviewing the adequacy of the accounting, internal auditing, reporting and other financial management systems and practices of the subsidiary on a regular basis.

### **19—Loans, borrowings etc require approval**

- (1) The subsidiary must not lend or advance to any person any money, securities or property without the approval of the Treasurer.
- (2) The subsidiary must not borrow money or obtain any other form of financial accommodation unless authorised to do so by the Treasurer.
- (3) The subsidiary may only, unless authorised otherwise by the Treasurer, deposit or invest money under its control with the Treasurer or SAFA.

### **20—Provision of information**

- (1) The subsidiary must, at the request in writing of the Treasurer, furnish such information or records in the possession or control of the subsidiary as the Treasurer may require in such manner and form as the Treasurer may require.
- (2) If a record in the possession or control of the subsidiary is furnished to the Treasurer under this regulation, the person to whom it is furnished may make, retain and deal with copies of the record as they think fit.
- (3) If the board considers that information or a record furnished under this regulation contains matters that should be treated as confidential, the board may advise the person to whom it is furnished of that opinion giving the reason for the opinion and the Treasurer may, subject to subregulation (4), act on that advice as the Treasurer thinks fit.
- (4) If the Treasurer is satisfied on the basis of the board's advice under subregulation (3) that the subsidiary owes a duty of confidence in respect of a matter, the Treasurer must ensure the observance of that duty in respect of the matter, but this subregulation does not prevent a disclosure as required in the proper performance of ministerial functions or duties.

**21—Common seal and execution of documents**

- (1) The common seal of the subsidiary must not be affixed to a document except in pursuance of a decision of the board, and the affixing of the seal must be attested by the signatures of 2 directors.
- (2) The board may, by instrument under the common seal of the subsidiary, authorise a director, an employee of the subsidiary (whether nominated by name or by office or title) or any other person to execute documents on behalf of the subsidiary subject to limitations (if any) specified in the instrument of authority.
- (3) Without limiting subregulation (2), an authority may be given so as to authorise 2 or more persons to execute documents jointly on behalf of the subsidiary.
- (4) A document is duly executed by the subsidiary if—
  - (a) the common seal of the subsidiary is affixed to the document in accordance with this regulation; or
  - (b) the document is signed on behalf of the subsidiary by a person or persons in accordance with authority conferred under this regulation.

**22—Annual report**

- (1) The subsidiary must, within 3 months after the end of each financial year, deliver to the Treasurer a report on the financial operations of the subsidiary during that financial year.
- (2) The Treasurer must cause a copy of the report to be laid before both Houses of Parliament within 12 sitting days after receipt of the report.

**Schedule 1—Repeal of *Public Corporations (Distribution Lessor Corporation) Regulations 2010***

The *Public Corporations (Distribution Lessor Corporation) Regulations 2010* are repealed.

**Editorial note—**

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

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 26 June 2025

No 44 of 2025



South Australia

# Public Corporations (Generation Lessor Corporation) Regulations 2025

under the *Public Corporations Act 1993*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Public Corporations (Generation Lessor Corporation) Regulations 2025*.

### 2—Commencement

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

### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Public Corporations Act 1993*;

*board* means the board of directors established as the governing body of the subsidiary under Part 3;

*director* means a person appointed or holding office as a member of the board under Part 3;

*SAFA* means the South Australian Government Financing Authority established under the *Government Financing Authority Act 1982*;

*the subsidiary* means Generation Lessor Corporation continued in existence under Part 3;

*Treasurer* means the Treasurer for the State of South Australia.

## Part 2—Application of Act to Treasurer

### 4—Application of Act to Treasurer

The following provisions of the Act apply to the Treasurer:

- (a) Part 1 (Preliminary);
- (b) section 24 (Formation of subsidiary by regulation);
- (c) section 25 (Dissolution of subsidiary established by regulation);
- (d) the Schedule (Provisions applicable to subsidiaries).

## Part 3—Generation Lessor Corporation

### Division 1—Generation Lessor Corporation continues as subsidiary of Treasurer

#### 5—Establishment of subsidiary (section 24)

- (1) Generation Lessor Corporation continues as a subsidiary of the Treasurer.
- (2) The subsidiary—
  - (a) is a body corporate; and
  - (b) has perpetual succession and a common seal; and
  - (c) is capable of suing and being sued in its corporate name.

## **6—Establishment of board**

- (1) A board of directors continues as the governing body of the subsidiary.
- (2) Anything done by the board in the administration of the subsidiary's affairs is binding on the subsidiary.

## **7—Composition of board**

- (1) The board consists of 3 members appointed by the Treasurer.
- (2) One director will be appointed by the Treasurer to chair meetings of the board.
- (3) The Treasurer may appoint a director to be the deputy of the director appointed to chair meetings of the board and the deputy may perform or exercise the functions and powers of that director in their absence.
- (4) On the office of a director becoming vacant, a person may be appointed in accordance with this regulation to the vacant office.
- (5) The Treasurer may appoint a suitable person to be deputy of a member of the board during any period of absence of the member (and any reference to a director in these regulations will be taken to include, unless the contrary intention appears, a reference to a deputy while acting as a member of the board).

## **8—Conditions of membership**

- (1) A director will be appointed for a term, not exceeding 3 years, specified in the instrument of appointment and, at the expiration of a term of appointment, will be eligible for reappointment.
- (2) The Treasurer may remove a director from office by written notice on any ground that the Treasurer considers sufficient.
- (3) The office of a director becomes vacant if the director—
  - (a) dies; or
  - (b) completes a term of office and is not reappointed; or
  - (c) resigns by written notice to the Treasurer; or
  - (d) becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
  - (e) is convicted of an indictable offence or sentenced to imprisonment for an offence; or
  - (f) is removed from office under subregulation (2).

## **9—Vacancies or defects in appointment of directors**

An act of the board is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a director.

## **10—Remuneration**

A director is entitled to be paid from the funds of the subsidiary such remuneration, allowances and expenses as may be determined by the Treasurer.

## 11—Proceedings

- (1) A quorum of the board consists of 2 directors.
- (2) The director appointed to chair meetings of the board will preside at a meeting of the board at which the director is present.
- (3) If the director appointed to chair meetings of the board is absent from a meeting of the board, the following provisions apply:
  - (a) if another director has been appointed as that director's deputy and is present at the meeting—the deputy will preside at the meeting;
  - (b) in any other case—a director chosen by the directors present at the meeting will preside at the meeting.
- (4) A decision carried by a majority of the votes cast by directors at a meeting is a decision of the board.
- (5) Each director present at a meeting of the board has 1 vote on a question arising for decision and, if the votes are equal, the director presiding at the meeting may exercise a casting vote.
- (6) A telephone or video conference between directors will, for the purposes of this regulation, be taken to be a meeting of the board at which the participating directors are present if—
  - (a) notice of the conference is given to all directors in the manner determined by the board for that purpose; and
  - (b) each participating director is capable of communicating with every other participating director during the conference.
- (7) A proposed resolution of the board becomes a valid decision of the board despite the fact that it is not voted on at a meeting of the board if—
  - (a) notice of the proposed resolution is given to all directors in accordance with procedures determined by the board; and
  - (b) a majority of the directors express their concurrence in the proposed resolution by letter, fax or other written communication setting out the terms of the resolution.
- (8) The board must cause accurate minutes to be kept of its proceedings.
- (9) A representative of the Treasurer authorised in writing by the Treasurer may attend a meeting of the board and may have access to papers provided to directors for the purpose of the meeting.
- (10) If the board considers that a matter dealt with at a meeting attended by a representative of the Treasurer should be treated as confidential, the board may advise the Treasurer of that opinion giving the reason for the opinion and the Treasurer may, subject to subregulation (11), act on that advice as the Treasurer thinks fit.
- (11) If the Treasurer is satisfied on the basis of the board's advice under subregulation (10) that the subsidiary owes a duty of confidence in respect of a matter, the Treasurer must ensure the observance of that duty in respect of that matter, but this subregulation does not prevent a disclosure as required in the proper performance of ministerial functions or duties.
- (12) Subject to these regulations, the board may determine its own procedures.

## 12—Disclosure

- (1) If the subsidiary discloses to the Treasurer in pursuance of the Act or these regulations a matter in respect of which the subsidiary owes a duty of confidence, the subsidiary must give notice in writing of the disclosure to the person to whom the duty is owed.
- (2) A director of the subsidiary does not commit any breach of duty by reporting a matter relating to the affairs of the subsidiary to the Treasurer.

## Division 2—Functions and powers

### 13—Functions of subsidiary

- (1) The subsidiary's functions are limited to the following:
  - (a) to be the lessor under a lease granted in respect of prescribed assets by a transfer order or a sale/lease agreement made under the *Electricity Corporations (Restructuring and Disposal) Act 1999*;
  - (b) to be a party to any instrument related to a lease referred to in paragraph (a) or related to property the subject matter of such a lease;
  - (c) to be the operator of prescribed assets on the expiration or sooner termination of such a lease;
  - (d) to hold prescribed assets as owner or lessee for the purposes of a function referred to in a preceding paragraph;
  - (e) to carry out other functions conferred on the subsidiary by the Treasurer;
  - (f) to do anything necessary or expedient to be done for the purposes of a function referred to in a preceding paragraph.
- (2) In this regulation—

*asset, lease, lessor* and *lessee* have the same meanings as in the *Electricity Corporations (Restructuring and Disposal) Act 1999*;

*prescribed assets* means—

  - (a) electricity generating plant; or
  - (b) land on which electricity generating plant is situated; or
  - (c) any other assets that are, have been or may be used in connection with the operation of an electricity generating plant.

### 14—Charter

- (1) The subsidiary must continue to have a charter prepared by the Treasurer.
- (2) The charter must address—
  - (a) the nature and scope of the subsidiary's operations;
  - (b) the subsidiary's obligations to report on its operations;
  - (c) the form and contents of the subsidiary's accounts and financial statements;
  - (d) any accounting, internal auditing or financial systems or practices to be established or observed by the subsidiary;

- (e) the acquisition or disposal of capital or assets or the borrowing or lending of money.
- (3) The charter may—
  - (a) limit or otherwise regulate the functions or powers of the subsidiary; and
  - (b) deal with any other matter not specifically referred to in subregulation (2).
- (4) The Treasurer must, after consultation with the subsidiary, review the charter at the end of each financial year.
- (5) The Treasurer may, after consultation with the subsidiary, amend the charter at any time.
- (6) The charter, or an amendment to the charter, comes into force and is binding on the subsidiary on a day specified in the charter or amendment (but without affecting any contractual obligations previously incurred by the subsidiary).
- (7) On the charter or an amendment to the charter coming into force, the Treasurer must, within 12 sitting days, have copies of the charter, or the charter in its amended form, laid before both Houses of Parliament.

### **15—Other subsidiary companies**

- (1) The subsidiary must not, without the approval of the Treasurer—
  - (a) form a subsidiary company; or
  - (b) acquire, or enter into any arrangement under which it will at a future time or would on the happening of some contingency hold, relevant interests in shares in a company such that the company becomes a subsidiary of the subsidiary.
- (2) The Treasurer may, as a condition of approval under this regulation, or by direction, require the subsidiary to take steps to include in a subsidiary company's constitution such provisions as the Treasurer considers appropriate—
  - (a) imposing limitations on the nature or scope of the company's operations; or
  - (b) imposing other controls or practices,consistent with those applicable to the subsidiary.

### **16—Guarantee or indemnity for other subsidiary company subject to Treasurer's approval**

The subsidiary must not, without the approval of the Treasurer, give a guarantee or provide an indemnity in respect of liabilities of a company that is a subsidiary of the subsidiary.

### **17—Indirect or joint operations**

The subsidiary must not, without the approval of the Treasurer, establish a trust scheme or a partnership or other scheme or arrangement for sharing of profits or joint venture with another person or undertake any operations or transactions pursuant to such a scheme or arrangement.

## **Division 3—Financial and related matters**

### **18—Internal audit**

- (1) The subsidiary must, unless exempted by the Treasurer, maintain effective internal auditing of its operations.

- (2) The subsidiary must, unless exempted by the Treasurer, have an audit committee.
- (3) The audit committee will comprise—
  - (a) a member of the board of the subsidiary, or such members of the board, as the board may from time to time determine; and
  - (b) such other person or persons as the board may from time to time appoint, but may not include the chief executive (if any) of the subsidiary.
- (4) The functions of the audit committee include—
  - (a) reviewing annual financial statements to ensure that they provide a true and fair view of the state of affairs of the subsidiary; and
  - (b) liaising with external auditors; and
  - (c) reviewing the adequacy of the accounting, internal auditing, reporting and other financial management systems and practices of the subsidiary on a regular basis.

## **19—Loans, borrowings etc require approval**

- (1) The subsidiary must not lend or advance to any person any money, securities or property without the approval of the Treasurer.
- (2) The subsidiary must not borrow money or obtain any other form of financial accommodation unless authorised to do so by the Treasurer.
- (3) The subsidiary may only, unless authorised otherwise by the Treasurer, deposit or invest money under its control with the Treasurer or SAFA.

## **20—Provision of information**

- (1) The subsidiary must, at the request in writing of the Treasurer, furnish such information or records in the possession or control of the subsidiary as the Treasurer may require in such manner and form as the Treasurer may require.
- (2) If a record in the possession or control of the subsidiary is furnished to the Treasurer under this regulation, the person to whom it is furnished may make, retain and deal with copies of the record as they think fit.
- (3) If the board considers that information or a record furnished under this regulation contains matters that should be treated as confidential, the board may advise the person to whom it is furnished of that opinion giving the reason for the opinion and the Treasurer may, subject to subregulation (4), act on that advice as the Treasurer thinks fit.
- (4) If the Treasurer is satisfied on the basis of the board's advice under subregulation (3) that the subsidiary owes a duty of confidence in respect of a matter, the Treasurer must ensure the observance of that duty in respect of the matter, but this subregulation does not prevent a disclosure as required in the proper performance of ministerial functions or duties.

## **21—Common seal and execution of documents**

- (1) The common seal of the subsidiary must not be affixed to a document except in pursuance of a decision of the board, and the affixing of the seal must be attested by the signatures of 2 directors.

- (2) The board may, by instrument under the common seal of the subsidiary, authorise a director, an employee of the subsidiary (whether nominated by name or by office or title) or any other person to execute documents on behalf of the subsidiary subject to limitations (if any) specified in the instrument of authority.
- (3) Without limiting subregulation (2), an authority may be given so as to authorise 2 or more persons to execute documents jointly on behalf of the subsidiary.
- (4) A document is duly executed by the subsidiary if—
  - (a) the common seal of the subsidiary is affixed to the document in accordance with this regulation; or
  - (b) the document is signed on behalf of the subsidiary by a person or persons in accordance with authority conferred under this regulation.

## **22—Annual report**

- (1) The subsidiary must, within 3 months after the end of each financial year, deliver to the Treasurer a report on the financial operations of the subsidiary during that financial year.
- (2) The Treasurer must cause a copy of the report to be laid before both Houses of Parliament within 12 sitting days after receipt of the report.

## **Schedule 1—Repeal of *Public Corporations (Generation Lessor Corporation) Regulations 2010***

The *Public Corporations (Generation Lessor Corporation) Regulations 2010* are repealed.

### **Editorial note—**

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

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

with the advice and consent of the Executive Council  
on 26 June 2025

No 45 of 2025



South Australia

# **Public Corporations (Transmission Lessor Corporation) Regulations 2025**

under the *Public Corporations Act 1993*

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#### **Schedule 1—Repeal of *Public Corporations (Transmission Lessor Corporation) Regulations 2010***

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Public Corporations (Transmission Lessor Corporation) Regulations 2025*.

### 2—Commencement

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

### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Public Corporations Act 1993*;

*board* means the board of directors established as the governing body of the subsidiary under Part 3;

*director* means a person holding office as a member of the board under these regulations;

*SAFA* means the South Australian Government Financing Authority established under the *Government Financing Authority Act 1982*;

*the subsidiary* means the Transmission Lessor Corporation continued in existence under these regulations as a subsidiary of the Treasurer;

*Treasurer* means the Treasurer for the State of South Australia.

## Part 2—Application of Act to Treasurer

### 4—Application of Act to Treasurer

The following provisions of the Act apply to the Treasurer:

- (a) Part 1 (Preliminary);
- (b) section 24 (Formation of subsidiary by regulation);
- (c) section 25 (Dissolution of subsidiary established by regulation);
- (d) the Schedule (Provisions applicable to subsidiaries).

## Part 3—Transmission Lessor Corporation

### Division 1—Continuation of Transmission Lessor Corporation

#### 5—Transmission Lessor Corporation continues as subsidiary of Treasurer

- (1) Transmission Lessor Corporation continues in existence as a subsidiary of the Treasurer.
- (2) The subsidiary—
  - (a) is a body corporate; and
  - (b) has perpetual succession and a common seal; and
  - (c) is capable of suing and being sued in its corporate name.

**6—Establishment of board**

- (1) A board of directors continues as the governing body of the subsidiary.
- (2) Anything done by the board in the administration of the subsidiary's affairs is binding on the subsidiary.

**7—Composition of board**

- (1) The board consists of 3 members appointed by the Treasurer.
- (2) One director will be appointed by the Treasurer to chair meetings of the board.
- (3) The Treasurer may appoint a director to be the deputy of the director appointed to chair meetings of the board and the deputy may perform or exercise the functions and powers of that director in their absence.
- (4) On the office of a director becoming vacant, a person may be appointed in accordance with this regulation to the vacant office.
- (5) The Treasurer may appoint a suitable person to be deputy of a member of the board during any period of absence of the member (and any reference to a director in these regulations will be taken to include, unless the contrary intention appears, a reference to a deputy while acting as a member of the board).

**8—Conditions of membership**

- (1) A director will be appointed for a term, not exceeding 3 years, specified in the instrument of appointment and, at the expiration of a term of appointment, will be eligible for reappointment.
- (2) The office of a director becomes vacant if the director—
  - (a) dies; or
  - (b) completes a term of office and is not reappointed; or
  - (c) resigns by written notice to the Treasurer; or
  - (d) becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
  - (e) is convicted of an indictable offence; or
  - (f) is removed from office by the Treasurer by written notice on any ground that the Treasurer considers sufficient.

**9—Vacancies or defects in appointment of directors**

An act of the board is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a director.

**10—Remuneration**

A director is entitled to be paid from the funds of the subsidiary such remuneration, allowances and expenses as may be determined by the Treasurer.

**11—Proceedings**

- (1) A quorum of the board consists of 2 directors.

- (2) The director appointed to chair a meeting of the board will preside at a meeting of the board at which the director is present.
- (3) If the director appointed to chair meetings of the board is absent from a meeting of the board, the following provisions will apply:
  - (a) if another director has been appointed as that director's deputy and is present at the meeting—the deputy will preside at the meeting; or
  - (b) in any other case—a director chosen by the directors present at the meeting will preside at the meeting.
- (4) A decision carried by a majority of the votes cast by directors at a meeting is a decision of the board.
- (5) Each director present at a meeting of the board has 1 vote on a question arising for decision and, if the votes are equal, the director presiding at the meeting may exercise a casting vote.
- (6) A telephone or video conference between directors will, for the purposes of this regulation, be taken to be a meeting of the board at which the participating directors are present if—
  - (a) notice of the conference is given to all directors in the manner determined by the board for that purpose; and
  - (b) each participating director is capable of communicating with every other participating director during the conference.
- (7) A proposed resolution of the board becomes a valid decision of the board despite the fact that it is not voted on at a meeting of the board if—
  - (a) notice of the proposed resolution is given to all directors in accordance with procedures determined by the board; and
  - (b) a majority of the directors express their concurrence in the proposed resolution by letter, fax or other written communication setting out the terms of the resolution.
- (8) The board must cause accurate minutes to be kept of its proceedings.
- (9) A representative of the Treasurer authorised in writing by the Treasurer may attend a meeting of the board and may have access to papers provided to directors for the purpose of the meeting.
- (10) If the board considers that a matter dealt with at a meeting attended by a representative of the Treasurer should be treated as confidential, the board may advise the Treasurer of that opinion giving the reason for the opinion and the Treasurer may, subject to subregulation (11), act on that advice as the Treasurer thinks fit.
- (11) If the Treasurer is satisfied on the basis of the board's advice under subregulation (10) that the subsidiary owes a duty of confidence in respect of a matter, the Treasurer must ensure the observance of that duty in respect of that matter, but this subregulation does not prevent a disclosure as required in the proper performance of ministerial functions or duties.
- (12) Subject to these regulations, the board may determine its own procedures.

## **12—Disclosure**

- (1) If the subsidiary discloses to the Treasurer in pursuance of the Act or these regulations a matter in respect of which the subsidiary owes a duty of confidence, the subsidiary must give notice in writing of the disclosure to the person to whom the duty is owed.

- (2) A director of the subsidiary does not commit any breach of duty by reporting a matter relating to the affairs of the subsidiary to the Treasurer.

## Division 2—Functions and powers

### 13—Functions of subsidiary

- (1) The subsidiary's functions are limited to the following:
- (a) to be the lessor under a lease granted in respect of prescribed assets by a transfer order or a sale/lease agreement made under the *Electricity Corporations (Restructuring and Disposal) Act 1999*;
  - (b) to be a party to an instrument related to a lease referred to in paragraph (a) or related to property the subject matter of such a lease;
  - (c) to be the operator of prescribed assets on the expiration or sooner termination of such a lease;
  - (d) to hold prescribed assets as owner or lessee for the purposes of a function referred to in a preceding paragraph;
  - (e) to carry out other functions conferred on the subsidiary by the Treasurer;
  - (f) to do anything necessary or expedient to be done for the purposes of a function referred to in a preceding paragraph.

- (2) In this regulation—

*asset*, *lease*, *lessor* and *lessee* have the same meanings as in the *Electricity Corporations (Restructuring and Disposal) Act 1999*;

*prescribed assets* means—

- (a) powerlines (within the meaning of the *Electricity Act 1996*); or
- (b) substations for converting, transforming or controlling electricity; or
- (c) equipment for metering, monitoring or controlling electricity; or
- (d) any wires, equipment or other things (including tunnels and cavities) used for, or in connection with, the transmission of electricity; or
- (e) any other assets that are, have been or may be used in connection with the operation of a transmission network (within the meaning of the *Electricity Act 1996*); or
- (f) land or interests in land on, over or under which infrastructure referred to in a preceding paragraph is situated or by which access is obtained to such infrastructure.

### 14—Charter

- (1) The subsidiary must continue to have a charter prepared by the Treasurer.
- (2) The charter must address—
- (a) the nature and scope of the subsidiary's operations;
  - (b) the subsidiary's obligations to report on its operations;
  - (c) the form and contents of the subsidiary's accounts and financial statements;

- (d) any accounting, internal auditing or financial systems or practices to be established or observed by the subsidiary;
  - (e) the acquisition or disposal of capital or assets or the borrowing or lending of money.
- (3) The charter may—
  - (a) limit or otherwise regulate the functions or powers of the subsidiary; and
  - (b) deal with any other matter not specifically referred to in subregulation (2).
- (4) The Treasurer must, after consultation with the subsidiary, review the charter at the end of each financial year.
- (5) The Treasurer may, after consultation with the subsidiary, amend the charter at any time.
- (6) The charter, or an amendment to the charter, comes into force and is binding on the subsidiary on a day specified in the charter or amendment (but without affecting any contractual obligations previously incurred by the subsidiary).
- (7) On the charter or an amendment to the charter coming into force, the Treasurer must, within 12 sitting days, have copies of the charter, or the charter in its amended form, laid before both Houses of Parliament.

### **15—Other subsidiary companies**

- (1) The subsidiary must not, without the approval of the Treasurer—
  - (a) form a subsidiary company; or
  - (b) acquire, or enter into any arrangement under which it will at a future time or would on the happening of some contingency hold, relevant interest in shares in a company such that the company becomes a subsidiary of the subsidiary.
- (2) The Treasurer may, as a condition of approval under this regulation, or by direction, require the subsidiary to take steps to include in a subsidiary company's constitution such provisions as the Treasurer considers appropriate—
  - (a) imposing limitations on the nature or scope of the company's operations; or
  - (b) imposing other controls or practices,consistent with those applicable to the subsidiary.

### **16—Guarantee or indemnity for other subsidiary company subject to Treasurer's approval**

The subsidiary must not, without the approval of the Treasurer, give a guarantee or provide an indemnity in respect of liabilities of a company that is a subsidiary of the subsidiary.

### **17—Indirect or joint operations**

The subsidiary must not, without the approval of the Treasurer, establish a trust scheme or a partnership or other scheme or arrangement for sharing of profits or joint venture with another person or undertake any operations or transactions pursuant to such a scheme or arrangement.

## **Division 3—Financial and related matters**

### **18—Internal audit**

- (1) The subsidiary must, unless exempted by the Treasurer, establish and maintain effective internal auditing of its operations.
- (2) The subsidiary must, unless exempted by the Treasurer, establish an audit committee.
- (3) The audit committee will comprise—
  - (a) a member of the board of the subsidiary, or such members of the board, as the board may from time to time determine; and
  - (b) such other person or persons as the board may from time to time appoint, but may not include the chief executive (if any) of the subsidiary.
- (4) The functions of the audit committee include—
  - (a) reviewing annual financial statements to ensure that they provide a true and fair view of the state of affairs of the subsidiary; and
  - (b) liaising with external auditors; and
  - (c) reviewing the adequacy of the accounting, internal auditing, reporting and other financial management systems and practices of the subsidiary on a regular basis.

### **19—Loans, borrowings etc require approval**

- (1) The subsidiary must not lend or advance to any person any money, securities or property without the approval of the Treasurer.
- (2) The subsidiary must not borrow money or obtain any other form of financial accommodation unless authorised to do so by the Treasurer.
- (3) The subsidiary may only, unless authorised otherwise by the Treasurer, deposit or invest money under its control with the Treasurer or SAFA.

### **20—Provision of information**

- (1) The subsidiary must, at the request in writing of the Treasurer, furnish such information or records in the possession or control of the subsidiary as the Treasurer may require in such manner and form as the Treasurer may require.
- (2) If a record in the possession or control of the subsidiary is furnished to the Treasurer under this regulation, the person to whom it is furnished may make, retain and deal with copies of the record as they think fit.
- (3) If the board considers that information or a record furnished under this regulation contains matters that should be treated as confidential, the board may advise the person to whom it is furnished of that opinion giving the reason for the opinion and the Treasurer may, subject to subregulation (4), act on that advice as the Treasurer thinks fit.
- (4) If the Treasurer is satisfied on the basis of the board's advice under subregulation (3) that the subsidiary owes a duty of confidence in respect of a matter, the Treasurer must ensure the observance of that duty in respect of the matter, but this subregulation does not prevent a disclosure as required in the proper performance of ministerial functions or duties.

**21—Common seal and execution of documents**

- (1) The common seal of the subsidiary must not be affixed to a document except in pursuance of a decision of the board, and the affixing of the seal must be attested by the signatures of 2 directors.
- (2) The board may, by instrument under the common seal of the subsidiary, authorise a director, an employee of the subsidiary (whether nominated by name or by office or title) or any other person to execute documents on behalf of the subsidiary subject to limitations (if any) specified in the instrument of authority.
- (3) Without limiting subregulation (2), an authority may be given so as to authorise 2 or more persons to execute documents jointly on behalf of the subsidiary.
- (4) A document is duly executed by the subsidiary if—
  - (a) the common seal of the subsidiary is affixed to the document in accordance with this regulation; or
  - (b) the document is signed on behalf of the subsidiary by a person or persons in accordance with authority conferred under this regulation.

**22—Annual report**

- (1) The subsidiary must, within 3 months after the end of each financial year, deliver to the Treasurer a report on the financial operations of the subsidiary during that financial year.
- (2) The Treasurer must cause a copy of the report to be laid before both Houses of Parliament within 12 sitting days after receipt of the report.

**Schedule 1—Repeal of *Public Corporations (Transmission Lessor Corporation) Regulations 2010***

The *Public Corporations (Transmission Lessor Corporation) Regulations 2010* are repealed.

**Editorial note—**

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

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 26 June 2025

No 46 of 2025



South Australia

# Supreme Court (Fees in Probate Jurisdiction) Amendment Regulations 2025

under the *Supreme Court Act 1935*

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- 2 Commencement

### Part 2—Amendment of *Supreme Court Regulations 2018*

- 3 Amendment of regulation 6—Fees in probate jurisdiction
- 

## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Supreme Court (Fees in Probate Jurisdiction) Amendment Regulations 2025*.

### 2—Commencement

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

## Part 2—Amendment of *Supreme Court Regulations 2018*

### 3—Amendment of regulation 6—Fees in probate jurisdiction

- (1) Regulation 6(4)—before the definition of *prescribed application* insert:

*administration* has the same meaning as in section 3 of the *Succession Act 2023*;

- (2) Regulation 6(4), definition of *prescribed application*, (b)—delete paragraph (b) and substitute:

(b) an application for the registration or the sealing of a grant under section 57 of the *Succession Act 2023* in respect of a deceased estate; or

- (3) Regulation 6(4)—after the definition of *prescribed application* insert:

*probate* has the same meaning as in section 3 of the *Succession Act 2023*.

#### Editorial note—

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

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 26 June 2025

No 47 of 2025

South Australia

# South Australian Public Health (Notifiable and Controlled Notifiable Conditions) Regulations 2025

under the *South Australian Public Health Act 2011*

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## Schedule 1—Repeal of *South Australian Public Health (Notifiable and Controlled Notifiable Conditions) Regulations 2012*

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### 1—Short title

These regulations may be cited as the *South Australian Public Health (Notifiable and Controlled Notifiable Conditions) Regulations 2025*.

### 2—Commencement

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

### 3—Interpretation

In these regulations—

*Act* means the *South Australian Public Health Act 2011*;

*adverse event following immunisation* or *AEFI* means any untoward medical occurrence that follows immunisation (whether or not the occurrence has a causal relationship with the vaccine);

*Australian Immunisation Handbook* means *The Australian Immunisation Handbook* published by the Commonwealth Department of Health (as in force from time to time);

*Australian Register of Therapeutic Goods* means the register maintained under section 9A of the *Therapeutic Goods Act 1989* of the Commonwealth;

*notifiable adverse event following immunisation* or *notifiable AEFI* means an AEFI that is not a very common or common AEFI;

*point-of-care test* means a test included on the Australian Register of Therapeutic Goods that is performed on a person by a medical practitioner, or a person on behalf of a medical practitioner, at the time of the person's consultation (however described) with the medical practitioner;

*very common or common adverse event following immunisation* or *very common or common AEFI* means an AEFI that is listed as a very common or common adverse event in the Australian Immunisation Handbook or in clinical advice relating to adverse events published by the Australian Technical Advisory Group on Immunisation (ATAGI) established by the Commonwealth Government.

#### **4—Notifiable conditions**

For the purposes of section 63 of the Act, the following diseases or medical conditions are declared to be notifiable conditions:

- Acute post-streptococcal glomerulonephritis
- Anthrax
- Arbovirus infection (not otherwise listed)
- Barmah Forest virus infection
- Botulism
- Brucellosis
- Campylobacter infection
- Candida auris
- Carbapenemase-producing Enterobacterales (CPE)
- Chancroid
- Chikungunya virus infection
- Chlamydia trachomatis
- Cholera
- Coronavirus disease 2019 (COVID-19)
- Creutzfeldt-Jakob disease
- Cryptosporidiosis
- Dengue virus infection
- Diphtheria
- Donovanosis
- Food poisoning
- Gonococcal infection
- Haemolytic-uraemic syndrome (HUS)
- Haemophilus influenzae infection (invasive)
- Hendra virus infection
- Hepatitis A
- Hepatitis B
- Hepatitis C
- Hepatitis D
- Hepatitis E

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Human immunodeficiency virus infection (HIV)  
Influenza  
Influenza (avian in humans)  
Influenza (pandemic)  
Invasive group A streptococcal disease  
Japanese encephalitis virus infection  
Legionellosis  
Leprosy  
Leptospirosis  
Listeriosis  
Lyssavirus infection (including rabies, Australian bat lyssavirus and other lyssavirus infections)  
Malaria  
Measles  
Meningococcal disease  
Middle East respiratory syndrome coronavirus infection (MERS-CoV)  
Monkeypox virus infection (mpox)  
Mumps  
Murray Valley encephalitis virus infection  
Mycobacterial infection (non-tuberculous)  
Notifiable adverse event following immunisation  
Paratyphoid (Salmonella Paratyphi infection)  
Pertussis  
Plague  
Pneumococcal disease (invasive)  
Poliovirus infection  
Prion disease (not otherwise listed)  
Psittacosis / Ornithosis  
Q Fever  
Respiratory syncytial virus (RSV)  
Rheumatic fever  
Rheumatic heart disease  
Ross River virus infection  
Rotavirus  
Rubella and congenital rubella syndrome

Salmonella infection  
Severe acute respiratory syndrome (SARS)  
Severe acute respiratory syndrome coronavirus 2 infection (SARS-CoV-2)  
Shiga toxin producing Escherichia coli infection (STEC)  
Shigella infection  
Smallpox  
Syphilis and congenital syphilis  
Tetanus  
Tuberculosis  
Tularaemia  
Typhoid (Salmonella Typhi infection)  
Varicella-zoster virus infection  
Vibrio parahaemolyticus infection  
Viral haemorrhagic fever  
West Nile virus infection (including Kunjin variant)  
Yellow fever  
Yersiniosis.

## **5—Controlled notifiable conditions**

For the purposes of section 70 of the Act, the following diseases or medical conditions are declared to be controlled notifiable conditions:

Cholera  
Coronavirus disease 2019 (COVID-19)  
Diphtheria  
Hepatitis A  
Hepatitis B  
Hepatitis C  
Hepatitis D  
Hepatitis E  
Human immunodeficiency virus infection (HIV)  
Influenza (avian in humans)  
Influenza (pandemic)  
Measles  
Middle East respiratory syndrome coronavirus infection (MERS-CoV)  
Plague  
Poliovirus infection

Salmonella infection  
Severe acute respiratory syndrome (SARS)  
Severe acute respiratory syndrome coronavirus 2 infection (SARS-CoV-2)  
Shigella infection  
Smallpox  
Syphilis  
Tuberculosis  
Viral haemorrhagic fever  
Yellow fever.

## **6—Prescribed classes of persons (section 64(1)(c) of Act)**

- (1) For the purposes of section 64(1)(c) of the Act, each of the following is a person of a prescribed class, but only in respect of a suspicion that a person is suffering, or has died from, a notifiable AEFI:
  - (a) a registered health practitioner who is authorised under regulation 18(3) of the *Controlled Substances (Poisons) Regulations 2011* to administer a prescription drug (not being a drug of dependence) to a person as part of an immunisation program referred to in that regulation;
  - (b) a pharmacist who is authorised under regulation 18(3a) of the *Controlled Substances (Poisons) Regulations 2011* to administer a drug that is a vaccine to a person.
- (2) A person of a class prescribed under subregulation (1) who suspects that a person is suffering from a notifiable AEFI is not required to make a report under section 64(1) of the Act with respect to that case if the practitioner knows or reasonably believes that a report of the case has already been made to the Chief Public Health Officer by a medical practitioner or another person of a class prescribed under subregulation (1).
- (3) For the purposes of section 64(10)(c) of the Act—
  - (a) the responsible person for a registered health practitioner of a class prescribed under subregulation (1)(a) is the registered health practitioner; and
  - (b) the responsible person for a pharmacist of a class prescribed under subregulation (1)(b) is the pharmacist.

## **7—Exemption from notification requirements**

- (1) Pursuant to section 109(2)(t) of the Act, a medical practitioner is exempt from the application of section 64(1) of the Act—
  - (a) in respect of a suspicion (other than a suspicion formed on the basis of a point-of-care test) that a person has a designated notifiable condition; or
  - (b) in respect of a suspicion formed on the basis of a point-of-care test that a person has a designated notifiable condition if the medical practitioner knows or reasonably believes that a report has already been made to the Chief Public Health Officer by a pathology service; or

- (c) in respect of a suspicion that a person is suffering from a notifiable AEFI if the medical practitioner knows or reasonably believes that a report has already been made to the Chief Public Health Officer by another medical practitioner or a person of a class prescribed under regulation 6(1).
- (2) In this regulation—
- designated notifiable condition*** means—
- (a) Chlamydia trachomatis, but only in relation to a person who is of or over the age of 17 years; or
  - (b) Coronavirus disease 2019 (COVID-19); or
  - (c) Influenza; or
  - (d) Respiratory syncytial virus (RSV); or
  - (e) Rotavirus; or
  - (f) Severe acute respiratory syndrome coronavirus infection (SARS-CoV-2); or
  - (g) Varicella-zoster virus infection.

## **8—Corresponding law**

For the purpose of the definition of corresponding law in section 83(1) of the Act, the following are declared to be corresponding laws:

*Health Act 1911* of Western Australia;

*Notifiable Diseases Act 1981* of the Northern Territory;

*Public Health Act 1997* of the Australian Capital Territory;

*Public Health Act 2010* of New South Wales;

*Public Health Act 2005* of Queensland;

*Public Health Act 1997* of Tasmania;

*Public Health and Wellbeing Act 2008* of Victoria.

## **Schedule 1—Repeal of *South Australian Public Health (Notifiable and Controlled Notifiable Conditions) Regulations 2012***

The *South Australian Public Health (Notifiable and Controlled Notifiable Conditions) Regulations 2012* are repealed.

### **Editorial note—**

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

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

with the advice and consent of the Executive Council  
on 26 June 2025

No 48 of 2025



South Australia

# National Energy Retail Law (Local Provisions) Regulations 2025

under the *National Energy Retail Law (South Australia) Act 2011*

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## Schedule 1—Repeal of *National Energy Retail Law (Local Provisions) Regulations 2013*

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### 1—Short title

These regulations may be cited as the *National Energy Retail Law (Local Provisions) Regulations 2025*.

### 2—Commencement

These regulations come into operation on 1 July 2025.

### 3—Interpretation

In these regulations—

*Act* means the *National Energy Retail Law (South Australia) Act 2011*;

*Hydrogen Park South Australia project* or *HyP SA project* means the hydrogen production and blending project delivered by Australian Gas Networks Limited (ACN 078 551 685) located at Tonsley Innovation District, Adelaide, South Australia.

### 4—Application of law—electricity (section 16(b) of Act)

For the purposes of section 16(b) of the Act, the *National Energy Retail Law (South Australia)* will not apply in relation to the area of the State constituted by the township of Cockburn.

## 5—Consumption thresholds (section 17 of Act)

- (1) Pursuant to section 17(1)(a) of the Act, this regulation determines the upper consumption threshold for determining whether business customers are small or large customers in relation to the consumption of electricity.
- (2) The upper consumption threshold for electricity is 160 MWh per annum.

## 6—Natural gas equivalent

Pursuant to section 2A(1)(a) of the *National Energy Retail Law (South Australia)*, covered gas produced and supplied by the HyP SA project through a distribution pipeline (within the meaning of the NGL) is prescribed as a natural gas equivalent for use in this jurisdiction.

## 7—Local area retailers

- (1) Pursuant to section 11 of the *National Energy Retail Law (South Australia)*, the following retailers are nominated as local area retailers for this jurisdiction for the purposes of that Law:
  - (a) in relation to the provision of electricity—AGL South Australia Pty Limited (ACN 091 105 092);
  - (b) in relation to the provision of natural gas and natural gas equivalents—Origin Energy Retail Ltd (ACN 078 868 425).
- (2) A retailer nominated under subregulation (1)—
  - (a) will be the local area retailer for all small customers within the whole of the geographical area of this jurisdiction (subject to the operation of regulation 4); and
  - (b) will be responsible for both existing and new connections (in the manner and to the extent contemplated by section 22 of the *National Energy Retail Law (South Australia)*).

## 8—Tariff structures

- (1) Section 22(1a) of the *National Energy Retail Law (South Australia)* is declared to apply in relation to this jurisdiction.
- (2) The following tariff structures are prescribed for the purposes of section 22(1a)(c) of the *National Energy Retail Law (South Australia)*:
  - (a) in the case of a residential customer—the residential time of use tariff structure published by SA Power Networks;
  - (b) in the case of a business customer who consumes energy at business premises below the upper consumption threshold—the small business time of use tariff structure published by SA Power Networks;
  - (c) in all cases—from 1 September 2025—a single rate tariff structure.
- (3) In this regulation—

**single rate tariff structure** means a tariff structure under which the rate of a tariff a retailer charges a small customer for the consumption of energy is the same rate that applies to energy consumption at all times of the day.

**9—Minimum standards of service for customers—written and telephone enquiries**

- (1) Pursuant to section 23 of the Act, this regulation imposes minimum standards of service for small customers in relation to written and telephone enquiries.
- (2) A retailer must—
  - (a) use the retailer's best endeavours to achieve any service standard referred to below during each financial year, as assessed at 30 June; and
  - (b) keep sufficient records to monitor and report on the retailer's performance levels and provide any information referred to below.
- (3) The applicable service standard under this regulation for written enquiries is as follows:

<b>Commitment</b>	<b>Standard</b>
Responding to written enquiries	95% of enquiries within 5 business days

- (4) For the purposes of subregulation (3)—
  - (a) a written enquiry will be taken to be an enquiry by email, fax or letter from a small customer to the retailer requesting information from the retailer or making a complaint about an act or omission of the retailer; and
  - (b) a response to such an enquiry will include any direct or telephone contact, or a written response, in which the retailer answers the enquiry or acknowledges receipt of the enquiry and indicates the process that will be followed in dealing with the enquiry, including the time within which the retailer will deal with the enquiry.
- (5) The applicable service standard under this regulation for telephone enquiries is as follows:

<b>Commitment</b>	<b>Standard</b>
Responding to telephone enquiries	85% of telephone calls within 30 seconds of receipt of the call between 8 am and 6 pm on a business day

- (6) For the purposes of subregulation (5), a response to a telephone enquiry must be—
  - (a) by a person answering the telephone call; or
  - (b) by the provision of a computer or telephony based interactive service which is able to process calls by providing information or directing a call to a person,but not so as to include the answering of a call by being placed in an automated queue to wait for a response under paragraph (a) or (b).
- (7) A retailer must report to the AER by 31 August in each year in relation to the service standards achieved by the retailer during the immediately preceding financial year (or part of a financial year).
- (8) A report under subregulation (7) must include—
  - (a) the percentage of compliance with the service standards set out above; and
  - (b) an explanation of the reason or reasons for any non-compliance with a service standard; and
  - (c) a report on how the retailer intends to improve the retailer's performance so as to meet the service standard set out above.

## 10—Extreme weather events

For the purposes of Part 6 of the *National Energy Retail Rules*, any day in relation to which a heatwave warning has been issued by the Bureau of Meteorology in respect of the forecast district in which a customer's premises are located is declared to be an ***extreme weather event***.

## 11—Re-energisation after de-energisation for non-payment

- (1) This regulation applies in relation to the re-energisation of premises of a small customer after there has been a de-energisation for—
  - (a) failing to pay a bill by the pay-by date; or
  - (b) failing to make a payment in accordance with a payment plan; or
  - (c) failing to pay an instalment due under an instalment arrangement; or
  - (d) failing to pay a security deposit.
- (2) The following standards apply in relation to the provision of electricity:
  - (a) if a retailer is required to arrange for the re-energisation of a small customer's premises under the *National Energy Retail Rules* and the customer makes a request for re-energisation before 4 pm on a business day, the retailer must—
    - (i) in the case of premises in the Adelaide central or metropolitan areas—arrange for the re-energisation of the premises on the day of the request; and
    - (ii) in the case of any other premises—use the retailer's best endeavours to arrange for the re-energisation of the premises on the day of the request and in any event ensure that arrangements are in place by the end of the next business day for the re-energisation of the premises;
  - (b) if a retailer is required to arrange for the re-energisation of a small customer's premises under the *National Energy Retail Rules* and the customer makes a request for re-energisation at or after 4 pm and before 9 pm on a business day—
    - (i) if the premises are in the Adelaide central or metropolitan areas and the customer pays any reasonable charge determined by the retailer or the distributor for after-hours re-energisation—arrange for the re-energisation of the premises on the day requested by the customer; and
    - (ii) if the premises are not in the Adelaide central or metropolitan areas, it is reasonably practicable for the retailer to arrange for re-energisation of the premises on the day requested by the customer, and the customer pays any reasonable charge determined by the retailer or the distributor for after-hours re-energisation—arrange for the re-energisation of the premises on the day requested by the customer; and
    - (iii) if the premises are not in the Adelaide central or metropolitan areas and subparagraph (ii) does not apply—arrange for the re-energisation of the premises by the end of the next business day (and any after-hours connection fee will not apply);

- (c) if a retailer is required to arrange for the re-energisation of a small customer's premises under the *National Energy Retail Rules* and the customer makes a request for re-energisation at or after 9 pm on a business day, the retailer must arrange for the re-energisation of the premises by the end of the next business day;
  - (d) if a retailer is required to arrange for the re-energisation of a small customer's premises under the *National Energy Retail Rules* and the customer makes a request for re-energisation on a day that is not a business day, the retailer must arrange for the re-energisation of the premises by the end of the next business day.
- (3) The following standards apply in relation to the provision of gas:
  - (a) if a retailer is required to arrange for the re-energisation of a small customer's premises under the *National Energy Retail Rules* and the customer makes a request for re-energisation before 3 pm on a business day, the retailer must arrange for the re-energisation on the day of the request;
  - (b) if a retailer is required to arrange for the re-energisation of a small customer's premises under the *National Energy Retail Rules* and the customer makes a request for re-energisation at or after 3 pm and before 9 pm on a business day—
    - (i) if the customer pays any reasonable charge determined by the retailer or the distributor for after-hours re-energisation—the retailer must arrange for the re-energisation of the premises on the day requested by the customer; or
    - (ii) in any other case—the retailer must arrange for the re-energisation of the premises by the end of the next business day;
  - (c) if a retailer is required to arrange for the re-energisation of a small customer's premises under the *National Energy Retail Rules* and the customer makes a request for re-energisation at or after 9 pm on a business day, the retailer must arrange for the re-energisation of the premises by the end of the next business day;
  - (d) if a retailer is required to arrange for the re-energisation of a small customer's premises under the *National Energy Retail Rules* and the customer makes a request for re-energisation on a day that is not a business day, the retailer must arrange for the re-energisation of the premises by the end of the next business day.
- (4) For the purposes of this regulation, but subject to subregulation (5), the Adelaide central or metropolitan areas will be constituted by areas determined by the Minister from time to time by notice in the Gazette.
- (5) Any area where a small customer is supplied with electricity through a 19 kV SWER line will be taken to be outside the Adelaide central and metropolitan areas.

## **12—Immunity in relation to failure to supply electricity (section 25(2)(a) of Act)**

- (1) For the purposes of section 25(2)(a) of the Act, an agreement under section 25(1) of the Act that limits the liability of a distributor of electricity for an act or omission associated with a failure to supply electricity done or made in bad faith or through negligence must comply with the following requirements:
  - (a) in the case of a small customer who purchases less than 30 MWh of electricity per annum—the agreement—
    - (i) must provide for liability for any loss suffered, including physical loss, consequential loss and loss of profits, due to—

- (A) problems in the quality of the supply of electricity to the premises at which electricity is to be supplied (such as power surges and power drops); or
    - (B) interruptions to or failures of the supply of electricity to the premises at which electricity is to be supplied; and
  - (ii) must not set the amount for limitation of liability to less than \$500 000 (indexed) in relation to an event;
- (b) in the case of a small customer who purchases at least 30 MWh of electricity per annum—the agreement—
  - (i) must provide for liability for any physical loss or damage, and for personal injury (but no other loss), due to—
    - (A) problems in the quality of the supply of electricity to the premises at which electricity is to be supplied (such as power surges and power drops); or
    - (B) interruptions to or failures of the supply of electricity to the premises at which electricity is to be supplied; and
  - (ii) must not set the amount for limitation of liability to less than \$1 000 000 (indexed) in relation to an event.
- (2) An amount under subregulation (1) that is expressed to be indexed will be adjusted on 1 July of each financial year commencing after this regulation comes into operation by multiplying the stated amount by a proportion obtained by dividing the Consumer Price Index (All Groups Index for Adelaide) for the March quarter of the calendar year in which the relevant financial year commences by the Consumer Price Index (All Groups Index for Adelaide) for the March quarter 2003.
- (3) A distributor must not enter into any other agreement with a small customer—
  - (a) that seeks to vary or exclude a distributor's liability for an act or omission associated with a failure to supply energy done or made in bad faith or through negligence; or
  - (b) that seeks to set a lower monetary amount in connection with such a liability that is less than an amount that applies under subregulation (1).
- (4) Rule 83 of the *National Energy Retail Rules* (insofar as those Rules apply as part of the law of South Australia) is modified to the extent of any inconsistency with section 25 of the Act or a provision of this regulation.
- (5) The *National Energy Retail Rules* (insofar as they apply as part of the law of South Australia) are also modified as if they provided that an agreement that complies with this regulation may constitute a permitted alteration under section 69(4)(c) of the *National Energy Retail Law (South Australia)*.
- (6) This regulation does not affect any immunity that applies under section 120 of the *National Electricity Law (South Australia)*.

### 13—Use of prepayment meter systems

For the purposes of section 56(2) of the *National Energy Retail Law (South Australia)*, the sale of energy to small customers using a prepayment meter system is permitted within this jurisdiction.

## 14—Price comparator

Section 62 of the *National Energy Retail Law (South Australia)* is declared to apply in relation to this jurisdiction.

## 15—Small compensation claims regime

- (1) For the purposes of section 178(1)(b) of the *National Energy Retail Law (South Australia)*, and subject to subregulation (2), a designated claimable incident (including a transitional designated claimable incident) is prescribed as a claimable incident for small customers in this jurisdiction.
- (2) A small customer may only make a claim under Part 7 of the *National Energy Retail Law (South Australia)* in respect of a transitional designated claimable incident that affected particular premises (regardless of whether the customer made a claim in respect of the incident as affecting those premises before the relevant day) if—
  - (a) the customer has not, before the relevant day, been compensated (whether as a result of a decision of the distributor, a decision of the relevant energy ombudsman or otherwise) in respect of the incident as affecting those premises; and
  - (b) the claim is made within 2 years after the relevant day.
- (3) For the purposes of section 180(2)(a) of the *National Energy Retail Law (South Australia)*, the amount of \$15 000 is prescribed as the maximum amount for a claim.
- (4) For the purposes of section 181(2)(a) of the *National Energy Retail Law (South Australia)*, the amount of \$100 is prescribed as the minimum amount for a claim.
- (5) For the purposes of section 182(2)(a) of the *National Energy Retail Law (South Australia)*, the amount of \$1 000 is prescribed as the median amount for a claim.
- (6) Section 184 of the *National Energy Retail Law (South Australia)* is declared to apply in relation to this jurisdiction to the extent that it relates to the repeated claims maximum number determined under section 183 in respect of this jurisdiction.
- (7) In this regulation—

**designated claimable incident** means a failure of electricity infrastructure owned or operated by a distributor where the failure causes a relevant voltage variation, provided that the failure is not caused (whether wholly or partly) by any of the following:

- (a) lightning, a storm, an earthquake, a flood, a fire or another natural event;
- (b) a person, other than the distributor or an employee, contractor or agent of the distributor, damaging the electricity infrastructure;
- (c) property of a person, other than property of the distributor or an employee, contractor or agent of the distributor, damaging the electricity infrastructure;
- (d) fauna or flora coming into contact with the electricity infrastructure;

**electricity infrastructure** and **Technical Regulator** have the same respective meanings as in the *Electricity Act 1996*;

**relevant day** means the day on which the *National Energy Retail Law (Local Provisions) (Small Compensation Claims Regime) Amendment Regulations 2025* came into operation;

**relevant voltage variation**—a relevant voltage variation caused by a failure of electricity infrastructure owned or operated by a distributor occurs when there is a change in the voltage of electricity supplied to the premises of a small customer such that the voltage is outside the standard voltage range determined by the distributor, with the approval of the Technical Regulator, from time to time and published on a website determined by the distributor;

**transitional designated claimable incident** means a designated claimable incident that occurred between 1 July 2022 and the relevant day.

## 16—Review of small compensation claims regime

- (1) The Minister must cause a review of the operation of the small compensation claims regime in this jurisdiction to be conducted and a report on the results of the review to be submitted to the Minister.
- (2) The review must commence as soon as practicable after the expiry of 2 years from the commencement of regulation 3 of the *National Energy Retail Law (Local Provisions) (Small Compensation Claims Regime) Amendment Regulations 2025*.
- (3) The Minister must, as soon as practicable after receiving the report submitted under subregulation (1), cause a copy of the report to be published on a website maintained by the Technical Regulator.
- (4) In this regulation—

**Technical Regulator** has the same meaning as in the *Electricity Act 1996*.

## 17—Variation of *National Energy Retail Rules*

The *National Energy Retail Rules*, insofar as they have effect as part of the law of South Australia, apply as though the following amendments were made to those Rules:

- (a) Rule 16(2)(b)—strike out ", unless the customer is a small market offer customer";
- (b) Schedule 2, clause 8—after paragraph (d) insert:
  - (e) We are also entitled to limit our liability for an act or omission done or made in bad faith or through negligence to \$500 000 (indexed) in respect of claims by customers who purchase less than 30 MWh of electricity per annum or to \$1 000 000 (indexed) in respect of customers who purchase at least 30 MWh of electricity per annum.

## Schedule 1—Repeal of *National Energy Retail Law (Local Provisions) Regulations 2013*

The *National Energy Retail Law (Local Provisions) Regulations 2013* are repealed.

### Editorial note—

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

## Made by the Governor's Deputy

with the advice and consent of the Executive Council  
on 26 June 2025

No 49 of 2025



South Australia

# Road Traffic (Miscellaneous) (Photographic Detection Devices) Amendment Regulations 2025

under the *Road Traffic Act 1961*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Road Traffic (Miscellaneous) (Photographic Detection Devices) Amendment Regulations 2025*.

### 2—Commencement

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

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

### **3—Amendment of regulation 3—Interpretation**

- (1) Regulation 3(1)—after the definition of *prescribed part* insert:

*reckless, dangerous or careless driving offence* means—

- (a) a reckless or dangerous driving offence; or
- (b) an offence against section 45 of the Act (Careless driving); or
- (c) an offence against section 19ABA of the *Criminal Law Consolidation Act 1935*;

- (2) Regulation 3(1)—after the definition of *speeding offence* insert:

*speeding or extreme speeding offence* means—

- (a) a speeding offence; or
- (b) an offence against section 19ADA of the *Criminal Law Consolidation Act 1935*;

### **4—Amendment of regulation 29—Apparatus approved as photographic detection devices**

- (1) Regulation 29(1)—delete "or dangerous" wherever occurring and substitute in each case:

, dangerous or careless

- (2) Regulation 29(1)—delete "speeding offence" wherever occurring and substitute in each case:

speeding or extreme speeding offence

### **5—Amendment of regulation 30—Prescribed offences (section 79B of Act)**

Regulation 30(2)—before paragraph (a) insert:

- (aa) an offence against section 45 of the Act (Careless driving);

### **6—Amendment of regulation 32—Operation and testing of photographic detection devices referred to in regulation 29(1)(a) for offences committed at intersections, marked foot crossings or level crossings**

- (1) Regulation 32(1), definition of *relevant offence*, (b) and (c)—delete "speeding offence" wherever occurring and substitute in each case:

speeding or extreme speeding offence

- (2) Regulation 32(2)(c), (e) and (f)—delete "speeding offences" wherever occurring and substitute in each case:

speeding or extreme speeding offences

- (3) Regulation 32(3)—delete "or dangerous" and substitute:

, dangerous or careless

**7—Amendment of regulation 33—Operation and testing of photographic detection devices referred to in regulation 29(1)(a) or (b)(iii) for offences committed other than at intersections, marked foot crossings or level crossings**

- (1) Regulation 33(1)—after "speeding" insert:  
or extreme speeding
- (2) Regulation 33(2)—delete "or dangerous" and substitute:  
, dangerous or careless

**8—Amendment of regulation 34—Operation and testing of photographic detection devices referred to in regulation 29(1)(b)(i) or (ii) for offences committed other than at intersections, marked foot crossings or level crossings**

- (1) Regulation 34(1)—after "speeding" insert:  
or extreme speeding
- (2) Regulation 34(2)—delete "or dangerous" and substitute:  
, dangerous or careless

**9—Amendment of regulation 35—Operation and testing of photographic detection devices referred to in regulation 29(1)(c)**

- (1) Regulation 35(1)—after "speeding" insert:  
or extreme speeding
- (2) Regulation 35(2)—delete "or dangerous" and substitute:  
, dangerous or careless

**10—Amendment of regulation 36—Operation and testing of average speed cameras**

- Regulation 36(2)—delete "or dangerous" and substitute:  
, dangerous or careless

**11—Amendment of regulation 41—Same person not liable for more than 1 offence evidenced by same electronic record**

- Regulation 41(2), definition of *relevant offence*—after "speeding" insert:  
or extreme speeding

**12—Amendment of regulation 43—Evidentiary**

- Regulation 43—after "speeding" insert:  
or extreme speeding

**Editorial note—**

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

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 26 June 2025

No 50 of 2025

South Australia

# **Rail Safety National Law National Regulations (Fees) Amendment Regulations 2025**

under the *Rail Safety National Law (South Australia) Act 2012*

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## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Amendment provision

### **Part 2—Amendment of *Rail Safety National Law National Regulations 2012***

- 4 Amendment of Schedule 3—Fees
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Rail Safety National Law National Regulations (Fees) Amendment Regulations 2025*.

### **2—Commencement**

These regulations come into operation on 1 July 2025.

### **3—Amendment provision**

In these regulations, a provision under a heading referring to the amendment of specified regulations amends the regulations so specified.

## **Part 2—Amendment of *Rail Safety National Law National Regulations 2012***

### **4—Amendment of Schedule 3—Fees**

- (1) Schedule 3, Part 1, table, item 1A—delete "\$93 755" and substitute:  
\$96 755
- (2) Schedule 3, Part 1, table, item 2—delete the item
- (3) Schedule 3, Part 1, table, item 5—delete the item

- (4) Schedule 3, Part 2, clause 1(1), table—delete the table in clause 1(1) and substitute:

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Rate per kilometre of track managed by a rail infrastructure manager (\$/km) ( $R_t$ )	320.98	320.98	87.88	160.08	147.11	149.51	296.17	101.81
Rate per kilometre travelled by trains of a rolling stock operator (\$/km) ( $R_t$ )	0.134	0.134	0.280	0.094	0.120	0.393	0.066	0.067

- (5) Schedule 3, Part 2, clause 1(1a)(a) to (c)—delete paragraphs (a) to (c) (inclusive) and substitute:

- (a) \$239 468;
- (b) \$169 320;
- (c) \$112 477.

### Made by the Governor's Deputy

on the unanimous recommendation of the responsible Ministers and with the advice and consent of the Executive Council  
on 26 June 2025

No 51 of 2025

South Australia

# Summary Offences (Knives and Other Weapons) (No 2) Amendment Regulations 2025

under the *Summary Offences Act 1953*

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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement

### Part 2—Amendment of *Summary Offences Regulations 2016*

- 3 Amendment of regulation 6—Prohibited weapons
  - 4 Amendment of regulation 8—Unlawful selling or marketing of knives
  - 5 Amendment of regulation 17A—Prescribed offence (section 66ZA)
- 

## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Summary Offences (Knives and Other Weapons) (No 2) Amendment Regulations 2025*.

### 2—Commencement

These regulations come into operation on the day on which section 3 of the *Summary Offences (Knives and Other Weapons) Amendment Act 2025* comes into operation.

## Part 2—Amendment of *Summary Offences Regulations 2016*

### 3—Amendment of regulation 6—Prohibited weapons

- (1) Regulation 6—after paragraph (q) insert:
  - (qa) ***machete***—a large knife designed or adapted for use as an agricultural slashing tool or weapon;
- (2) Regulation 6—after paragraph (x) insert:
  - (xa) ***sword***—a thing designed or adapted for use as a weapon with a long blade and a hilt or handle, or which is intended to be used with a hilt or handle, which has a sharp point or a cutting edge on one or more sides;

### 4—Amendment of regulation 8—Unlawful selling or marketing of knives

Regulation 8(1)—after paragraph (b) insert:

or

- (c) a butter knife, table knife or other knife of a kind typically sold in a cutlery set (whether or not the knife is actually sold in such a set), that does not have a sharp point.

**5—Amendment of regulation 17A—Prescribed offence (section 66ZA)**

Regulation 17A(2), definition of *offence of violence*, (o)—delete "section 84C" and substitute:

section 83C

**Editorial note—**

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

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 26 June 2025

No 52 of 2025



South Australia

# Emergency Services Funding (Remissions—Land) (Miscellaneous) Amendment Regulations 2025

under the *Emergency Services Funding Act 1998*

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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement

### Part 2—Amendment of *Emergency Services Funding (Remissions—Land) Regulations 2014*

- 3 Amendment of regulation 3—Interpretation
  - 4 Amendment of regulation 7—Amount of remission
  - 5 Amendment of regulation 8B—Amount of remission
  - 6 Amendment of regulation 8D—Amount of remission
  - 7 Amendment of regulation 10—Amount of remission
  - 8 Amendment of regulation 10B—Amount of remission—certain land uses
  - 9 Amendment of regulation 10D—Amount of remission
- 

## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Emergency Services Funding (Remissions—Land) (Miscellaneous) Amendment Regulations 2025*.

### 2—Commencement

These regulations come into operation on 1 July 2025.

## Part 2—Amendment of *Emergency Services Funding (Remissions—Land) Regulations 2014*

### 3—Amendment of regulation 3—Interpretation

Regulation 3, definition of *relevant financial year*—delete "2024/2025" and substitute:  
2025/2026

### 4—Amendment of regulation 7—Amount of remission

- (1) Regulation 7(1a)—delete "0.000362" and substitute:  
0.000337
- (2) Regulation 7(2)—delete "0.000196" and substitute:  
0.000179

**5—Amendment of regulation 8B—Amount of remission**

Regulation 8B, definition of *RF*, (a) to (d)—delete paragraphs (a) to (d) (inclusive) and substitute:

- (a) if the land is residential land—0.000179; or
- (b) if the land is commercial land—0.000663; or
- (c) if the land is rural land situated in Regional area 1, Regional area 2 or Regional area 3—0.000065; or
- (d) if the land is rural land situated in Regional area 4—0.000179.

**6—Amendment of regulation 8D—Amount of remission**

- (1) Regulation 8D(1)—delete "0.000705" and substitute:

0.000656

- (2) Regulation 8D(2)—delete "0.000550" and substitute:

0.000512

**7—Amendment of regulation 10—Amount of remission**

Regulation 10(3)—delete "0.000832" and substitute:

0.000775

**8—Amendment of regulation 10B—Amount of remission—certain land uses**

- (1) Regulation 10B(1)(b)—delete "0.000320" and substitute:

0.000292

- (2) Regulation 10B(2)—delete "0.000196" and substitute:

0.000179

**9—Amendment of regulation 10D—Amount of remission**

Regulation 10D—delete "0.000745" and substitute:

0.000694

**Editorial note—**

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

**Made by the Governor's Deputy**

on the recommendation of the Treasurer and with the advice and consent of the Executive Council  
on 26 June 2025

No 53 of 2025

South Australia

# Work Health and Safety (Prescription of Fee) Amendment Regulations 2025

under the *Work Health and Safety Act 2012*

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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement

### Part 2—Amendment of *Work Health and Safety Regulations 2012*

- 3 Amendment of regulation 707—Prescription of fee
- 

## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Work Health and Safety (Prescription of Fee) Amendment Regulations 2025*.

### 2—Commencement

These regulations come into operation on 1 July 2025.

## Part 2—Amendment of *Work Health and Safety Regulations 2012*

### 3—Amendment of regulation 707—Prescription of fee

- (1) Regulation 707—delete "2024/2025" wherever occurring and substitute in each case:  
2025/2026
- (2) Regulation 707(1)—delete "\$30 238 000" and substitute:  
\$34 858 000

#### Editorial note—

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

### Made by the Governor's Deputy

with the advice and consent of the Executive Council  
on 26 June 2025

No 54 of 2025

# STATE GOVERNMENT INSTRUMENTS

## ADMINISTRATIVE ARRANGEMENTS ACT 1994

### SECTION 9

#### *Instrument of Delegation*

I, Anastasios Koutsantonis, Minister for Infrastructure and Transport in the State of South Australia, and the Minister to whom the *Motor Vehicles Act 1959* is committed, pursuant to Section 9 of the *Administrative Arrangements Act 1994*, hereby delegate to the Minister to whom the *Motor Accident Commission Act 1992* is committed:

- my powers and functions under Section 127A of the *Motor Vehicles Act 1959*.

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

This Instrument of Delegation may be revoked or varied at any time by me by further notice published in the Government Gazette.

Dated: 24 June 2025

HON ANASTASIOS KOUTSANTONIS MP  
Minister for Infrastructure and Transport

## AQUACULTURE ACT 2001

South Australia

# Aquaculture (Fees) Notice 2025

under the *Aquaculture Act 2001*

## 1—Short title

This notice may be cited as the *Aquaculture (Fees) Notice 2025*.

### Note—

This is a fee notice made in accordance with the *Legislation (Fees) Act 2019* and revokes the *Aquaculture (Fees) Notice 2024* published in the South Australian Government Gazette on 20 June 2024 p 1839.

## 2—Commencement

This notice has effect on 1 July 2025

## 3—Interpretation

In this notice, unless the contrary intention appears—

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

***Act*** means the *Aquaculture Act 2001*;

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

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

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

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

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

## 4—Fees

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

### Schedule 1—Fees

#### Fees relating to aquaculture leases

- 1 Application fee for variation of an aquaculture lease or its conditions (Section 25A(5) of Act)—
  - (a) for a variation consisting of or involving—
    - (i) the substitution of the lease area (within or outside of an aquaculture zone) where at least 80% of the lease area will remain the same—
      - (A) if the corresponding licence relating to the lease authorises the farming of prescribed wild caught tuna \$2,975
      - (B) in any other case \$3,959
    - (ii) the substitution of the lease area within an aquaculture zone (other than a variation of a kind referred to in subparagraph (i))—
      - (A) if the farming of prescribed wild caught tuna is a permitted class of aquaculture in the zone \$3,444
      - (B) in any other case \$4,913
    - (iii) the substitution of the lease area outside of an aquaculture zone (other than a variation of a kind referred to in subparagraph (i)) \$5,892
  - (b) for a variation of any other kind \$1,040
- 2 Application fee for consent to transfer a production lease (Section 39(2) of Act)—
  - (a) for the transfer of 1 lease \$908
  - (b) for the transfer of each additional lease if the parties involved in the transfer are the same as for the first transfer \$771
- 3 Application fee for division of a production lease area into separate lease areas (Regulation 32) \$1,272
- 4 Application fee for amalgamation of 2 or more production lease areas into a single lease area (Regulation 33) \$1,561

#### Fees relating to aquaculture licences

- 5 Application fee for a corresponding licence (Section 22(2d) of Act)—
  - (a) in the case of a corresponding licence authorising activities other than research within an aquaculture zone—
    - (i) administrative component \$2,996
    - (ii) advertising component \$1,877
  - (b) in the case of a corresponding licence authorising research within an aquaculture zone—
    - (i) administrative component \$4,610
    - (ii) advertising component \$1,877
  - (c) in the case of any corresponding licence outside of an aquaculture zone—
    - (i) administrative component \$4,610
    - (ii) advertising component \$1,877
- 6 Application fee for a licence other than a corresponding licence (Section 49 of Act)—
  - (a) for a category A licence—

	(i) administrative component	\$3,342
	(ii) advertising component	\$1,877
(b)	for a category B licence—	
	(i) administrative component	\$3,342
	(ii) advertising component	\$1,877
(c)	for a category C licence—	
	(i) administrative component	\$5,268
	(ii) advertising component	\$1,877
(d)	for a category D licence—	
	(i) administrative component	\$5,269
	(ii) advertising component	\$1,877
7	Application fee for renewal of an aquaculture licence other than a corresponding licence (Section 50A of Act)—	
	(a) for the renewal of 1 licence	\$908
	(b) for the renewal of each additional licence if the parties to the licence are the same as for the first renewal	\$825
<b>Note—</b>		
A corresponding licence is, under Section 22(2b) of the Act, renewed on the renewal of the relevant lease without the requirement for an application.		
8	Application fee for variation of conditions of an aquaculture licence (Section 52(6) of Act)—	
	(a) in the case of a corresponding licence—	
	(i) for a simple variation	\$1,841
	(ii) for a standard variation	\$2,434
	(iii) for a complex variation	\$4,610
	(b) in the case of a licence other than a corresponding licence—	
	(i) for a simple variation	\$806
	(ii) for a standard variation	\$946
	(iii) for a complex variation	\$2,421
9	Application fee for consent to transfer an aquaculture licence (Section 55(4) of Act)—	
	(a) in the case of a corresponding licence—	
	(i) for the transfer of 1 licence	\$908
	(ii) for the transfer of each additional licence if the parties involved in the transfer are the same as for the first transfer	\$771
	(b) in the case of a licence other than a corresponding licence—	
	(i) for the transfer of 1 licence	\$908
	(ii) for the transfer of each additional licence if the parties involved in the transfer are the same as for the first transfer	\$771
10	Application fee for consent to surrender an aquaculture licence other than a corresponding licence (Section 56(3)(c) of Act)	\$711
11	Application fee for exemption from environmental reporting requirements (Regulation 31)	\$180
12	Application fee for division of a licence area into separate licence areas (Regulation 34)	\$1,223

13	Application fee for amalgamation of 2 or more licence areas into a single licence area (Regulation 35)	\$1,561
14	Annual fee for a corresponding licence (Section 53(1) of Act) for the financial year commencing on 1 July 2024 and for each subsequent financial year—	
(a)	for an aquaculture licence to farm prescribed wild caught tuna	\$40,626
(b)	for an aquaculture licence to farm finfish other than prescribed wild caught tuna	\$12,134
(c)	for an aquaculture licence to farm abalone in a subtidal area	\$14,637
(d)	for an aquaculture licence to farm mussels in a subtidal area	\$1,560
(e)	for an aquaculture licence to farm molluscs (other than abalone and mussels) in a subtidal area	\$2,678
(f)	for an aquaculture licence to farm molluscs (including abalone, but not including oysters) in an intertidal area	\$2,631
(g)	for an aquaculture licence to farm oysters in an intertidal area where the holder of the licence is not a school registered under Part 5 Division 2 of the <i>Education and Early Childhood services (Registration and Standards) Act 2011</i> (SA)	\$618 plus \$359 for each hectare (rounded to 2 decimal places) in the licence area
(h)	For an aquaculture licence to farm oysters in an intertidal area where the holder of the licence is a school registered under Part 5 of the <i>Education and Early Childhood services (Registration and Standards) Act 2011</i> (SA)	No fee
(i)	for an aquaculture licence to farm algae	\$4,926
(j)	for an aquaculture licence to farm algae per hectare	\$673
(k)	for an aquaculture licence authorising the storage of sea cages	\$2,442
(l)	for an aquaculture licence for tourism purposes	\$2,442
15	Annual fee for a licence other than a corresponding licence (Section 53(1) of Act) where the holder of the licence is not a school registered under Part 5 of the <i>Education and Early Childhood services (Registration and Standards) Act 2011</i> (SA) for the financial year commencing on 1 July 2023 and for each subsequent financial year—	
(a)	for a category A licence	\$1,393
(b)	for a category B licence	\$2,823
(c)	for a category C licence	\$4,399
(d)	for a category D licence	\$7,717
16	Annual fee for a licence other than a corresponding licence (Section 53(1) of Act) where the holder of the licence is a school registered under Part 5 of the <i>Education and Early Childhood services (Registration and Standards) Act 2011</i> (SA) for the financial year commencing on 1 July 2023 and for each subsequent financial year—	No fee
<b>Miscellaneous fees</b>		
17	Application fee for a notation on the register that a specified person has an interest in a lease or licence (Section 80(2a) of Act)	\$234

**Made by the Minister for Primary Industries and Regional Development**

On 24 June 2025

## BUILDING WORK CONTRACTORS ACT 1995

*Exemption*

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

## SCHEDULE 1

ADRIAN BRYAN PARKER (BLD 288279)

## SCHEDULE 2

Construction of a veranda and carport at Allotment 266, Deposited Plan 7797, being a portion of the land described in Certificate of Title Volume 5500 Folio 824, more commonly known as 12 John Street, Morphett Vale SA 5162.

## SCHEDULE 3

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

Dated: 19 June 2025

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

## BUILDING WORK CONTRACTORS ACT 1995

*Exemption*

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

## SCHEDULE 1

SIMON LOUIS HOREL (BLD 282506)

## SCHEDULE 2

Additions to an existing dwelling at Allotment 43, Filed Plan 108630, being a portion of the land described in Certificate of Title Volume 5225 Folio 1, more commonly known as 4 Daphne Street, Prospect SA 5082.

## SCHEDULE 3

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

Dated: 19 June 2025

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



CHILD SAFETY (PROHIBITED PERSONS) ACT 2016

South Australia

Child Safety (Prohibited Persons) (Fees) Notice 2025

under the *Child Safety (Prohibited Persons) Act 2016*

1—Short title

This notice may be cited as the *Child Safety (Prohibited Persons) (Fees) Notice 2025*.

Note—

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

2—Commencement

This notice has effect on 1 July 2025.

3—Interpretation

In this notice, unless the contrary intention appears—

*Act* means the *Child Safety (Prohibited Persons) Act 2016*.

4—Fees

- (1) For the purposes of the Act, the fees set out in Schedule 1 are prescribed.
- (2) The Minister or the Registrar may waive or remit the whole or any part of a fee payable under the Act.

Schedule 1—Fees

Application for working with children check—general	\$140.00
Application for working with children check—tertiary student placement	\$71.00
Application for working with children check—volunteers	No fee
Application for additional working with children check (all categories)	\$140.00
Application for revocation of prohibition notice	\$140.00
Prescribed fee under Section 33A(1) of Act	\$140.00

Made by the Minister for Human Services

On 24 June 2025

CONTROLLED SUBSTANCES (POISONS) REGULATIONS 2011

Revocation of Determination of a Prescribed Health Service Facility

By notice published in the *South Australian Government Gazette* on 26 September 2024, in accordance with Regulation 44A of the *Controlled Substances (Poisons) Regulations 2011*, the Minister for Health and Wellbeing determined the following facility to be a prescribed health service facility:

Integrative Health Solutions, trading as AylaMed operating at 13 Laffers Rd, Belair SA 5052.

Take notice that I, Christopher Picton, Minister for Health and Wellbeing, pursuant to Regulation 44A of the *Controlled Substances (Poisons) Regulations 2011*, hereby revoke that determination.

Dated: 26 June 2025

HON CHRISTOPHER JAMES PICTON MP  
Minister for Health and Wellbeing

## CONTROLLED SUBSTANCES ACT 1984

*Fees and Charges*

I, Chris Picton, Minister for Health and Wellbeing, hereby give notice pursuant to Section 55 of the *Controlled Substances Act 1984* (the Act), of the following fees to apply for licences issued under the Act:

These charges will operate from 1 July 2025 to 30 June 2026.

## 1. Annual fee for manufacturers licence—

for a manufacturer who manufactures only Schedule 1 poisons .....	No fee
for a manufacturer who manufactures Schedule 2 poisons .....	\$363.00
for a manufacturer who manufactures Schedule 3 poisons .....	\$363.00
for a manufacturer who manufactures Schedule 4 poisons .....	\$363.00
for a manufacturer who manufactures Schedule 7 poisons .....	\$363.00
for a manufacturer who manufactures drugs of dependence .....	\$473.00

Note—

The maximum cumulative annual fee is

- for a manufacturer of poisons other than drugs of dependence ..... \$1208.00
- for a manufacturer of drugs of dependence..... \$1514.00

## 2. Annual fee for wholesale dealers licence—

for a wholesaler who sells only Schedule 1 poisons .....	No fee
for a wholesaler who sells Schedule 2 poisons .....	\$120.00
for a wholesaler who sells Schedule 3 poisons .....	\$120.00
for a wholesaler who sells Schedule 4 poisons .....	\$242.00
for a wholesaler who sells Schedule 7 poisons .....	\$242.00
for a wholesaler who sells drugs of dependence .....	\$473.00

Note—

The maximum cumulative annual fee is

- or a wholesaler who sells poisons other than drugs of dependence.... \$607.00
- for a wholesaler who sells drugs of dependence ..... \$926.00

## 3. Annual fee for retail sellers licence..... \$242.00

## 4. Annual fee for medicine sellers licence ..... \$56.00

## 5. Annual fee for licence to supply, possess or administer—

- |  |          |
|--|----------|
| (a) S4 drugs (other than drugs of dependence) (Section 18) ..... | \$120.00 |
| (b) drugs of dependence or equipment (Section 31) .....          | \$120.00 |

Note—

The maximum cumulative fee for a licence to supply or

administer S4 drugs and drugs of dependence is ..... \$163.00

## 6. Annual fee for licence to possess Schedule F poisons ..... \$180.00

Dated: 22 May 2025

HON CHRIS PICTON MP  
Minister for Health and Wellbeing

## DEPARTMENT OF HUMAN SERVICES

## NOTICE BY THE MINISTER FOR HUMAN SERVICES

*Fees Payable for Services Provided by the Screening Unit*

The fees set out in the table below will be charged by the Department of Human Services for services specified in the table as provided by the Department of Human Services' Screening Unit.

The Chief Executive of the department may waive payment of, or remit, the whole or any part of a fee payable under this notice.

*Table of Fees (ex GST)*

## 1. Screening Unit—employed individual

- Fee for screening assessment for:

- |  |          |
|--|----------|
| • Vulnerable Person-Related Employment Screening ..... | \$109.00 |
| • Aged Care Sector Employment Screening .....          | \$109.00 |
| • General Employment Probity Screening .....           | \$98.00  |

## 2. Screening Unit—student individual

- |                                     |         |
|-------------------------------------|---------|
| - Fee for screening assessment..... | \$71.00 |
|-------------------------------------|---------|

This notice will come into operation on 1 July 2025.

Dated: 26 June 2025

HON NAT COOK MP  
Minister for Human Services

## DISABILITY INCLUSION ACT 2018

South Australia

# Disability Inclusion (NDIS Worker Check) (Fees) Notice 2025

under the *Disability Inclusion Act 2018*

## 1—Short title

This notice may be cited as the *Disability Inclusion (NDIS Worker Check) (Fees) Notice 2025*.

**Note—**

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

## 2—Commencement

This notice has effect on 1 July 2025.

## 3—Interpretation

In this notice—

*Act* means the *Disability Inclusion Act 2018*.

## 4—Fees

- (1) For the purposes of the Act, the fees set out in Schedule 1 are prescribed.
- (2) The Minister or the Registrar may waive or remit the whole or any part of a fee payable under the Act.

## Schedule 1—Fees

Application for NDIS worker check clearance (volunteer)	No fee
Application for NDIS worker check clearance (tertiary student)	\$71.00
Application for NDIS worker check clearance (other)	\$140.00
Fee payable where volunteer undertakes paid employment where the clearance will remain in force for 12 months or less	\$28.00
Fee payable where volunteer undertakes paid employment where the clearance will remain in force for more than 12 months but not more than 2 years	\$56.00
Fee payable where volunteer undertakes paid employment where the clearance will remain in force for more than 2 years but not more than 3 years	\$84.00
Fee payable where volunteer undertakes paid employment where the clearance will remain in force for more than 3 years but not more than 4 years	\$112.00
Fee payable where volunteer undertakes paid employment where the clearance will remain in force for more than 4 years but not more than 5 years	\$140.00

**Made by the Minister for Human Services**

On 24 June 2025

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## 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:

Lameroo Regional Community School  
Lock Area School  
Meningie Area School  
Millicent High School  
Minlaton District School  
Morialta Secondary College  
Oakbank School  
Ocean View P-12 College  
Orroroo Area School  
Peterborough High 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:

## LAMEROO REGIONAL COMMUNITY SCHOOL GOVERNING COUNCIL INCORPORATED

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

### 1. Name

The name of the council is Lamerook Regional 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 Lamerook Regional 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 Lamerloo Regional Community School Governing Council must comprise 12 council members including:
- 1 Principal of the school (*ex-officio*)
  - 7 Elected parent members
  - 1 Staff member nominated by the staff of the school (as per ratio in the administrative instructions)
  - 2 Student representatives nominated by SRC or the students of the school
  - 1 Affiliated committee members nominated from Lamerloo Regional Community School Parent Club

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

## 8. Term of Office

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

## 9. Office Holders and Executive Committee

- 9.1 *Appointment*
  - 9.1.1 The office holders of the council are the chairperson, deputy chairperson, secretary and treasurer who must be elected by the council from amongst its council members within one month of the Annual General Meeting.
  - 9.1.2 The chairperson must not be a member of the staff of the school, a person employed in an administrative unit for which the Minister is responsible.
  - 9.1.3 The treasurer must not be a member of the staff of the school.
  - 9.1.4 The council may appoint an executive committee comprising the office holders and the principal, which is to
    - (i) meet to carry out business delegated or referred by the council; and
    - (ii) report to subsequent council meetings.
- 9.2 *Removal from Office*
  - 9.2.1 The position of any office holder absent for three consecutive executive committee meetings without leave of absence automatically becomes vacant. Acceptance of an apology at the executive committee meeting will be deemed a grant of such leave.
  - 9.2.2 An office holder of the council may be removed from office, but not from membership of the council, by special resolution of the council, provided that:
    - (i) at least 14 days written notice is given to all council members and to the office holder concerned of any proposed resolution, giving reasons for the proposed removal;
    - (ii) the office holder is given the right to be heard at the council meeting;
    - (iii) voting on the special resolution is by secret ballot.
- 9.3 *The Chairperson*
  - 9.3.1 The chairperson must:
    - (i) call and preside at the meetings of the council and the executive committee;
    - (ii) in consultation with the principal and secretary, prepare the agenda for all council meetings;
    - (iii) include on the agenda any item requested by the principal;
    - (iv) facilitate full and balanced participation in meetings by all council members and decide on the manner in which meetings are conducted and matters of order;
    - (v) report at the Annual General Meeting on the proceedings and operations of the council for the period since the date of the previous Annual General Meeting.
  - 9.3.2 The chairperson must act as spokesperson on behalf of the council unless an alternative spokesperson has been appointed by the council. The spokesperson may only comment on council matters.

- 9.3.3 In the chairperson's absence or inability to act, the deputy chairperson must undertake any role or function normally fulfilled by the chairperson.
- 9.3.4 If the chairperson and deputy chairperson of the council are absent or unable to preside at a meeting, a council member elected by the council must preside.

#### 9.4 *The Secretary*

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

#### 9.5 *The Treasurer*

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

### 10. Vacancies

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

### 11. Meetings

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

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



- 11.1.6 A general meeting must be held to elect council members, to discuss the finances of the council or for any other reason relating to the affairs or functions of the council:
- (i) at the request of the Chief Executive;
  - (ii) by the resolution of the council;
  - (iii) at the request of 20 parents or one half of the parents of the school, whichever is less.

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

**11.2 Council Meetings**

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

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

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

**11.3 Extraordinary Council Meetings**

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

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

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

**11.4 Voting**

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

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

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

**12. Proceedings of the Council**

**12.1 Meetings**

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

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

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

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

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

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

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

**12.2 Conflict of Interest**

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

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

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

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

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

**13. Election of Council Members**

**13.1 Eligibility for Nomination for Election**

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

**13.2 Eligibility to Vote**

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

**13.3 *Conduct of elections for Parent Council Members***

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

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

**13.4 *Notice of Election***

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

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

13.4.3 The notice must:

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

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

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

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

**13.5 *Election without Ballot***

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

**13.6 *Contested Elections***

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

13.6.2 A contested election must be conducted by secret ballot.

**13.7 *Scrutineers***

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

**13.8 *Declaration of Election***

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

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

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

**13.9 *Further Nomination for Unfilled Positions***

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

**13.10 *Nomination and Appointment of Council Members***

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

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

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

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

**14. Minutes**

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

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

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

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

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

### 15.2 *Terms of Reference*

The council must specify terms of reference for its committees.

### 15.3 *Finance Advisory Committee*

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

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

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

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

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

## 16. **Finance and Accounts**

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

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

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

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

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

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

## 17. **Audit**

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

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

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

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

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

18.2 At that meeting:

18.2.1 the chairperson must report on:

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

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

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

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

## 19. **The Common Seal**

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

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

## 20. **Records**

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

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

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

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

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

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

## 22. **Code of Practice**

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

**23. Dispute Resolution**

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

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

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

**25. Dissolution**

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

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

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

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**LOCK 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 Lock 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 Lock 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 Lock Area School Governing Council must comprise 12 council members including:

- 1 Principal of the school (*ex-officio*)
- 9 Elected parent members (including preschool parents)
- 2 Student representatives nominated by SRC or the students of the school

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

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

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

## 8. Term of Office

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

## 9. Office Holders and Executive Committee

### 9.1 Appointment

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

### 9.2 Removal from Office

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

### 9.3 The Chairperson

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

### 9.4 The Secretary

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

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

9.5 *The Treasurer*

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

**10. Vacancies**

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

**11. Meetings**

11.1 *General Meetings of the School Community*

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



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

11.2 *Council Meetings*

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

11.3 *Extraordinary Council Meetings*

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

11.4 *Voting*

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

**12. Proceedings of the Council**

12.1 *Meetings*

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

12.2 *Conflict of Interest*

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

**13. Election of Council Members**

13.1 *Eligibility for Nomination for Election*

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

13.2 *Eligibility to Vote*

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

13.3 *Conduct of Elections for Parent Council Members*

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

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

#### 13.4 *Notice of Election*

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

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

13.4.3 The notice must:

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

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

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

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

#### 13.5 *Election without Ballot*

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

#### 13.6 *Contested Elections*

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

13.6.2 A contested election must be conducted by secret ballot.

#### 13.7 *Scrutineers*

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

#### 13.8 *Declaration of Election*

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

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

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

#### 13.9 *Further Nomination for Unfilled Positions*

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

#### 13.10 *Nomination and Appointment of Council Members*

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

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

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

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

### 14. Minutes

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

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

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

### 15. Subcommittees

#### 15.1 *Committees*

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

#### 15.2 *Terms of Reference*

The council must specify terms of reference for its committees.

**15.3 Finance Advisory Committee**

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

**16. Finance and Accounts**

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

**17. Audit**

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

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

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

**19. The Common Seal**

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

**20. Records**

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

**21. Amendment of the Constitution**

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

**22. Code of Practice**

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

**23. Dispute Resolution**

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

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

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

**25. Dissolution**

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

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

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

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**MENINGIE 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 Meningie 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 Meningie 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 Meningie Area School Governing Council must comprise 15 council members including:

- 1 Principal of the school (*ex-officio*)
- 9 Elected parent members
- 1 Staff members nominated by the staff of the school (as per ratio in the administrative instructions).
- 1 Community member appointed by the council
- 1 Member nominated from the Aboriginal Education Team or an Aboriginal parent
- 2 Student representatives nominated by SRC or the students of the school

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

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

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

## 8. Term of Office

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

## 9. Office Holders and Executive Committee

### 9.1 Appointment

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

### 9.2 Removal from Office

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

### 9.3 The Chairperson

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

### 9.4 The Secretary

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

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

9.5 *The Treasurer*

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

**10. Vacancies**

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

**11. Meetings**

11.1 *General Meetings of the School Community*

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



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

11.2 *Council Meetings*

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

11.3 *Extraordinary Council Meetings*

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

11.4 *Voting*

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

**12. Proceedings of the Council**

12.1 *Meetings*

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

12.2 *Conflict of Interest*

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

**13. Election of Council Members**

13.1 *Eligibility for Nomination for Election*

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

13.2 *Eligibility to Vote*

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

13.3 *Conduct of Elections for Parent Council Members*

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

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

**13.4 Notice of Election**

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

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

13.4.3 The notice must:

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

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

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

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

**13.5 Election without Ballot**

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

**13.6 Contested Elections**

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

13.6.2 A contested election must be conducted by secret ballot.

**13.7 Scrutineers**

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

**13.8 Declaration of Election**

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

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

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

**13.9 Further Nomination for Unfilled Positions**

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

**13.10 Nomination and Appointment of Council Members**

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

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

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

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

**14. Minutes**

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

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

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

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

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

**15.2 Terms of Reference**

The council must specify terms of reference for its committees.

**15.3 Finance Advisory Committee**

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

**16. Finance and Accounts**

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

**17. Audit**

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

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

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

**19. The Common Seal**

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

**20. Records**

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

**21. Amendment of the Constitution**

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

**22. Code of Practice**

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

**23. Dispute Resolution**

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

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

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

**25. Dissolution**

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

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

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

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**MILLICENT HIGH 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 Millicent 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 Millicent 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 Millicent High School Governing Council must comprise 14 council members including:
  - 1 Principal of the school (*ex-officio*)
  - 9 Elected parent members
  - 2 Staff members nominated by the staff of the school (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.

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**MINLATON DISTRICT 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 Minlaton District 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 Minlaton District 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 Minlaton District School Governing Council must comprise 15 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 Student representatives nominated by SRC or the students of the school

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

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

7.4 In considering any nominations to the council by a nominating body or direct appointments by the council, the council must observe the requirements of 7.3.

- 7.5 A person is not eligible for election, appointment or nomination to the council, if the person:
- 7.5.1 is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors;
  - 7.5.2 has been convicted of any offence prescribed by administrative instruction;
  - 7.5.3 is subject to any other disqualifying circumstances a prescribed by administrative instruction.

## 8. Term of Office

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

## 9. Office Holders and Executive Committee

### 9.1 Appointment

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

### 9.2 Removal from Office

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

### 9.3 The Chairperson

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

### 9.4 The Secretary

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

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

9.5 *The Treasurer*

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

**10. Vacancies**

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

**11. Meetings**

11.1 *General Meetings of the School Community*

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



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

**11.2 Council Meetings**

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

**11.3 Extraordinary Council Meetings**

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

**11.4 Voting**

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

**12. Proceedings of the Council**

**12.1 Meetings**

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

**12.2 Conflict of Interest**

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

**13. Election of Council Members**

**13.1 Eligibility for Nomination for Election**

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

**13.2 Eligibility to Vote**

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

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

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

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

**13.4 Notice of Election**

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

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

13.4.3 The notice must:

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

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

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

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

**13.5 Election without Ballot**

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

**13.6 Contested Elections**

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

13.6.2 A contested election must be conducted by secret ballot.

**13.7 Scrutineers**

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

**13.8 Declaration of Election**

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

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

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

**13.9 Further Nomination for Unfilled Positions**

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

**13.10 Nomination and Appointment of Council Members**

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

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

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

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

**14. Minutes**

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

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

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

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

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

**15.2 Terms of Reference**

The council must specify terms of reference for its committees.

**15.3 Finance Advisory Committee**

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

**16. Finance and Accounts**

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

**17. Audit**

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

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

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

**19. The Common Seal**

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

**20. Records**

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

**21. Amendment of the Constitution**

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

**22. Code of Practice**

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

**23. Dispute Resolution**

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

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

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

**25. Dissolution**

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

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

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

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**MORIALTA SECONDARY COLLEGE 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 Morialta Secondary College Governing Council Incorporated.

**2. Interpretation**

In this constitution, unless the contrary intention appears:

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

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

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

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

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

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

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

‘*governing council*’ means the Morialta Secondary College Governing Council established under Section 34 of the Act.

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

‘*department*’ means the Department for Education.

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

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

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

‘*majority*’ means more than half the total number.

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

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

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

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

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

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

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

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

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

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

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

**3. Object**

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

**4. Powers of the Governing Council**

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

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

- 4.1.2 enter into contracts

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

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

## 5. Functions of the Council

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

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

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

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

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

5.4 The council may raise money for school related purposes.

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

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

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

## 6. Functions of the Principal on Council

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

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

6.2 The principal must also:

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

## 7. Membership

7.1 The Morialta Secondary College Governing Council must comprise 13 council members including:

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

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

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

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

## 8. Term of Office

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

## 9. Office Holders and Executive Committee

### 9.1 Appointment

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

### 9.2 Removal from Office

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

### 9.3 The Chairperson

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

### 9.4 The Secretary

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

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

9.5 *The Treasurer*

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

**10. Vacancies**

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

**11. Meetings**

11.1 *General Meetings of the School Community*

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



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

**11.2 Council Meetings**

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

**11.3 Extraordinary Council Meetings**

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

**11.4 Voting**

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

**12. Proceedings of the Council**

**12.1 Meetings**

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

**12.2 Conflict of Interest**

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

**13. Election of Council Members**

**13.1 Eligibility for Nomination for Election**

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

**13.2 Eligibility to Vote**

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

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

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

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

**13.4 Notice of Election**

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

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

13.4.3 The notice must:

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

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

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

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

**13.5 Election without Ballot**

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

**13.6 Contested Elections**

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

13.6.2 A contested election must be conducted by secret ballot.

**13.7 Scrutineers**

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

**13.8 Declaration of Election**

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

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

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

**13.9 Further Nomination for Unfilled Positions**

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

**13.10 Nomination and Appointment of Council Members**

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

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

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

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

**14. Minutes**

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

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

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

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

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

**15.2 Terms of Reference**

The council must specify terms of reference for its committees.

**15.3 Finance Advisory Committee**

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

**16. Finance and Accounts**

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

**17. Audit**

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

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

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

**19. The Common Seal**

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

**20. Records**

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

**21. Amendment of the Constitution**

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

**22. Code of Practice**

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

**23. Dispute Resolution**

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

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

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

#### **25. Dissolution**

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

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

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

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### OAKBANK 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 Oakbank 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 Oakbank 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 Oakbank 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
- 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 as prescribed by administrative instruction.

## 8. Term of Office

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

## 9. Office Holders and Executive Committee

### 9.1 Appointment

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

### 9.2 Removal from Office

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

### 9.3 The Chairperson

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

#### 9.4 *The Secretary*

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

#### 9.5 *The Treasurer*

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

### 10. Vacancies

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

### 11. Meetings

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

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



(iii) at the request of 20 parents or one half of the parents of the school, whichever is less.

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

#### 11.2 *Council Meetings*

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

#### 11.3 *Extraordinary Council Meetings*

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

#### 11.4 *Voting*

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

### 12. **Proceedings of the Council**

#### 12.1 *Meetings*

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

#### 12.2 *Conflict of Interest*

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

### 13. **Election of Council Members**

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

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

#### 13.2 *Eligibility to Vote*

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

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

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

- (i) an election at a general meeting of the school community;

- (ii) a postal ballot of the parents of the school.

#### 13.4 *Notice of Election*

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

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

13.4.3 The notice must:

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

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

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

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

#### 13.5 *Election without Ballot*

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

#### 13.6 *Contested Elections*

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

13.6.2 A contested election must be conducted by secret ballot.

#### 13.7 *Scrutineers*

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

#### 13.8 *Declaration of Election*

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

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

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

#### 13.9 *Further Nomination for Unfilled Positions*

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

#### 13.10 *Nomination and Appointment of Council Members*

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

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

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

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

### 14. *Minutes*

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

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

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

### 15. *Subcommittees*

#### 15.1 *Committees*

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

#### 15.2 *Terms of Reference*

The council must specify terms of reference for its committees.

**15.3 Finance Advisory Committee**

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

**16. Finance and Accounts**

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

**17. Audit**

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

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

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

**19. The Common Seal**

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

**20. Records**

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

**21. Amendment of the Constitution**

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

**22. Code of Practice**

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

**23. Dispute Resolution**

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

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

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

**25. Dissolution**

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

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

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

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OCEAN VIEW COLLEGE P-12 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 Ocean View P-12 College Governing Council Incorporated.

**2. Interpretation**

In this constitution, unless the contrary intention appears:

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

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

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

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

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

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

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

‘governing council’ means the Ocean View P-12 College Governing Council established under Section 34 of the Act.

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

‘department’ means the Department for Education.

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

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

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

‘majority’ means more than half the total number.

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

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

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

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

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

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

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

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

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

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

**3. Object**

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

**4. Powers of the Governing Council**

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

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

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

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

## 5. Functions of the Council

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

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

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

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

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

5.4 The council may raise money for school related purposes.

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

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

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

## 6. Functions of the Principal on Council

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

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

6.2 The principal must also:

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

## 7 Membership

7.1 The Ocean View P-12 College Governing Council must comprise 17 council members including:

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

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

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

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

## 8. Term of Office

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

## 9. Office Holders and Executive Committee

### 9.1 Appointment

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

### 9.2 Removal from Office

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

### 9.3 The Chairperson

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

### 9.4 The Secretary

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

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

9.5 *The Treasurer*

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

**10. Vacancies**

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

**11. Meetings**

11.1 *General Meetings of the School Community*

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



### 11.2 *Council Meetings*

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

### 11.3 *Extraordinary Council Meetings*

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

### 11.4 *Voting*

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

## 12. **Proceedings of the Council**

### 12.1 *Meetings*

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

### 12.2 *Conflict of Interest*

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

## 13. **Election of Council Members**

### 13.1 *Eligibility for Nomination for Election*

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

### 13.2 *Eligibility to Vote*

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

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

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

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

### 13.4 *Notice of Election*

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

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

13.4.3 The notice must:

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

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

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

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

#### 13.5 *Election without Ballot*

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

#### 13.6 *Contested Elections*

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

13.6.2 A contested election must be conducted by secret ballot.

#### 13.7 *Scrutineers*

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

#### 13.8 *Declaration of Election*

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

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

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

#### 13.9 *Further Nomination for Unfilled Positions*

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

#### 13.10 *Nomination and Appointment of Council Members*

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

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

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

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

### 14. Minutes

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

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

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

### 15. Subcommittees

#### 15.1 *Committees*

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

#### 15.2 *Terms of Reference*

The council must specify terms of reference for its committees.

**15.3 Finance Advisory Committee**

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

**16. Finance and Accounts**

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

**17. Audit**

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

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

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

**19. The Common Seal**

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

**20. Records**

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

**21. Amendment of the Constitution**

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

**22. Code of Practice**

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

**23. Dispute Resolution**

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

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

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

**25. Dissolution**

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

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

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

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**ORROROO 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 Orroroo 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 Orroroo 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 Orroroo Area School Governing Council must comprise 14 council members including:

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

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

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

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

## 8. Term Of Office

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

## 9. Office Holders and Executive Committee

### 9.1 Appointment

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

### 9.2 Removal from Office

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

### 9.3 The Chairperson

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

### 9.4 The Secretary

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

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

## 10. Vacancies

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

## 11. Meetings

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



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

**11.2 Council Meetings**

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

**11.3 Extraordinary Council Meetings**

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

**11.4 Voting**

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

**12. Proceedings of the Council**

**12.1 Meetings**

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

**12.2 Conflict of Interest**

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

**13. Election of Council Members**

**13.1 Eligibility for Nomination for Election**

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

**13.2 Eligibility to Vote**

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

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

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

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

**13.4 Notice of Election**

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

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

13.4.3 The notice must:

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

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

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

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

**13.5 Election without Ballot**

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

**13.6 Contested Elections**

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

13.6.2 A contested election must be conducted by secret ballot.

**13.7 Scrutineers**

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

**13.8 Declaration of Election**

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

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

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

**13.9 Further Nomination for Unfilled Positions**

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

**13.10 Nomination and Appointment of Council Members**

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

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

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

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

**14. Minutes**

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

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

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

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

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

**15.2 Terms of Reference**

The council must specify terms of reference for its committees.

**15.3 Finance Advisory Committee**

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

**16. Finance and Accounts**

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

**17. Audit**

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

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

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

**19. The Common Seal**

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

**20. Records**

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

**21. Amendment of the Constitution**

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

**22. Code of Practice**

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

**23. Dispute Resolution**

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

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

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

**25. Dissolution**

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

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

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

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PETERBOROUGH 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 Peterborough 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 Peterborough 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 Peterborough High School Governing Council must comprise 9 council members including:

- 1 Principal of the school (*ex-officio*)
- 5 Elected parent members
- 1 Community member appointed by the council
- 2 Student representatives nominated by SRC or the students of the school

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

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

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

## 8. Term of Office

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

## 9. Office Holders and Executive Committee

### 9.1 Appointment

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

### 9.2 Removal from Office

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

### 9.3 The Chairperson

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

### 9.4 The Secretary

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

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

## 10. Vacancies

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

## 11. Meetings

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



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

**11.2 Council Meetings**

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

**11.3 Extraordinary Council Meetings**

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

**11.4 Voting**

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

**12. Proceedings of the Council**

**12.1 Meetings**

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

**12.2 Conflict of Interest**

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

**13. Election of Council Members**

**13.1 Eligibility for Nomination for Election**

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

**13.2 Eligibility to Vote**

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

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

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

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

**13.4 Notice of Election**

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

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

13.4.3 The notice must:

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

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

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

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

**13.5 Election without Ballot**

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

**13.6 Contested Elections**

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

13.6.2 A contested election must be conducted by secret ballot.

**13.7 Scrutineers**

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

**13.8 Declaration of Election**

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

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

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

**13.9 Further Nomination for Unfilled Positions**

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

**13.10 Nomination and Appointment of Council Members**

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

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

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

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

**14. Minutes**

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

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

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

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

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

**15.2 Terms of Reference**

The council must specify terms of reference for its committees.

**15.3 Finance Advisory Committee**

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

**16. Finance and Accounts**

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

**17. Audit**

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

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

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

**19. The Common Seal**

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

**20. Records**

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

**21. Amendment of the Constitution**

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

**22. Code of Practice**

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

**23. Dispute Resolution**

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

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

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

**25. Dissolution**

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

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

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

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

Dated: 26 June 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 that the following application for registration as a registered political party under the provisions of Part 6 of the *Electoral Act 1985*, has been received:

Name of Party	United Multicultural Alliance SA
Abbreviation of Party Name	UMA—SA
Name of Applicant	Adriana Christopoulos

Any elector who believes that the application is not in accordance with the *Electoral Act 1985* can formally object in writing to the Electoral Commissioner, Level 6, 60 Light Square, Adelaide SA 5000 by 5pm (ACST) on Monday, 28 July 2025. Objections must contain the postal address and signature of the objector and detail the grounds upon which the objection is made.

Dated: 26 June 2025

MICK SHERRY  
Electoral Commissioner

**ENERGY RESOURCES ACT 2000***Application for the Renewal of Associated Activities Licence—AAL 275*

Pursuant to Section 65(6) of the *Energy Resources Act 2000* (the Act) and Delegation dated 19 August 2024, notice is hereby given that an application for the renewal of Associated Activities Licence (AAL) 275 within the area described below has been received from:

**Beach Energy Limited**

The renewal application will be determined on or after 25 July 2025.

*Description of Renewal Area*

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

All coordinates in GDA94, Zone 54

448439.998mE	6916159.524mN
448431.817mE	6916159.284mN
448425.470mE	6916166.163mN
448383.247mE	6916239.774mN
448333.493mE	6916326.518mN
448284.039mE	6916413.432mN
448236.289mE	6916501.232mN
448194.789mE	6916592.213mN
448153.288mE	6916683.195mN
448111.787mE	6916774.177mN
448061.984mE	6916860.883mN
448012.012mE	6916947.501mN
447962.040mE	6917034.120mN
447953.838mE	6917132.646mN
447951.116mE	6917232.609mN
447948.395mE	6917332.572mN
447945.673mE	6917432.535mN
447942.951mE	6917532.498mN
447940.229mE	6917632.461mN
447937.508mE	6917732.424mN
447934.786mE	6917832.387mN
447932.064mE	6917932.350mN

447929.342mE 6918032.313mN  
 447926.621mE 6918132.276mN  
 447923.899mE 6918232.239mN  
 447921.177mE 6918332.201mN  
 447918.455mE 6918432.164mN  
 447915.734mE 6918532.127mN  
 447913.012mE 6918632.090mN  
 447910.290mE 6918732.053mN  
 447907.568mE 6918832.016mN  
 447904.846mE 6918931.979mN  
 447902.125mE 6919031.942mN  
 447900.253mE 6919131.905mN  
 447903.076mE 6919231.865mN  
 447905.136mE 6919300.293mN  
 447924.921mE 6919300.377mN  
 447925.003mE 6919300.128mN  
 447922.189mE 6919200.168mN  
 447920.273mE 6919100.207mN  
 447922.995mE 6919000.245mN  
 447925.717mE 6918900.282mN  
 447928.439mE 6918800.319mN  
 447931.160mE 6918700.356mN  
 447933.882mE 6918600.393mN  
 447936.604mE 6918500.430mN  
 447939.326mE 6918400.467mN  
 447942.047mE 6918300.504mN  
 447944.769mE 6918200.541mN  
 447947.491mE 6918100.578mN  
 447950.213mE 6918000.615mN  
 447952.935mE 6917900.652mN  
 447955.656mE 6917800.689mN  
 447958.378mE 6917700.726mN  
 447961.100mE 6917600.763mN  
 447963.822mE 6917500.800mN  
 447966.543mE 6917400.837mN  
 447969.265mE 6917300.874mN  
 447971.987mE 6917200.911mN  
 447974.709mE 6917100.948mN  
 448000.489mE 6917007.498mN  
 448050.461mE 6916920.879mN  
 448100.433mE 6916834.260mN  
 448146.736mE 6916745.751mN  
 448188.237mE 6916654.769mN  
 448229.737mE 6916563.787mN  
 448272.958mE 6916473.682mN  
 448322.164mE 6916386.625mN  
 448371.849mE 6916299.842mN  
 448421.604mE 6916213.098mN  
 448445.404mE 6916170.852mN  
 448444.299mE 6916163.532mN  
 448439.998mE 6916159.524mN

AREA: **0.07** square kilometres approximately

Dated: 24 June 2025

LEE KINNEAR  
 General Manager  
 Energy Resources Licensing  
 Regulation and Compliance Division  
 Department for Energy and Mining  
 Delegate of the Minister for Energy and Mining

#### ENERGY RESOURCES ACT 2000

##### *Issue of Gas Storage Exploration Licences—GSELS 804, 805 and 806*

Notice is hereby given that the undermentioned Gas Storage Exploration Licences have been issued with effect from 23 June 2025, under the provisions of the *Energy Resources Act 2000*, pursuant to delegated powers dated 19 August 2024.

Licence Number	Licensees	Locality	Area in km <sup>2</sup>	Reference
GSEL 804	Go Exploration Pty Ltd	Mid-North, South Australia	2,368	MER-2024/0166
GSEL 805			2,389	
GSEL 806			1,558	

*Description of Area**GSEL 804*

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

Commencing at a point being the intersection of latitude 32°20'00"S GDA94 and longitude 138°41'47"E GDA94, thence east to longitude 138°49'00"E GDA94, south to latitude 32°28'00"S GDA94, east to longitude 138°50'44"E GDA94, south to latitude 32°31'33"S GDA94, west to longitude 138°47'58"E GDA94, south to latitude 32°35'52"S GDA94, west to longitude 138°44'50"E GDA94, south to latitude 32°41'40"S GDA94, east to longitude 138°47'19"E GDA94, south to latitude 32°56'17"S GDA94, west to longitude 138°44'23"E GDA94, south to latitude 33°01'35"S GDA94, west to longitude 138°40'25"E GDA94, south to latitude 33°06'27"S GDA94, west to longitude 138°36'09"E GDA94, south to latitude 33°11'51"S GDA94, west to longitude 138°23'55"E GDA94, south to latitude 33°31'41"S GDA94, west to longitude 138°07'30"E GDA94, north to latitude 33°22'30"S GDA94, east to longitude 138°15'00"E GDA94, north to latitude 33°20'15"S GDA94, east to longitude 138°18'03"E GDA94, north to latitude 33°03'41"S GDA94, east to longitude 138°21'13"E GDA94, north to latitude 33°01'27"S GDA94, east to longitude 138°29'28"E GDA94, south to latitude 33°04'15"S GDA94, east to longitude 138°34'53"E GDA94, north to latitude 33°00'15"S GDA94, east to longitude 138°37'21"E GDA94, north to latitude 32°43'42"S GDA94, west to longitude 138°35'25"E GDA94, north to latitude 32°31'21"S GDA94, east to longitude 138°37'49"E GDA94, north to latitude 32°24'02"S GDA94, east to longitude 138°41'47"E GDA94, and north to the point of commencement.

But excluding:

Allotment 4 Deposited Plan 23220

Allotment 15 Deposited Plan 85040

Allotment 13 Deposited Plan 43342

Town Plan 310701—Allotment 1, Allotment 2, Allotment 5, Allotment 20, Allotment 26, Allotment 27, Allotment 29, Allotment 37, Allotment 38, Allotment 39, Allotment 42, Allotment 45, Allotment 46, Allotment 47, Allotment 48

Town Plan 310101—Allotment 2, Allotment 3, Allotment 8, Allotment 9, Allotment 10, Allotment 11, Allotment 12, Allotment 13, Allotment 14, Allotment 15, Allotment 16, Allotment 17, Allotment 18, Allotment 19, Allotment 20, Allotment 21, Allotment 22, Allotment 23, Allotment 24, Allotment 25, Allotment 29, Allotment 30, Allotment 31, Allotment 32, Allotment 33, Allotment 34, Allotment 35, Allotment 36, Allotment 37, Allotment 38, Allotment 39, Allotment 48, Allotment 60, Allotment 61, Allotment 82, Allotment 83, Allotment 90, Allotment 91, Allotment 92, Allotment 93 and Allotment 94

Town Plan 310102—Allotment 23, Allotment 24, Allotment 25, Allotment 26, Allotment 68 and Allotment 69

Hundred of Bendleby S297

Hundred of Yalpara S336, S337 and S340

Hundred of Yongala S468

Hundred of Oladdie S297, S299, S301 and S322

Hundred of Walloway S361, S337, S338, S348, S425, S426, S427, S428, S429 and S500

Hundred of Erskine S282

Hundred of Morgan S191, S194, S195 and S196

Hundred of Mannanarie S104, S133, S143, S149, S150, S227 and S235

Hundred of Booyoolie S409, S427, S428, S446, S447, S448, S449, S450, S460, S462, S464, S465, S466 and S474

Hundred of Black Rock Plain S203, S204, S368, S405, S406, S407, S408, S409, S411 and S412

Hundred of Narridy S273, S416, S441

Hundred of Crystal Brook S249, S796, S797, S820, S821, S829, S830, S835, S836, S837, S838, SCrownland1, SCrownland2

AREA: **2,368** square kilometres approximately.

*GSEL 805*

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

Commencing at a point being the intersection of latitude 33°31'41"S GDA94 and longitude 138°11'01"E GDA94, thence east to longitude 138°23'55"E GDA94, south to latitude 33°34'13"S GDA94, east to longitude 138°25'21"E GDA94, south to latitude 33°39'16"S GDA94, east to longitude 138°27'50"E GDA94, south to latitude 33°51'21"S GDA94, east to longitude 138°30'00"E GDA94, south to latitude 34°15'00"S GDA94, west to an eastern boundary of the Port Wakefield Army Land, then commencing in a north-westerly direction following said Army Land boundary to an eastern boundary of the Upper Gulf St Vincent Marine Park, then beginning north-westerly along the said boundary to a southern boundary of the Clinton Conservation Park, then commencing in an easterly direction along said boundary to longitude 138°05'09"E GDA94, north to latitude 33°59'42"S GDA94, east to longitude 138°07'30"E GDA94, north to latitude 33°52'30"S GDA94, east to longitude 138°11'01"E GDA94, and north to the point of commencement.

But excluding:

Clinton Conservation Park

Allotment 502 Deposited Plan 43321

Town Plan 210202—Allotment 6, Allotment 7, Allotment 8, Allotment 10, Allotment 11, Allotment 12, Allotment 13, Allotment 23, Allotment 39, Allotment 54, Allotment 55, Allotment 56, Allotment 57, Allotment 58, Allotment 59, Allotment 60, Allotment 61, Allotment 62, Allotment 63, Allotment 64, Allotment 73, Allotment 74, Allotment 75, Allotment 76, Allotment 77, Allotment 78, Allotment 85, Allotment 86, Allotment 87, Allotment 88, Allotment 89, Allotment 90, Allotment 91, Allotment 96, Allotment 97, Allotment 98, Allotment 99, Allotment 120, Allotment 121, Allotment 122, Allotment 123, Allotment 125, Allotment 126, Allotment 127, Allotment 131, Allotment 133, Allotment 134, Allotment 135, Allotment 138, Allotment 139, Allotment 142, Allotment 145, Allotment 146, Allotment 147, Allotment 148, Allotment 149 and Allotment 150

Hundred of Redhill S839, S840, S841 and S850

Hundred of Barunga S891

Hundred of Hart S500

Hundred of Cameron S640, S641, S642, S643, S644, S648 and S664

Hundred of Kulpara S543

Hundred of Goyder S368, S393, S575, S647, S648, S658, S655 and S702

Hundred of Inkerman S532

Hundred of Clinton S57, S59, S583, S584, S585, 628 and S629

AREA: **2,389** square kilometres approximately.

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

Commencing at a point being the intersection of latitude 34°15'00"S GDA94 and longitude 138°37'30"E GDA94, thence south to latitude 34°22'30"S GDA94, east to longitude 138°40'00"E GDA94, south to latitude 34°45'00"S GDA94, west to longitude 138°33'30"E GDA94, north to latitude 34°44'00"S GDA94, west to longitude 138°33'00"E GDA94, north to latitude 34°43'30"S GDA94, west to longitude 138°32'00"E GDA94, north to latitude 34°43'00"S GDA94, west to longitude 138°31'00"E GDA94, north to latitude 34°42'00"S GDA94, west to longitude 138°30'00"E GDA94, north to latitude 34°41'00"S GDA94, west to longitude 138°29'00"E GDA94, north to latitude 34°39'30"S GDA94, west to longitude 138°28'00"E GDA94, north to latitude 34°39'00"S GDA94, west to longitude 138°27'30"E GDA94, north to latitude 34°38'30"S GDA94, west to a line being High Water Mark (Highest Astronomical Tide), Gulf St. Vincent, thence generally north-westerly along the said line to an eastern boundary of the Upper Gulf St Vincent Marine Park, then beginning north-easterly along the said boundary to a point being the intersection of latitude 34°25'1.729"S GDA94 and longitude 138°15'3.351"E GDA94, then following the geodesic to a south-western corner of the Port Wakefield Army Land, thence north-easterly along said Army Land to latitude 34°15'00"S GDA94, and east to point of commencement but excluding the area of Edinburgh RAAF Base, St. Kilda Commonwealth Land and Smithfield Army Munitions Store.

But excluding:

Hundred of Port Gawler S806

AREA: **1,558** square kilometres approximately.

Dated: 23 June 2025

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

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#### ESSENTIAL SERVICES COMMISSION ACT 2002

##### *Retailer Energy Productivity Scheme Code*

Notice is hereby given that:

1. Pursuant to Section 28(2) of the *Essential Services Commission Act 2002*, the Essential Services Commission has varied the Retailer Energy Productivity Scheme Code (designated as REPSC/03) to apply to retailers required to comply with the Retailer Energy Productivity Scheme in accordance with the provisions of Part 4 of the *Electricity (General) Regulations 2012* and Part 4 of the *Gas Regulations 2012*. The Retailer Energy Productivity Scheme Code, as varied, will take effect on and from 1 January 2026.
2. Copies of the Retailer Energy Productivity Scheme Code may be inspected or obtained from the Essential Services Commission, Level 1, 151 Pirie Street, Adelaide and are also available at [www.escosa.sa.gov.au](http://www.escosa.sa.gov.au).
3. Queries may be directed to the Essential Services Commission, Level 1, 151 Pirie Street, Adelaide. Telephone (08) 8463 4444, Freecall 1800 633 592 or email [escosa@escosa.sa.gov.au](mailto:escosa@escosa.sa.gov.au).

Execution:

The Retailer Energy Productivity Scheme Code was executed by the Chief Executive Officer of the Essential Services Commission with due authority on 18 June 2025.

Dated: 19 June 2025

A. WILSON  
Chief Executive Officer  
Authorised Signatory  
Essential Services Commission

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#### FIRE AND EMERGENCY SERVICES ACT 2005

South Australia

## Fire and Emergency Services (Fees) Notice 2025 (No.2)

under the *Fire and Emergency Services Act 2005*

### 1—Short title

This notice may be cited as the *Fire and Emergency Services (Fees) Notice 2025(No.2)*.

**Note—**

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

### 2—Commencement

This notice has effect on the day on 1 July 2025.

### 3—Interpretation

In this notice, unless the contrary intention appears—

*Act* means the *Fire and Emergency Services Act 2005*.

### 4—Fees

- (1) The fees set out in Schedule 1 are prescribed for the purposes of the Act and payable to SAMFS.
- (2) The fees set out in Schedule 2 are prescribed for the purposes of the Act and payable to SACFS.

## Schedule 1—Fees—SAMFS

- 1 Fee for fire alarm monitoring—
  - (a) in relation to the primary alarm system \$820.00
 plus
  - (b) in relation to each subsequent alarm input \$333.00 per system
- 2 Fee payable by owner of premises or place for attending in response to a false alarm (with the following classifications of premises or places being determined by SAMFS)—
  - (a) A Class \$1,025.00
  - (b) B Class \$733.00
  - (c) C Class \$524.00
- 3 Fees for fire safety services—
  - (a) new alarm connection fee \$164.00
  - (b) smoke testing—per hour \$176.00
  - (c) on-site inspections—per hour \$176.00
  - (d) plan appraisals/meetings—per hour \$176.00
  - (e) land agent searches—process fee \$57.50
  - (f) land agent—document fee—per page \$5.15
  - (g) fire report copies—per set \$144.00
  - (h) installed fire system test/inspection—
    - (i) per subject matter expert—per hour \$176.00
    - (ii) per building compliance unit—per hour \$176.00
    - (iii) per fire appliance—per hour \$225.00
    - (iv) per station officer—per hour \$89.50
    - (v) per fire-fighter/general hand—per hour \$67.00
- 4 Fee for the emergency response vessel—per hour \$545.00
- 5 Salvage/fire watch—
  - (a) per fire appliance—per hour \$225.00
  - (b) per station officer—per hour \$89.50
  - (c) per fire-fighter—per hour \$67.00
  - (d) equipment hire—per hour \$13.40



- |   |   |            |
|---|---|------------|
| 6 | Meals for fire safety services and salvage/ fire watch will be in accordance with Commissioner's Standard |            |
| 7 | Fees for Fire Investigation Report – per report   | \$1,152.00 |
| 8 | Fees for Rescue Plans – per hour (Minimum 3 hours)  | \$176.00   |

## Schedule 2—Fees—SACFS

- |   |  |                     |
|---|--|---------------------|
| 1 | Fee for fire alarm monitoring—   |                     |
|   | (a) in relation to the primary alarm system  | \$820.00            |
|   | plus   |                     |
|   | (b) in relation to each subsequent alarm input   | \$333.00 per system |
| 2 | Fee payable by owner of premises or place for attending in response to a false alarm (with the following classifications of premises or places being determined by SACFS)— |                     |
|   | (a) A Class (very high risk premises or place)   | \$1,025.00          |
|   | (b) B Class (high risk premises or place)  | \$733.00            |
|   | (c) C Class (significant, medium and low risk premises or place)   | \$524.00            |
| 3 | Fees for fire safety services—   |                     |
|   | (a) new alarm connection fee   | \$164.00            |
|   | (b) smoke testing—per hour   | \$176.00            |
|   | (c) on-site inspections—per hour   | \$176.00            |
|   | (d) plan appraisals/meetings—per hour  | \$176.00            |
|   | (e) fire report copies—per set   | \$144.00            |
|   | (f) installed fire system or hydrant system test/inspection—   |                     |
|   | (i) per subject matter expert—per hour   | \$176.00            |
|   | (ii) per flow test unit—per hour   | \$176.00            |
|   | (iii) per fire appliance—per hour  | \$225.00            |

## Made by the Minister for Emergency Services and Correctional Services

On 18 June 2025

### FISHERIES MANAGEMENT ACT 2007

#### SECTION 79

#### *Take of Yellowtail Kingfish Temporary Yellowtail Kingfish limit—Commercial Marine Scalefish Fishery*

Pursuant to Section 79 of the *Fisheries Management Act 2007*, I Professor Gavin Begg, Executive Director Fisheries and Aquaculture, delegate of the Minister for Primary Industries and Regional Development, hereby declare that it will be unlawful for any person fishing pursuant to a Marine Scalefish Fishery licence issued under the *Fisheries Management Act 2007* to take more than three Yellowtail Kingfish (*Seriola lalandi*) under the licence in any one day from the waters of the State, from 1 July 2025 until 30 June 2026.

For the purpose of this notice:

In any one day—means during the period commencing at midnight and ending at the midnight next following.

Dated: 19 June 2025

PROF GAVIN BEGG  
Executive Director  
Fisheries and Aquaculture  
Delegate of the Minister for Primary Industries and Regions

FISHERIES MANAGEMENT ACT 2007

South Australia

**Fisheries Management (Fishery Licence and Boat and Device Registration Application and Annual Fees) Notice 2025**

under the *Fisheries Management Act 2007*

**1—Short title**

This notice may be cited as the *Fisheries Management (Fishery Licence and Boat and Device Registration Application and Annual Fees) Notice 2025*.

**Note—**

This is a fee notice made in accordance with the *Legislation (Fees) Act 2019* and revokes the *Fisheries Management (Fishery Licence and Boat and Device Registration Application and Annual Fees) Notice 2024* published in the South Australian Government Gazette on 20 June 2024 p. 1845.

**2—Commencement**

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

**3—Interpretation**

In this notice, unless the contrary intention appears—

*Act* means the *Fisheries Management Act 2007*.

**4—Fees**

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

**Schedule 1—Fees**

**Part 1—Commercial fishing—fishery licence application and annual fees**

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

1	For a licence in respect of the Central Zone Abalone Fishery—	
	(a) base fee	\$14,585
	(b) additional fee for each abalone quota unit under the licence	\$583
2	For a licence in respect of the Southern Zone Abalone Fishery—	
	(a) base fee	no fee
	(b) additional fee for each abalone quota unit under the licence	no fee
3	For a licence in respect of the Western Zone Abalone Fishery—	
	(a) base fee	\$12,258
	(b) additional fee for each abalone quota unit under the licence	\$446

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- |   |   |         |
|---|---|---------|
| 4 | For a licence in respect of the Blue Crab Fishery—  |         |
|   | (a) base fee  | \$5,751 |
|   | (b) additional fee for each blue crab quota unit under the licence  | \$28.75 |
| 5 | For a licence in respect of the Charter Boat Fishery—   |         |
|   | (a) base fee where the licence has a boat registered  | \$2,115 |
|   | (b) base fee where the licence has no boat registered   | no fee  |
| 6 | For a licence in respect of the Lakes and Coorong Fishery—  |         |
|   | (a) base fee  | \$4,121 |
|   | (b) additional fee—   |         |
|   | (i) for a gill net entitlement under the licence  | \$2,332 |
|   | (ii) for each gill net to be registered for use under the licence   | \$226   |
|   | (iii) for a pipi quota entitlement under the licence  | \$8,999 |
|   | (iv) for each pipi quota unit under the licence   | \$322   |
|   | (v) for access to the aquatic resources of the Marine Scalefish Fishery   | \$2,013 |
| 7 | For a licence in respect of the Marine Scalefish Fishery—   |         |
|   | (a) base fee  | \$4,776 |
|   | (b) additional fee for each blue crab quota unit under the licence  | \$33.50 |
|   | (c) additional fee for each pipi quota unit under the licence   | \$322   |
|   | (d) additional fee—   |         |
|   | (i) for each garfish quota unit within the Gulf St Vincent Fishing Zones of the Marine Scalefish Fishery under the licence                                    | \$35    |
|   | (ii) for each garfish quota unit within the Spencer Gulf Fishing Zones of the Marine Scalefish Fishery under the licence                                      | \$49.25 |
|   | (iii) for each southern calamari quota unit within the Gulf St Vincent Fishing Zones of the Marine Scalefish Fishery under the licence                        | \$35.50 |
|   | (iv) for each southern calamari quota unit within the Spencer Gulf fishing Zones of the Marine Scalefish Fishery under the licence                            | \$42.50 |
|   | (v) for each king george whiting quota unit within the Gulf St Vincent Fishing Zones of the Marine Scalefish Fishery under the licence                        | \$22.60 |
|   | (vi) for each king george whiting quota unit within the Spencer Gulf Fishing Zones of the Marine Scalefish Fishery under the licence                          | \$54.50 |
|   | (vii) for each snapper quota unit within the South East Fishing Zone of the Marine Scalefish Fishery under the licence  | \$26    |
|   | (viii) for each snapper quota unit within the Spencer Gulf, Gulf St Vincent and/or West Coast Fishing Zones of the Marine Scalefish Fishery under the licence | no fee  |
| 8 | For a licence in respect of the Miscellaneous Fishery with a giant crab quota entitlement—  |         |
|   | (a) base fee  | \$7,422 |
|   | (b) additional fee for each giant crab quota unit under the licence   | \$26.00 |
| 9 | For a licence in respect of the Miscellaneous Fishery without a giant crab quota entitlement—   |         |
|   | (a) base fee—   |         |

(i) if the licence authorises the taking of aquatic resources in the Lake Eyre Basin	no fee
(ii) in any other case	\$7,422
(b) additional fee if the licence authorises the taking of aquatic resources in the Lake Eyre Basin	no fee
(c) additional fee if a prescribed fishing activity (as defined in the <i>Fisheries Management (Vessel Monitoring Scheme) Regulations 2017</i> ) is to be engaged in under the licence	\$1,016
10 For a licence in respect of the Gulf St. Vincent Prawn Fishery	\$49,320
11 For a licence in respect of the Spencer Gulf Prawn Fishery	\$30,256
12 For a licence in respect of the West Coast Prawn Fishery	\$19,764
13 For a licence in respect of the River Fishery	\$200
14 For a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition limiting the holder of the licence to the taking of southern rock lobster, octopus and giant crab and a condition authorising the holder to take, for the purpose of bait only, any aquatic resources of a class (other than octopus or giant crab) prescribed by Schedule 1 of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2017</i> that are incidentally caught in rock lobster pots—	
(a) base fee	\$4,263
(b) additional fee for each rock lobster quota unit under the licence	
(i) for an inner region quota unit	\$20.40
(ii) for an outer region quota unit	\$2
(c) additional fee for each giant crab quota unit under the licence	\$26.00
(d) additional fee if the licence is subject to a condition limiting the number of giant crab that may be taken on each boat trip	\$15.50
15 For a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition limiting the holder to the taking of southern rock lobster, octopus and giant crab and limiting the holder to the taking of aquatic resources of a class (other than octopus or giant crab) prescribed by Schedule 1 of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2017</i> for the purpose of bait only—	
(a) base fee	\$4,763
(b) additional fee for each rock lobster quota unit under the licence	
(i) for an inner region quota unit	\$20.40
(ii) for an outer region quota unit	\$2
(c) additional fee for each giant crab quota unit under the licence	\$26.00
(d) additional fee if the licence is subject to a condition limiting the number of giant crab that may be taken on each boat trip	\$15.50
16 For a licence in respect of the Northern Zone Rock Lobster Fishery not subject to a condition limiting the classes of aquatic resources that may be taken or the purpose for which aquatic resources may be taken—	
(a) base fee	\$6,276
(b) additional fee for each rock lobster quota unit under the licence	
(i) for an inner region quota unit	\$20.40
(ii) for an outer region quota unit	\$2
(c) additional fee for each giant crab quota unit under the licence	\$26.00

- |        |   |         |
|--------|---|---------|
| (d)    | additional fee if the licence is subject to a condition limiting the number of giant crab that may be taken on each boat trip                       | \$15.50 |
| (e)    | additional fee for access to Marine Scalefish Fishery—  |         |
| (i)    | for each garfish quota unit within the Gulf St Vincent Fishing Zones of the Marine Scalefish Fishery under the licence                              | \$35    |
| (ii)   | for each garfish quota unit within the Spencer Gulf Fishing Zones of the Marine Scalefish Fishery under the licence                                 | \$49.25 |
| (iii)  | for each southern calamari quota unit within the Gulf St Vincent Fishing Zones of the Marine Scalefish Fishery under the licence                    | \$35.50 |
| (iv)   | for each southern calamari quota unit within the Spencer Gulf Fishing Zones of the Marine Scalefish Fishery under the licence                       | \$42.50 |
| (v)    | for a King George whiting quota unit within Gulf St Vincent Fishing Zones of the Marine Scalefish Fishery under the licence                         | \$22.60 |
| (vi)   | for a King George whiting quota unit within the Spencer Gulf Fishing Zones of the Marine Scalefish Fishery under the licence                        | \$54.50 |
| (vii)  | for a snapper quota unit within the South East Fishing Zone of the Marine Scalefish Fishery under the licence                                       | \$26    |
| (viii) | for a snapper quota unit within the Spencer Gulf, Gulf St Vincent and/or West Coast Fishing Zones of the Marine Scalefish Fishery under the licence | no fee  |
- 17 For a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition limiting the holder of the licence to the taking of southern rock lobster, octopus and giant crab and a condition authorising the holder to take, for the purpose of bait only, any aquatic resources of a class (other than octopus or giant crab) prescribed by Schedule 1 of the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017* that are incidentally caught in rock lobster pots—
- |     |   |         |
|-----|---|---------|
| (a) | base fee  | \$8,270 |
| (b) | additional fee for each rock lobster pot entitlement under the licence  | \$191   |
| (c) | additional fee for each giant crab quota unit under the licence   | \$26.00 |
| (d) | additional fee if the licence is subject to a condition limiting the number of giant crab that may be taken on each boat trip | \$15.50 |
- 18 For a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition limiting the holder to the taking of southern rock lobster, octopus and giant crab and limiting the holder to the taking of aquatic resources of a class (other than octopus or giant crab) prescribed by Schedule 1 of the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017* for the purpose of bait only—
- |     |   |         |
|-----|---|---------|
| (a) | base fee  | \$8,770 |
| (b) | additional fee for each rock lobster pot entitlement under the licence  | \$191   |
| (c) | additional fee for each giant crab quota unit under the licence   | \$26.00 |
| (d) | additional fee if the licence is subject to a condition limiting the number of giant crab that may be taken on each boat trip | \$15.50 |
- 19 For a licence in respect of the Southern Zone Rock Lobster Fishery not subject to a condition limiting the classes of aquatic resources that may be taken or the purpose for which aquatic resources may be taken—
- |     |  |          |
|-----|--|----------|
| (a) | base fee   | \$10,283 |
| (b) | additional fee for each rock lobster pot entitlement under the licence | \$191    |

(c)	additional fee for each giant crab quota unit under the licence	\$26.00
(d)	additional fee if the licence is subject to a condition limiting the number of giant crab that may be taken on each boat trip	\$15.50
(f)	additional fee for access to Marine Scalefish Fishery—	
(i)	for each garfish quota unit within the Gulf St Vincent Fishing Zones of the Marine Scalefish Fishery under the licence	\$35
(ii)	for each garfish quota unit within the Spencer Gulf Fishing Zones of the Marine Scalefish Fishery under the licence	\$49.25
(iii)	for each southern calamari quota unit within Gulf St Vincent Fishing Zones of the Marine Scalefish Fishery under the licence	\$35.50
(iv)	for each southern calamari quota unit within the Spencer Gulf Fishing Zones of the Marine Scalefish Fishery under the licence	\$42.50
(v)	for each King George whiting quota unit within the Gulf St Vincent Fishing Zones of the Marine Scalefish Fishery under the licence	\$22.60
(vi)	for each King George whiting quota unit within the Spencer Gulf Fishing Zones of the Marine Scalefish Fishery under the licence	\$54.50
(vii)	for each snapper quota unit within the South East Fishing Zone of the Marine Scalefish Fishery under the licence	\$26
(viii)	for each snapper quota unit within the Spencer Gulf, Gulf St Vincent and/or West Coast Fishing Zones of the Marine Scalefish Fishery under the licence	no fee
20	For a licence authorising the take of Vongole—	
(a)	base fee	\$3,511
(b)	additional fee for each vongole quota unit under the licence—	
(i)	for each vongole quota unit for the Coffin Bay vongole fishing zone	\$94.50
(ii)	for each vongole quota unit for the Port River vongole fishing zone	no fee
(iii)	for each vongole quota unit for the West Coast vongole fishing zone	\$48.75
21	For a licence authorising the take of Sardine—	
(a)	base fee	\$9,379
(b)	addition fee for each sardine quota unit under the licence—	\$40.25

## Part 2—Commercial fishing—boat and device registration fees

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

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

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

7	For registration of a boat under a licence in respect of the Charter Boat Fishery—	
---	--	--

- |  |         |
|--|---------|
| (a) if the certificate of survey in force in respect of the boat specifies that the boat may carry up to unberthed 6 passengers      | \$529   |
| (b) if the certificate of survey in force in respect of the boat specifies that the boat may carry up to unberthed 12 passengers     | \$1,057 |
| (c) if the certificate of survey in force in respect of the boat specifies that the boat may carry more than unberthed 12 passengers | \$2,115 |

## Schedule 2—Transitional and saving provisions

### 1—Transitional and saving provisions

- (1) The licence and registration application fees prescribed by Schedule 1 of this notice apply where a licence or registration is to take effect on or after 1 July 2025.
- (2) The licence and registration annual fees prescribed by Schedule 1 of this notice, apply in respect of the period of 12 months commencing on 1 July 2025.
- (3) Despite the fees prescribed by Schedule 1 of this notice—
  - (a) the licence and registration application fees prescribed by Schedule 1 Part 1 and 2 of the *Fisheries Management (Fishery Licence and Boat and Device Registration Application and Annual Fees) Notice 2024*, as in force immediately before this notice has effect, continue to apply where a licence or registration is to take effect before 1 July 2025.
  - (b) the licence and registration annual fees prescribed by Schedule 1 Part 1 and 2 of the *Fisheries Management (Fishery Licence and Boat and Device Registration Application and Annual Fees) Notice 2024*, as in force immediately before this notice has effect, continue to apply in respect of the period of 12 months that commenced on 1 July 2025.

### Made by the Minister for Primary Industries and Regional Development

On 24 June 2025

#### HEALTH CARE ACT 2008

#### SCHEDULE 3, SECTION 5A

#### *Notice by the Minister—Requirement to Publish*

Take note that I, Chris Picton, Minister for Health and Wellbeing, pursuant to Schedule 3, Section 5A of the *Health Care Act 2008*, is pleased to announce the appointment of new members to the following Local Health Network Governing Board for the terms indicated as per this Notice:

Melanie Amanda Considine, Eyre and Far North Local Health Network, commencing 1 July 2025 and expiring 30 June 2028;  
 Trevor James Smith, Eyre and Far North Local Health Network, commencing 1 July 2025 and expiring 30 June 2028;  
 Ian Hugh Stone, Southern Adelaide Local Health Network, commencing 1 July 2025 and expiring 30 June 2028;  
 Christina (Tina) Louise Cooper, Yorke and Northern Local Health Network, commencing 1 July 2025 and expiring 30 June 2027;  
 Carol Patricia Davy, Yorke and Northern Local Health Network, commencing 1 July 2025 and expiring 30 June 2027;  
 Alicia Jane Tsogas, Women and Children's Local Health Network, commencing 1 July 2025 and expiring 30 June 2028.

Take note that I, Chris Picton, Minister for Health and Wellbeing, pursuant to Schedule 3, Section 5A of the *Health Care Act 2008*, is pleased to announce the reappointment of members to the following Local Health Network Governing for the terms indicated as per this Notice:

Greg Russell, Barossa Hills Fleurieu Local Health Network, commencing 1 July 2025 and expiring 30 June 2027;  
 Helena Maria Williams, Deputy Chair, Barossa Hills Fleurieu Local Health Network, commencing 1 July 2025 and expiring 30 June 2028;  
 James (Jim) Thomas Hazel, Chair, Barossa Hills Fleurieu Local Health Network, commencing 1 July 2025 and expiring 30 June 2028;  
 Prudence Jane Blackwell, Barossa Hills Fleurieu Local Health Network, commencing 1 July 2025 and expiring 30 June 2026;  
 James (Jamie) Devron Siviour, Eyre and Far North Local Health Network, commencing 1 July 2025 and expiring 30 June 2028;  
 Cassandra (Kate) Christine Warren, Flinders and Upper North Local Health Network, commencing 1 July 2025 and expiring 30 June 2028;  
 Shamus Jeremy Cogan-Briater, Flinders and Upper North Local Health Network, commencing 1 July 2025 and expiring 30 June 2028;  
 Rohan Ward, Flinders and Upper North Local Health Network, commencing 1 July 2025 and expiring 30 June 2028;  
 Carrie-Anne McKenzie, Limestone Coast Local Health Network, commencing 1 July 2025 and expiring 30 June 2028;  
 John Irving, Limestone Coast Local Health Network, commencing 1 July 2025 and expiring 30 June 2028;  
 Carolyn Lee Roseler, Northern Adelaide Local Health Network, commencing 1 July 2025 and expiring 30 June 2028;  
 Francis (Frank) Henry Lampard, Northern Adelaide Local Health Network, commencing 1 July 2025 and expiring 30 June 2028;

Elaine Joy Ashworth, Chair, Riverland Mallee Coorong LHN Governing Board, expiring 30 June 2028  
 Fred Toogood, Riverland Mallee Coorong Local Health Network, commencing 1 July 2025 and expiring 30 June 2028;  
 Julie Ann Mitchell, Southern Adelaide Local Health Network, commencing 1 July 2025 and expiring 30 June 2028;  
 Christine Dennis, Chair, Women's and Children's Local Health Network, commencing 1 July 2025 and expiring 30 June 2028;  
 John Francis Voumard, Chair, Yorke and Northern Local Health Network, commencing 1 July 2025 and expiring 30 June 2028;  
 Glenise Maxine Coulthard, Yorke and Northern LHN, commencing 1 July 2025 and expiring 30 June 2028.

Take note that I, Chris Picton, Minister for Health and Wellbeing, pursuant to Schedule 3, Section 5A of the *Health Care Act 2008*, is pleased to announce the appointment of existing members of the following Local Health Network Governing to the positions and terms indicated as per this Notice:

Andrew David Saies, Limestone Coast Local Health Network, commencing 1 July 2025 and expiring 30 June 2027;  
 Eric Andrew Davis, Deputy Chair, Women and Children's Local Health Network, commencing 1 July 2025 and expiring 30 June 2027.

Dated: 24 June 2025

CHRIS PICTON MP  
 Minister for Health and Wellbeing

## 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
125 Gerald Roberts Road, Seppeltsfield SA 5355	Allotment 3 Filed Plan 17927 Hundred of Nuriootpa	CT6214/909	\$0.00

Dated: 26 June 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
Unit 14/9 Brian Street, Salisbury SA 5108	Strata plan 2166 Hundred Munno Para	CT5040/681
98 Horsnells Gully Road, Horsnell Gully SA 5141 (AKA 2 Haven Road)	QP 8 & 9 Filed Plan 130671 Hundred of Adelaide	CT5258/250
21 Horsnells Gully Road, Horsnell Gully SA 5141 (AKA Lot 2, Horsnell Gully Road, Skye)	Allotment 26 Filed Plan 130080 Hundred of Adelaide	CT5761/579
325 Sir Donald Bradman Drive, Brooklyn Park SA 5032 (AKA 325 Burbridge Drive)	Allotment 11 Deposited Plan 4513 Hundred of Adelaide	CT5694/709

Dated: 26 June 2025

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

## JUSTICES OF THE PEACE ACT 2005

### SECTION 4

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

I, Brett Humphrey, Commissioner for Consumer Affairs, delegate of the Attorney-General, pursuant to Section 4 of the *Justices of the Peace Act 2005*, do hereby appoint the people listed as Justices of the Peace for South Australia as set out below. It being a condition of appointment that the Justices of the Peace must take the oaths required of a justice under the *Oaths Act 1936* and return the oaths of office form to Justice of the Peace Services within three months after the date of appointment:

For a period of ten years for a term commencing on 7 July 2025 and expiring on 6 July 2035:

Charlie Alexander SEAGRIM  
 Assunta Antonietta SACCA  
 Kelly Ann RICHARDSON  
 Peter John HYER  
 Jacqueline D'Arne HUTCHINGS



Ella HEWITT  
Qibo FANG  
Leela Sophia COTTON KENNY  
Julie Elaine CLIFFORD  
No Given Name CING SAWH LUN  
Walter Heinz Bertold BREUNIG  
Mark Alan BICKLEY

Dated: 19 June 2025

BRETT HUMPHREY  
Commissioner for Consumer Affairs  
Delegate of the Attorney-General

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LAND ACQUISITION ACT 1969

SECTION 16

*Form 5—Notice of Acquisition*

**1. Notice of acquisition**

The Minister for Infrastructure and Transport (the Authority), of 83 Pirie Street, Adelaide SA 5000, acquires the following interests in the following land:

First: Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 1 in Deposited Plan 25852 comprised in Certificate of Title Volume 5396 Folio 921, and being the whole of the land identified as Allotment 57 in D136808 lodged in the Lands Titles Office together with a free and unrestricted right of way (within the meaning of Section 89 of the *Real Property Act 1886*) (**Free and Unrestricted Right of Way**) over the whole of Allotment 58 in D136808.

Secondly: Comprising an unencumbered estate in fee simple in that piece of land being the whole of Allotment 4 in Deposited Plan 25852 comprised in Certificate of Title Volume 5837 Folio 91, and being the whole of the land identified as Allotment 56 in D136808 lodged in the Lands Titles Office, together with a Free and Unrestricted Right of Way over the whole of Allotment 59 in D136808.

Thirdly: Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 2 in Deposited Plan 25852 comprised in Certificate of Title Volume 5396 Folio 920, and being the whole of the land identified as Allotment 55 in D136808 lodged in the Lands Titles Office, together with a Free and Unrestricted Right of Way over the whole of Allotment 59 in D136808.

Fourthly: Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 3 in Deposited Plan 25852 comprised in Certificate of Title Volume 5396 Folio 922, and being the whole of the land identified as Allotment 54 in D136808 lodged in the Lands Titles Office, together with a Free and Unrestricted Right of Way over the whole of Allotment 60 in D136808.

Fifthly: Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 5 in Filed Plan 122764 comprised in Certificate of Title Volume 5213 Folio 871, and being the whole of the land identified as Allotment 53 in D136808 lodged in the Lands Titles Office, together with a Free and Unrestricted Right of Way over the whole of Allotment 61 in D136808.

Sixthly: Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 48 in Filed Plan 124042 comprised in Certificate of Title Volume 5249 Folio 101, and being the whole of the land identified as Allotment 51 in D136808 lodged in the Lands Titles Office, together with a Free and Unrestricted Right of Way over the whole of Allotment 62 in D136808.

Seventhly: Comprising an unencumbered estate in fee simple free of any dedication in that piece of land being portion of Allotment (Road) 135 in Deposited Plan 2849 comprised in Certificate of Title Volume 5891 Folio 803 and being the whole of the land identified as Allotment 52 in D136808.

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

**2. Compensation**

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

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

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

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

**3. Inquiries**

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

Dated: 23 June 2025

SIGNED for and on behalf of the MINISTER FOR INFRASTRUCTURE AND TRANSPORT by his duly constituted Attorney  
Pursuant to Power of Attorney No. 14256314, who has not received a notice of the revocation of that Power of Attorney in the presence of:

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

File Reference: 2022/06855/01

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## LANDSCAPE SOUTH AUSTRALIA ACT 2019

*Notice of Levy Payable in 2025-26 by Persons who Occupy Land Outside Council Areas  
in the Eyre Peninsula Landscape Region*

Notice is hereby given pursuant to Section 71 of the *Landscape South Australia Act 2019* ("the Act") that, the annual business plan for the Eyre Peninsula Landscape Board ("Board") having specified an amount to be contributed by persons who occupy land outside council areas in the Eyre Peninsula Landscape Region ("rateable land") toward the costs of the Board performing its functions under the Act in the 2025-26 financial year, the Board has determined and hereby declares a fixed charge levy of \$106.96 payable by persons who occupy any property comprising rateable land.

Dated: 5 June 2025

PETER TRELOAR  
Presiding Member  
Eyre Peninsula Landscape Board

## LANDSCAPE SOUTH AUSTRALIA ACT 2019

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

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

## SCHEDULE 1

Consumptive Pool	Classes	Volume of Water Available for Allocation	Water Access Entitlement	Water Allocation Rate as % of Nominal Maximum Water Allocation Rate of 1 kL/unit share
		kL	unit share	(%)
Metropolitan Adelaide	Class 6	130,000,000	172,900,000	133

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

Dated: 20 June 2025

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

## LANDSCAPE SOUTH AUSTRALIA ACT 2019

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

Pursuant to Section 121(4) of the *Landscape South Australia Act 2019* ("the Act"), I, Sue Hutchings, delegate of the Minister for Climate, Environment and Water and Minister to whom the Act is committed, hereby determine the volume of water available for allocation from each of the Consumptive Pools within the River Murray Prescribed Watercourse to water access entitlement holders for the period 1 July 2025 to 30 June 2026, as set out in Schedule 1 below:

## SCHEDULE 1

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

\*Riverine Recovery Program

This Notice will remain in effect until 30 June 2026, unless varied earlier.

Dated: 20 June 2025

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

## LIQUOR LICENSING ACT 1997

South Australia

# Liquor Licensing (Dry Areas) Notice 2025

under Section 131(1) of the *Liquor Licensing Act 1997*

## 1—Short title

This notice may be cited as the *Liquor Licensing (Dry Areas) Notice 2025*.

## 2—Commencement

This notice comes into operation on 1 July 2025.

## 3—Interpretation

(1) In this notice—

*principal notice* means the *Liquor Licensing (Dry Areas) Notice 2015* published in the Gazette on 5.1.15, as in force from time to time.

(2) Clause 3 of the principal notice applies to this notice as if it were the principal notice.

## 4—Consumption etc of liquor prohibited in dry areas

(1) Pursuant to Section 131 of the Act, the consumption and possession of liquor in the area described in the Schedule is prohibited in accordance with the provisions of the Schedule.

(2) The prohibition has effect during the periods specified in the Schedule.

(3) The prohibition does not extend to private land in the area described in the Schedule.

(4) Unless the contrary intention appears, the prohibition of the possession of liquor in the area does not extend to—

(a) a person who is genuinely passing through the place if—

(i) the liquor is in the original container in which it was purchased from licensed premises; and

(ii) the container has not been opened; or

(b) a person who has possession of the liquor in the course of carrying on a business or in the course of their employment by another person in the course of carrying on a business; or

(c) a person who is permanently or temporarily residing at premises near the public place and who enters the public place solely for the purpose of passing through it to enter those premises or who enters the public place from those premises for the purpose of leaving the place; or

(d) a person who possesses or consumes the liquor for sacramental or other similar religious purposes.

## Schedule—Semaphore Park Area 1

### 1—Extent of prohibition

The consumption of liquor is prohibited and the possession of liquor is prohibited.

### 2—Period of prohibition

Continuous.

### 3—Description of area

The area in Semaphore Park, known as Trust Reserve, bounded as follows:

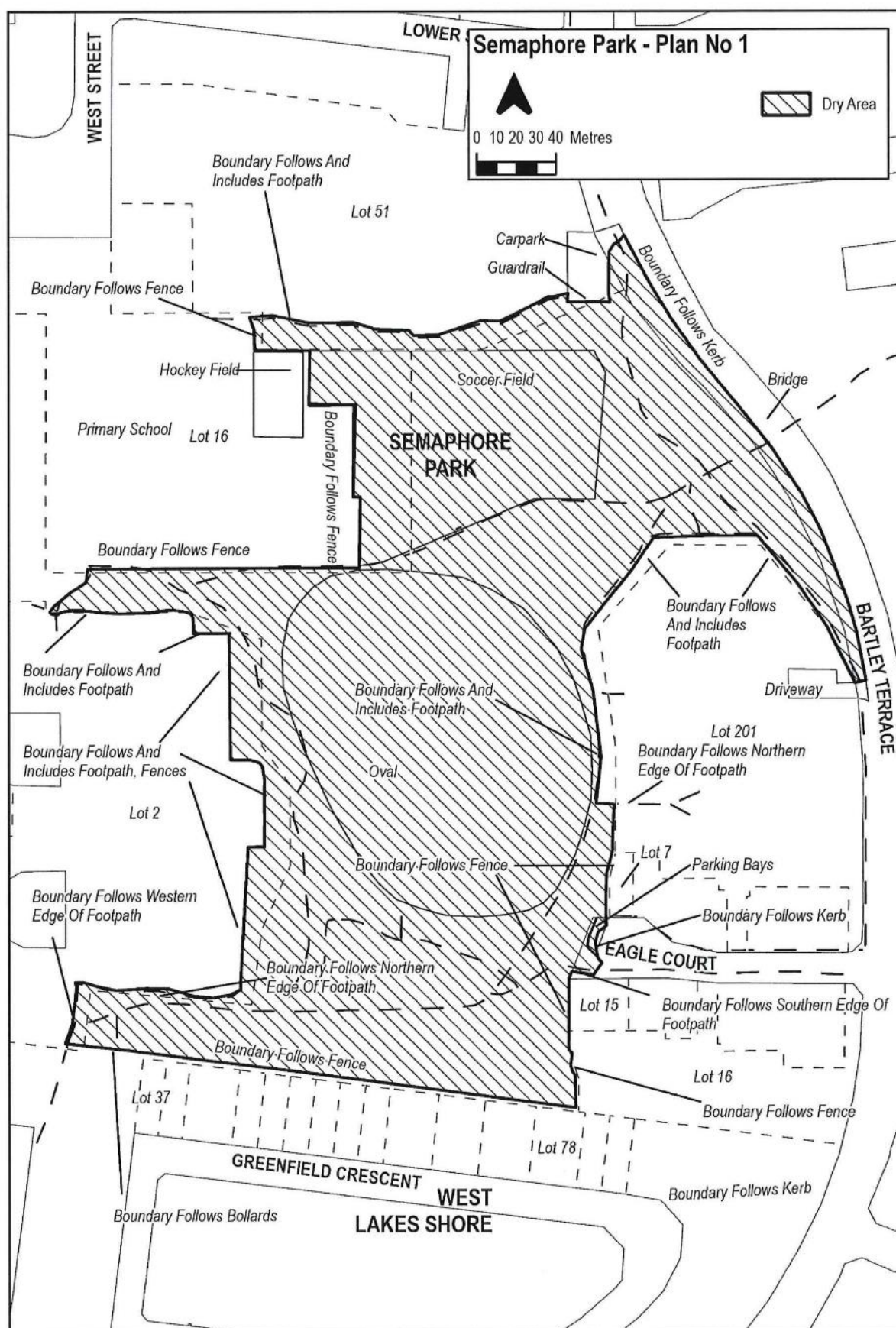
Starting at the most North-Western corner of the hockey field of Westport Primary School, the Dry Zone Boundary travels North along the school's fence and encompasses the reserve to the East of the fence. The Boundary stops on the Northern side of the footpath at the rear of the residential properties on West Street, Semaphore Park and follows the Northern edge of the footpath East toward Bartley Terrace. The Dry Zone Boundary remains on the reserve (including the kerb of the reserve) until it meets the Western edge of the carpark. It then travels South for the length of the footpath until level with the guardrail South of the carpark before travelling East along the guardrail between the carpark and the Reserve. The Boundary then continues North along the Eastern edge of the carpark. The Boundary does not include the road reserve / carpark for residential properties. Dry Zone Boundary continues North along the Eastern edge of the carpark before crossing the footpath and includes the kerb of the road reserve on the West side of Bartley Terrace. The Dry Zone Boundary then follows the kerb of the road reserve South-East along the West side of Bartley Terrace before travelling South along the Bartley Terrace. Where Bartley Terrace bridges the pedestrian footpath, the Dry Zone encompasses the reserve and footpath to the West of Bartley Terrace, up until the Western edge of the bridge. The Boundary continues South along Bartley Terrace, including the kerb of the road reserve, until it reaches the Northern edge of the driveway of Lot 201 Bartley Terrace Semaphore Park. The Boundary then moves West along the Northern edge of the driveway (including the kerb of the road reserve) and crosses the footpath before travelling North-West along the Western edge of the footpath to the East of the residential properties of Lot 201 Bartley Terrace Semaphore Park until intersecting a second footpath to the West. The Boundary then travels 41 metres West along the Southern edge of the second footpath, immediately North of the private residences. It continues until meeting the Eastern edge of the main footpath of the reserve and then follows the Eastern edge of the main footpath South at the rear of the residential properties of Lot 201 Bartley Terrace, Semaphore Park. The Boundary continues past the first minor footpath leading to the residential properties of Lot 201 Bartley Terrace, Semaphore Park, until it meets the Northern edge of the second path leading to these residences. The Boundary then travels East along the Northern edge of footpath until parallel with the fence of Lot 201 Bartley Terrace Semaphore Park. The Dry Zone Boundary travels South, following the Western fences of Lot 7 Eagle Court, Semaphore Park. The Dry Zone Boundary continues South in a straight line until meeting the kerb of the road reserve of Eagle Court, Semaphore Park. It follows (and includes) the kerb of the road reserve West, South and then East around the cul de sac, including the parking bays at the Western edge of the cul de sac at Eagle Court, Semaphore Park. Once it reaches the North-Western kerb of the road reserve of Eagle Court, Semaphore Park, the Boundary travels South-West along the kerb, bordering the parking bays, until it meets the Southern edge of the footpath leading into Trust Reserve. The Boundary then follows the Southern edge of the footpath until it is level with the Western fence of Lot 15 Eagle Court Semaphore Park. It travels South in a straight line along the Western fence of Lot 15 Eagle Court, Semaphore Park, before meeting the North-Western boundary of Lot 16 Eagle Court, Semaphore Park.

The Boundary then follows the Western fence of Lot 16 Eagle Court until meeting the intersecting fence along the rear of the residential properties of Greenfield Crescent, West Lakes Shore. The Dry Zone Boundary travels West along the fences at the rear of residences on Greenfield Crescent and continues in a straight line along the bollards delineating the boundary between Trust Reserve and Greenfield Reserve. The Dry Zone Boundary includes these bollards. It continues until meeting the Western edge of the North-South footpath, and then travels North along the Western edge of the footpath, toward the residential properties of Lot 2 Fairford Terrace, Semaphore Park, until it meets the North-Western edge of the intersection with the minor East-West footpath bordering the front yards of the residences at Lot 2 Fairford Terrace, Semaphore Park. The Dry Zone Boundary then travels East along the Northern edge of the footpath until level with the Western boundary of the residential properties of Lot 2 Fairford Terrace Semaphore Park. It then travels North along the Eastern boundaries of the residential properties, encompassing footpaths, fence lines or natural boundaries parallel with the Trust Reserve oval towards Westport Primary School, until it meets the North-Eastern boundary of Lot 2 Fairford Terrace, Semaphore Park. It then travels West along the Northern boundary of the residence until meeting the Western edge of an intersecting North-South footpath. The Boundary continues North along the Western edge of this footpath, toward the primary school, before changing West along the front of the residential properties of Lot 2 Fairford Terrace, Semaphore Park. It then follows the Southern edge of the footpath approximately 60 metres until meeting the Western edge of the intersection of 3 footpaths. The Boundary then turns North-East and follows the Northern edge of the Northern footpath until it meets the fence at the Southern side of Westport Primary School. The Dry Zone Boundary continues East along the Southern fence of the Westport Primary School before entering the soccer field of Westport Primary School. It then follows the Eastern fences of Westport Primary School North until reaching the North-Eastern corner of the hockey field. The Dry Zone Boundary continues West along the Northern fence of the hockey field until meeting the North-Western corner of the field.

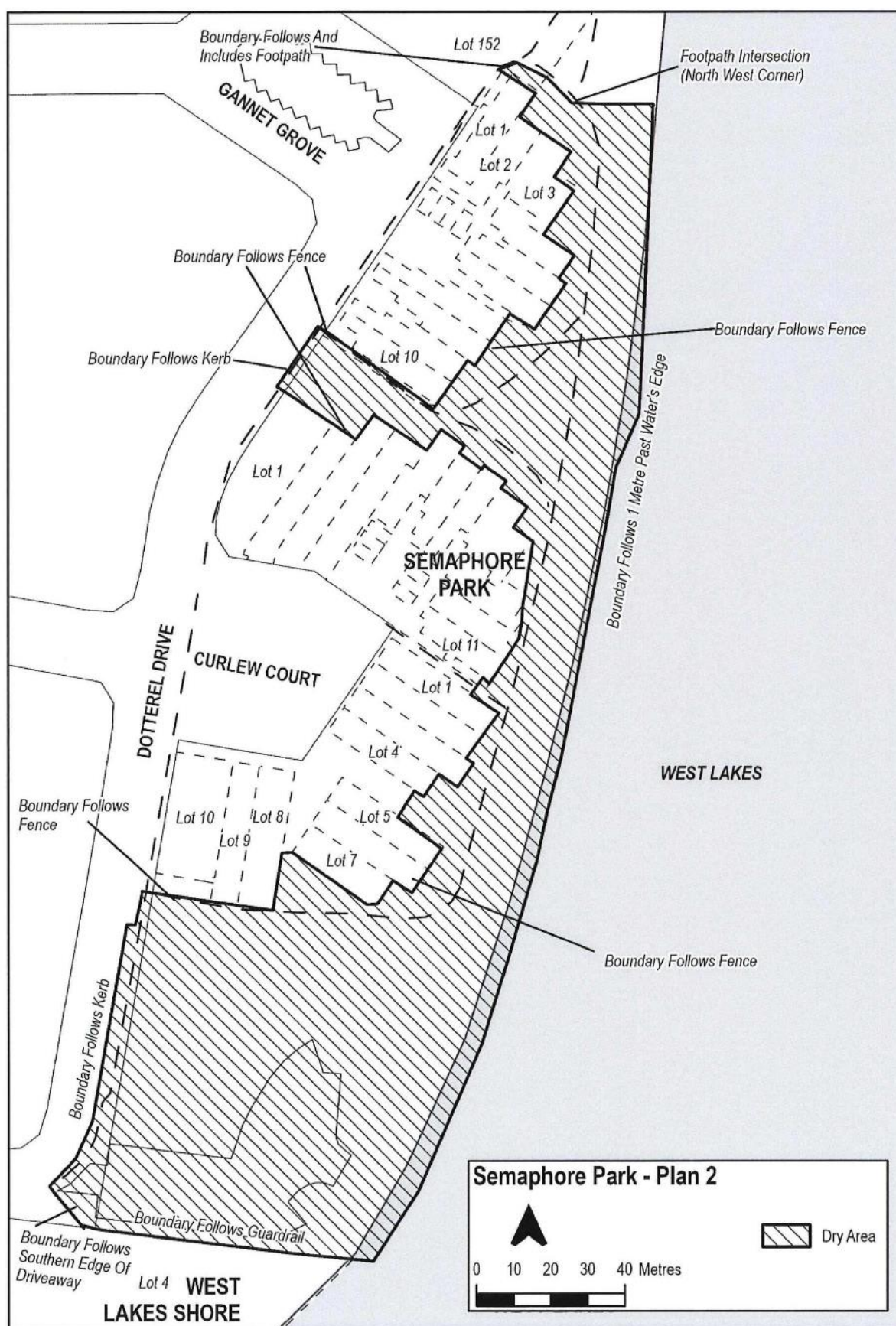
The area in Semaphore Park, known as Dotterel Reserve, bounded as follows:

Starting at the South-Western corner of residential address Lot 10 Dotterel Drive Semaphore Park, the Dry Zone Boundary follows the Southern fence along the edge of the property South-East toward the lake. It then continues North-East along the rear fence of the residential properties of Lots 10 to 3 Dotterel Drive, Semaphore Park before turning East along the fence of Lot 3, Lot 2 and Lot 1 Dotterel Drive. It follows the boundary of residence Lot 1 Dotterel Drive East until meeting the fence of residential address Lot 152 Dotterel Drive, Semaphore Park. The Boundary then turns North-East and follows the Western edge of the North-South footpath at the rear of the residential properties of Lot 152 Dotterel Drive Semaphore Park. It then travels North-East 5 metres to the Northern edge of the intersecting footpath leading East toward the lake before curving into Dotterel Reserve. The Boundary follows the Northern edge of the footpath until it intersects another footpath traveling North-South. From the Northern corner of that intersection the Boundary moves directly East until 1 metre past the water's edge. The Boundary then remains 1 metre from the water's edge as it moves South until it is level with the guardrail at the Southern edge of the carpark for Dotterel Reserve. The Boundary follows the guard rail West in a straight line along the Southern edge of the carpark, until it meets the driveway of the Dotterel Drive Boat Shed (Lot 4, Dotterel Drive). The Dry Zone Boundary then travels North-West along the Eastern edge of the driveway to the kerb of the road reserve of Dotterel Drive Semaphore Park. It then Travels North-East, and then North, along the kerb of the road reserve (excluding the parking bays) until level with the Southern fence of Lot 10 Curlew Court, Semaphore Park. The Boundary continues East along the Southern fence of the residential properties Lot 10, Lot 9 and Lot 8 Curlew Court Semaphore Park, before turning North along the fence at the rear of the Lot 8 Curlew Court Semaphore

Park. It then moves East directly to the Western corner of the fence of Lot 7 Curlew Court Semaphore Park, before travelling South-East along the Southern fence of Lot 7 Curlew Court Semaphore Park. The Boundary then follows the fence along the rear of the residential properties of Curlew Court Semaphore Park North-East, and then North-West approximately 12 metres until intersecting a fence on the Northern boundary of Lot 5 Curlew Court Semaphore Park. It continues North-East in a straight line directly to the Southern fence of the property Lot 4 Curlew Court Semaphore Park. The Boundary continues to follow the fences at the rear of the residential properties North-East, until turning North-West for 6 metres along the Northern fence of Lot 1 Curlew Court Semaphore Park. The Boundary moves in a direct line North-East to meet the Eastern fence of Lot 11 Curlew Court, before following the rear fences and walls of the residential properties of Curlew Court Semaphore Park North-East and then North-West. The Dry Zone Boundary continues along the fence lines until reaching Lot 1 at the corner of Dotterel Drive and Curlew Court Semaphore Park, before following the Northern fence in a direct line to the kerb of the road reserve of Curlew Court. The Dry Zone does not include the parking bays on the road reserve. It travels North-East along the kerb of the road reserve until level with the South-Western fence of Lot 10 Dotterel Drive Semaphore Park. The Dry Zone Boundary then moves in a direct line South-East until returning where it started at the South-Western Corner of Lot 10 Dotterel Drive Semaphore Park.









## Schedule—Tennyson Area 1

### 1—Extent of prohibition

The consumption of liquor is prohibited and the possession of liquor is prohibited.

### 2—Period of prohibition

Continuous.

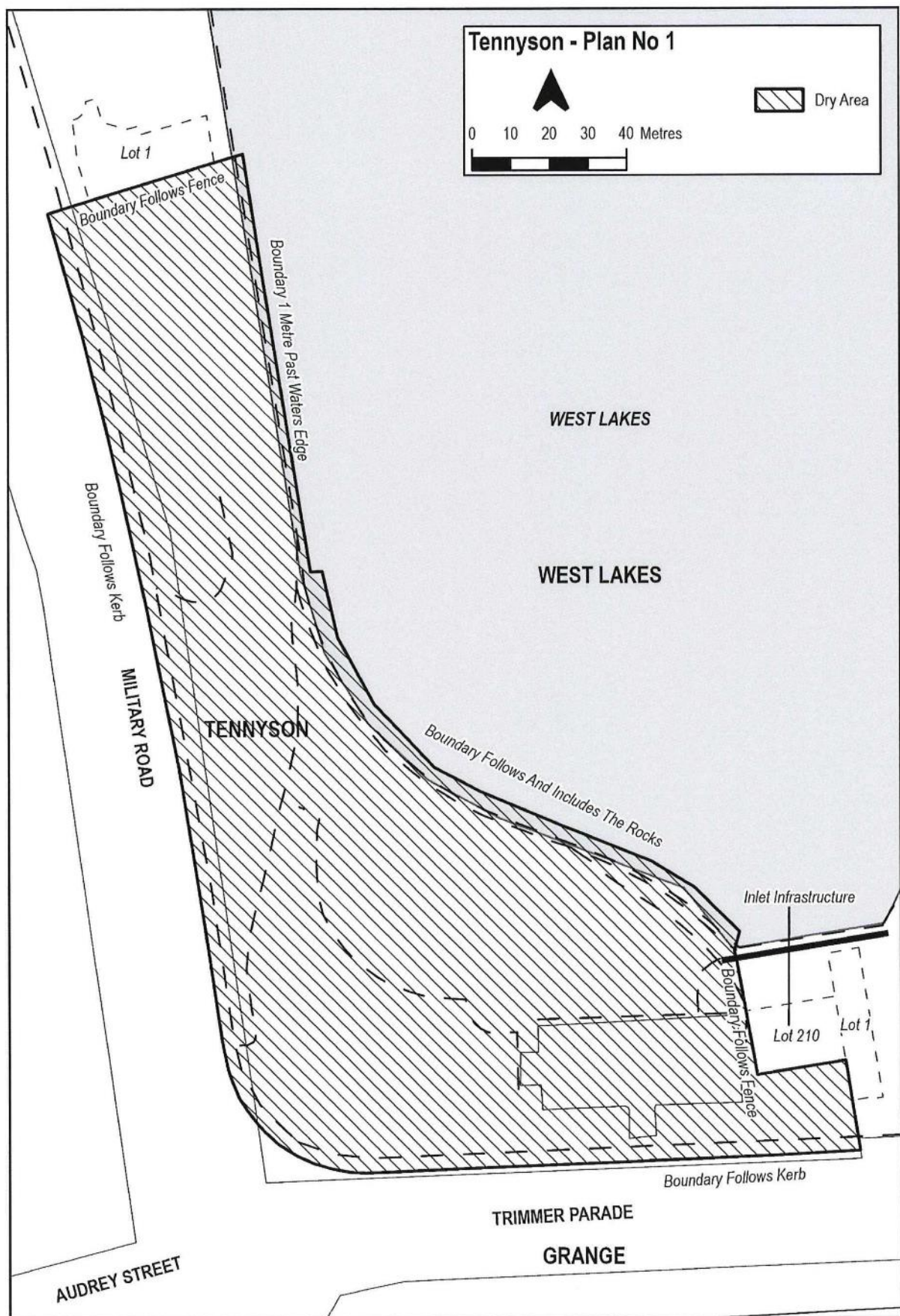
### 3—Description of area

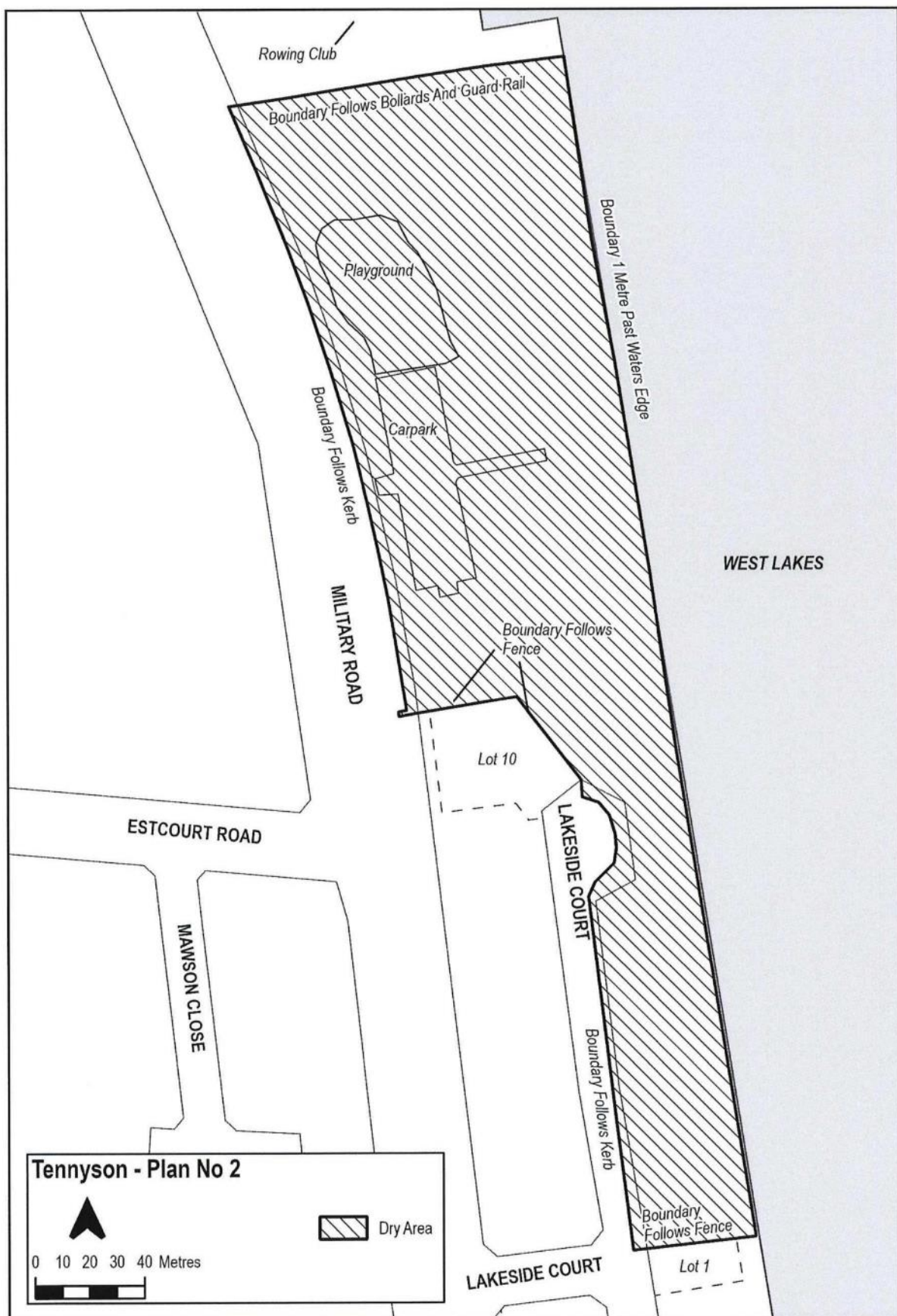
The area in Tennyson, known as Inlet Reserve, bounded as follows:

Starting at the Western side of the carpark entrance on Trimmer Parade, the Boundary for the Dry Zone travels West along the footpath and includes the kerb of the Trimmer Parade Road reserve. The Boundary follows the kerb of the road reserve North as it becomes Military Road, and then continues North (including the footpath, verge and kerb of the Military Road road reserve) until it is level with the fence of Lot 1 Military Road, Tennyson. The Dry Zone Boundary then travels North-East along the fence of the property and then continues in a straight line until it is 1 metre past the edge of the water. The Boundary remains 1 metre from the water's edge and travels South until it meets the rocks. The Boundary follows the water's edge against the rocks South-East until it is level with the start of the bridge over the inlet and encompasses the surface of any rocks above the water. The Boundary of the Dry Zone then travels South across the bridge over the inlet and along the Western boundary of Lot 210 Trimmer Parade, Tennyson. At the Southern corner of the property, the Dry Zone follows the fence East until meeting the Western fence of Lot 1 Trimmer Parade, West Lakes. The Boundary then travels South-East, until it meets the kerb of the Trimmer Parade Road reserve. The Dry Zone Boundary then travels West along the Trimmer Parade Road reserve (including the kerb) until it meets the start of the Western side of the driveway off Trimmer Parade.

The area in Tennyson, known as Tennyson, bounded as follows:

The Dry Zone Boundary begins where the Northern boundary of Lot 1 Lakeside Court Tennyson meets the road and encompasses the kerb of the road reserve of Lakeside Court. Travelling North along Lakeside Court, the Boundary continues along the reserve (including the kerb of the road reserve) and follows the kerb of the road reserve around until it is in line with the Western boundary of Lot 10 Lakeside Court, Tennyson. The Boundary continues North until the South-Eastern corner of Lot 10 Lakeside Court Tennyson, before following the North-Eastern and then Northern fence of the property to meet the road reserve of Military Road, Tennyson. The Boundary then continues North (including the kerb) along Military Road, Tennyson, and travels across the driveway for the carpark. It follows the curve of the road reserve of Military Road North toward the Rowing Club and encompasses the car park and playground within Oarsman Reserve, but excludes the parking bays on Military Road, Tennyson. The Dry Zone turns East toward the lake 9 metres south of the driveway for the Rowing Club and continues along the guardrail depicting the boundary between the grassed reserve and parking lot. The Dry Zone Boundary continues down the beach and into the water 1 metre from the water's edge. The Boundary remains in the water, 1 metre from the water's edge, and travels South until level with the Northern boundary of Lot 1 Lakeside Court, West Lakes. It then travels West along the fence of the property until meeting the kerb of the road reserve where it started.







## Schedule—West Lakes Area 1

### 1—Extent of prohibition

The consumption of liquor is prohibited and the possession of liquor is prohibited.

### 2—Period of prohibition

Continuous.

### 3—Description of area

The area in West Lakes, known as Aquatic Reserve, bounded as follows:

The Dry Zone Boundary begins at the bridge on Bower Road, Semaphore Park, facing East on the kerb of the road reserve of the South side of Grand Junction Road and parallel with the Eastern safety rail of the outlet. The Boundary encompasses the path and kerb of the road reserve travelling East along Bower Road, including the driveway into Aquatic Reserve. It then turns South at the Eastern border of the Aquatic Reserve driveway, and then East to remain on the kerb of the road reserve. The Dry Zone does not include the left turn lane into Aquatic Reserve of the road reserve. The Boundary follows the kerb of the road reserve of the south side Bower Road and then follows Bower Road East toward Grand Junction Road, and then South as it becomes Old Port Road. The Boundary follows the West side of the Old Port Road road Reserve South (including the kerb) until parallel with the Northernmost boundary of Lot 2 Old Port Road, West Lakes, adjacent the BMX park. The Boundary then turns West toward the property and follows the fence of the property boundary along Aquatic Reserve. Turn South-East to follow the Western boundary of Lot 2 Old Port Road, West Lakes until it reaches a line parallel with the Northern kerb of the road reserve of Rapid Court, West Lakes where it intersects Hero Way West Lakes. The Dry Zone Boundary then turns West along the Northern kerb of the Rapid Court Road reserve until it reaches the light pole at the South-Eastern Corner of Lot 71 Rapid Court West Lakes. It then continues North along the Eastern fence of Lot 71 Rapid Court West Lakes until it reaches the Southern edge of the footpath at the rear of the residential properties of Rapid Court West Lakes. The Boundary follows the Southern edge of the footpath West, toward the lake, along the rear of the residential properties of Rapid Court, West Lakes until it reaches the North-Western corner of Lot 69 Rapid Court, West Lakes. It then travels South-East along the South-West fence of Lot 69 Rapid Court, West Lakes and continues until meeting the bollards at North side of the cul-de-sac of Rapid Court, West Lakes. The Dry Zone Boundary follows the bollards West toward the lake, and then South-East at the Western side of the cul-de-sac, until meeting the Southern edge of the footpath. The Boundary then continues West in a straight line into the lake, 1 metre passed the water's edge. It then travels North, 1 metre from the water's edge along the Western edge of Aquatic Reserve, toward Bower Road. It follows the line of the safety rail on the Eastern side of the outlet until it reaches the kerb of the road reserve on the Southern Side of Bower Road, Semaphore Park.

The area in West Lakes, known as Freshwater Lake and Reserve, bounded as follows:

Starting at the Western corner of the residential property Lot 6 Blue Sails Court, West Lakes, the Dry Zone Boundary moves in a straight line to the nearest light post in front of the property on West Lakes Boulevard. It then travels in a straight line South-East directly to the kerb of the road reserve of West Lakes Boulevard, before following the kerb North-East. It then continues North-East 180 metres, excluding the parking bays, but including the kerb of the road reserve, until level with the South-Eastern edge of the Lot 54 West Lakes Boulevard, West Lakes. The Boundary then travels North-West along the Western fences of properties Lot 54 West Lakes Boulevard, West Lakes and Island Drive, West Lakes. It continues North-West

along the fence at the rear of the residential properties of Island Drive, West Lakes until meeting the North-Eastern edge of the paving, where the paving borders the asphalt of the access road leading to Island Drive, West Lakes. The Boundary then travels directly along the Northern edge of the paving toward the residential properties at Lot 11 Island Drive, West Lakes, before reaching the South-Eastern corner of the fence of the Southernmost property of Lot 11 Island Drive, West Lakes. The Dry Zone Boundary continues to follow the Southern and Eastern fences at the rear of the properties at Lot 11 Island Drive, West Lakes East, and then North toward the top of Freshwater Lake Reserve. The Boundary turns West and remains along the rear fences of the properties at Lot 11 Island Drive West Lakes, until the North-Western boundary of Lot 11 Island Drive, West Lakes with the path leading to the footpath around the lake. The Boundary then follows the Northern edge of the path toward the lake before travelling North-East along the Southern edge of the pathway, between the grass and the paving. It then travels along the Eastern, and then Northern, side of the footpath surrounding the lake, before meeting the pathway leading from the Western boundary of Lot 9 Trinidad Court, West Lakes. It then follows the Northern edge of the pathway toward the Southern fence of Lot 9 Trinidad Court, West Lakes, before continuing along the fence South-East, and then the property boundary North-East of Lot 9 Trinidad Court, West Lakes toward the road reserve. Once it reaches the kerb of the road reserve of Trinidad Court, it moves East (including the kerb) until meeting the Eastern edge of the footpath leading toward Freshwater Lake Reserve. The Dry Zone Boundary then travels South along the Eastern edge of the footpath until meeting the Western fence of Lot 8 Trinidad Court, West Lakes. It follows the Western fence of Lots 3-4 Trinidad Court, West Lakes South before continuing along the fences at the rear of residential properties of Trinidad Court, West Lakes. At the Western corner of Lot 4 Trinidad Court, West Lakes, the Boundary turns South-East to follow the fence toward Cocos Grove, West Lakes. At the kerb of the road reserve, it travels South along the kerb until level with the fence of Lot 1 Cocos Grove, West Lakes. The Boundary follows the fence South between Lot 7 (Freshwater Lake Reserve) and the properties abutting the reserve along Cocos Grove, until the Southern corner of Lot 2 Cocos Grove West Lakes, before turning East toward Lot 33 Cocos Grove, West Lakes (Freshwater Lake Reserve). It then follows the boundary of Lot 33 Cocos Grove, West Lakes to the kerb. The Boundary continues following the fence South-East between Lot 2 Cocos Grove and Lot 33 Cocos Grove, West Lakes before continuing along the rear fence of the properties abutting the reserve along Moorea Court and Blue Sails Court. At the South-Western corner of the fence on Lot 8 Moorea Court the Boundary proceeds in a straight line to the North-Eastern corner of the fence on Lot 21 Blue Sails Court. Proceeding in a North-Western direction along the fence line of Lot 7 (Freshwater Lake Reserve) and the abutting properties. At Lot 17 Blue Sails Court, the Boundary continues along the Western edge of the driveway to the kerb and follows the kerb to Lot 16 Blue Sails Court. Heading up the Western edge of the driveway until level with the fence between Lot 6 (Freshwater Lake Reserve) and Lot 16 Blue Sails Court, West Lakes. The Boundary continues in a straight line to the fence and proceeds to follow the fence between Lots 6 (Freshwater Lake Reserve) and Lot 16 Blue Sails Court. The Boundary continues along the fences of the properties abutting the reserve, turning South-East at the Western corner of Lot 11 Blue Sails Court, West Lakes, until meeting the start point at the Western corner of Lot 6 Blue Sails Court, West Lakes.

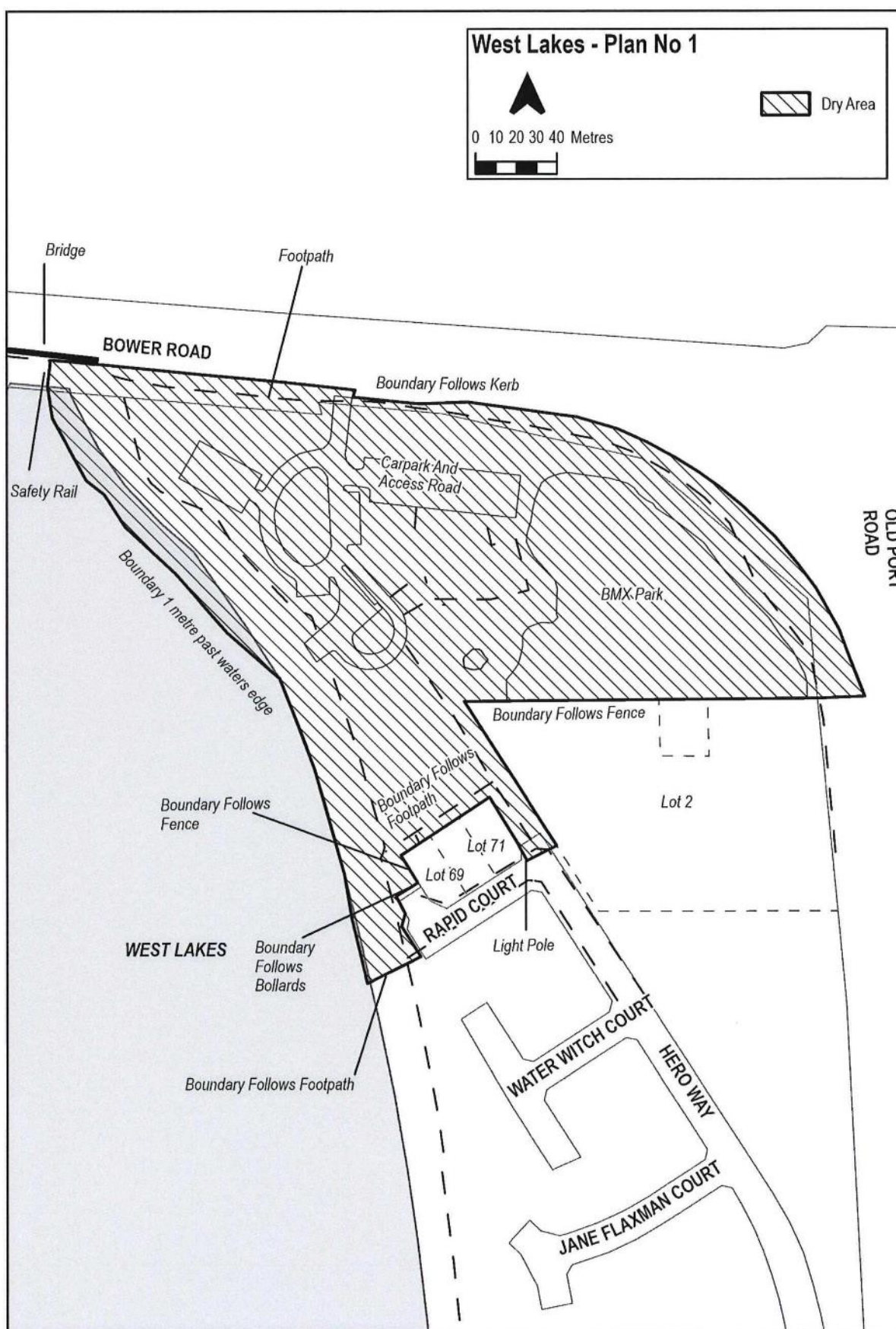
The area in West Lakes, known as Tiranna Reserve, bounded as follows:

The Boundary starts at the kerb of the road reserve of Tiranna Way, West Lakes, level with the North-Eastern fence of Lot 6 Tiranna Way, West Lakes. It travels South-West along the North-Eastern fence of the property until level with the Eastern fence of Lot 104 Norman Gibson Court West Lakes. The Boundary then continues North-East along the Eastern fence of the property toward the lake and extends 1 metre past the water's edge. The Boundary then moves

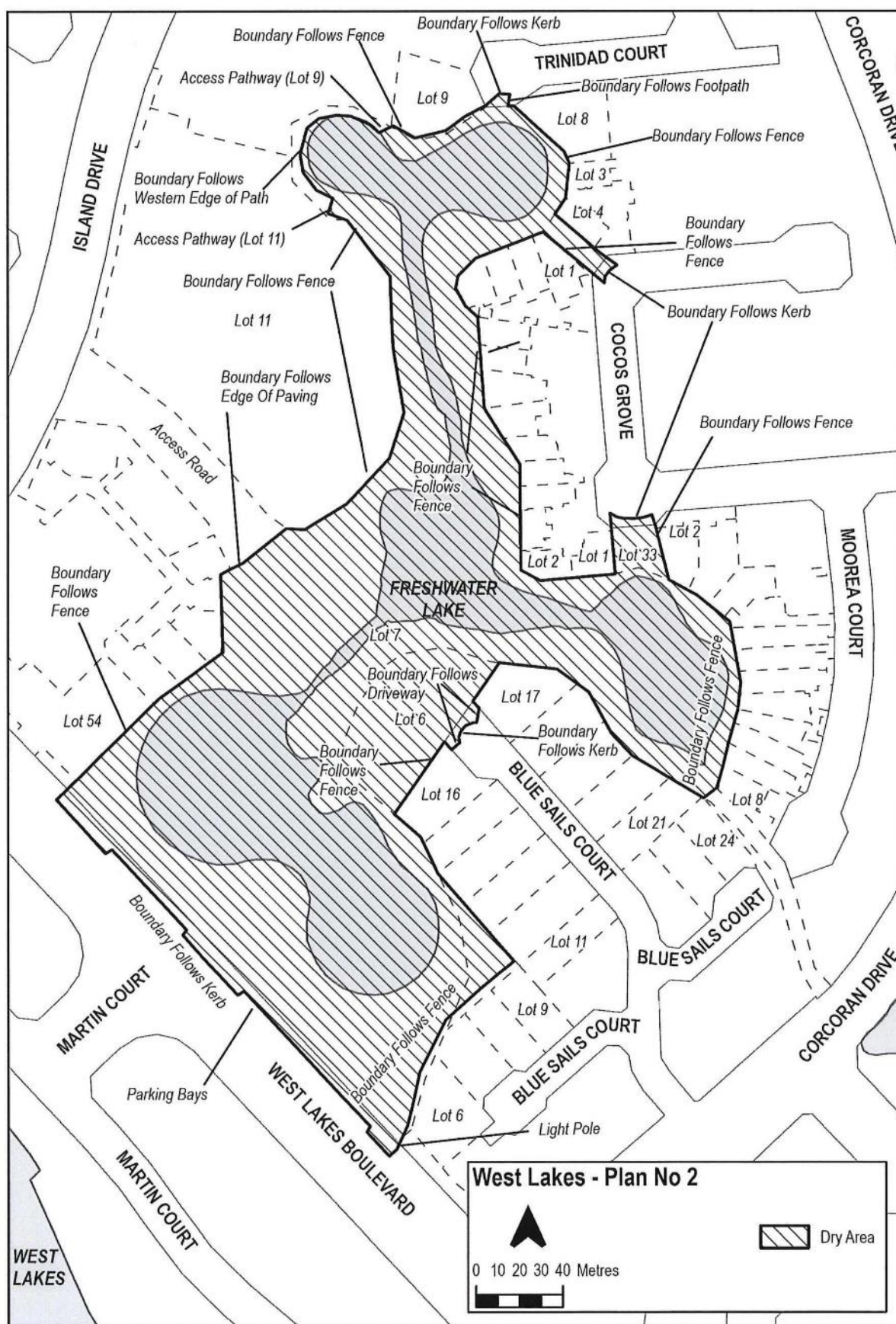
North, remaining 1 metre from the water's edge until it is directly West of the Southern corner of Lot 66 Kamo Way, West Lakes. It travels directly East to that corner before continuing North-East along the South-Eastern boundary of Lot 66 Kamo Way, West Lakes before meeting the fence indicating the boundary of Tiranna Reserve. The Dry Zone Boundary turns East along the Northern fence of Tiranna Reserve until it meets the Western fence of Lot 65 Kamo Way West Lakes. It follows the Western fences of Lot 65 Kamo Way West Lakes and Lot 54 Tiranna Way West Lakes South, before continuing in a straight line to the kerb of the road reserve of Tiranna Way West Lakes. The Boundary then travels South-West along the kerb of the road reserve, and then South, until meeting the start point level with the North-Eastern fence of Lot 6 Tiranna Way, West Lakes.

The area in West Lakes, known as Settlers and Mariners Reserves, bounded as follows:

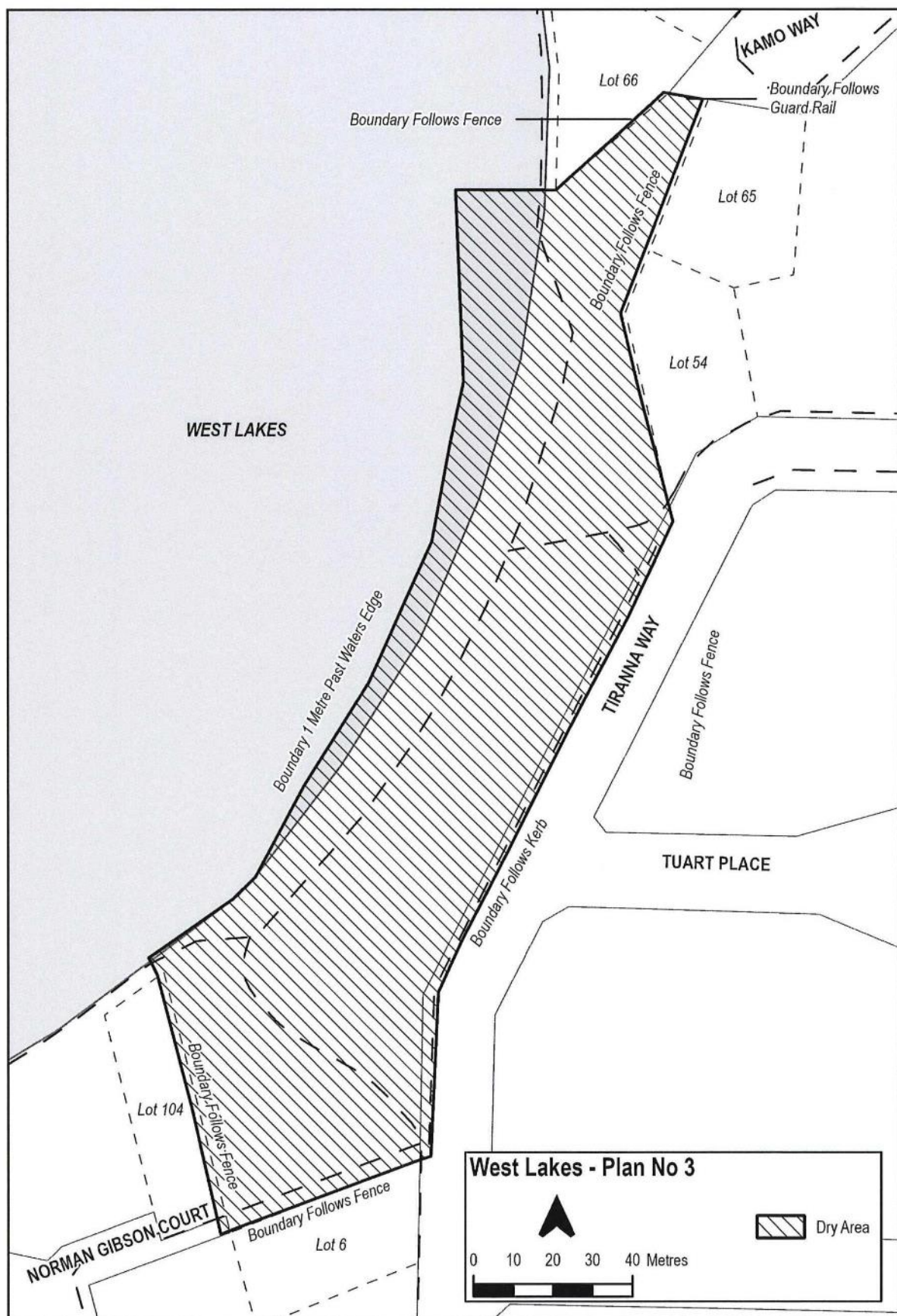
The Dry Zone Boundary begins at the kerb of the road reserve of Eildon Court, West Lakes, level with the Eastern fence of Lot 28 Eildon Court West Lakes. The Boundary travels North along the Eastern fence of the property, and then North-West along the Mariner's reserve fence and into the water 1 metre. The Boundary remains 1 metre past the water's edge, encompassing the steps into the water, and travels North-East until meeting the rocks. It then continues North, encompassing the surface of any rocks above the water. The Dry Zone Boundary remains 1 metre from the water's edge and follows the edge of the lake North until it is level with the Southern fence of the property Lot 1 Lord Hobart Way, West Lakes. It then travels East along the Southern fence at the rear of the properties on Lord Hobart Way, West Lakes, until it meets the intersection of the Eastern fence of Lot 6 Lord Hobart Way, West Lakes. From the South-Eastern corner of Lot 6 Lord Hobart Way West Lakes, the Dry Zone Boundary then moves South-West until it meets the Western edge of the road reserve of Settlers Drive. It continues South-West along the Western edge of the road reserve of Settlers Drive, including the kerb, until Settlers Drive meets Mariner's Crescent. The Boundary follows the Western kerb of the road reserve as it flows into Mariner's Crescent and then continues South following the kerb of the road reserve until it meets the Western edge of the driveway of Lot 1 Mariners Crescent, West Lakes. The Boundary then follows the Western edge of the driveway of the property South, before continuing West along the Northern edge of the property. At the Northern corner of Lot 1 Mariners Crescent West Lakes, the Boundary moves South along the property's Western fence and continues South-West along the fence Western fence of Lot 5011 Frederick Road, West Lakes. The Dry Zone Boundary continues until it meets the Northern corner of the property Lot 27 Eildon Court, West Lakes, and then travels South-West along the Northern fence of the property toward the road reserve of Eildon Court West Lakes. The Boundary then follows the kerb of the road reserve North-East until it reaches the start point level with the Eastern fence of Lot 28 Eildon Court West Lakes.

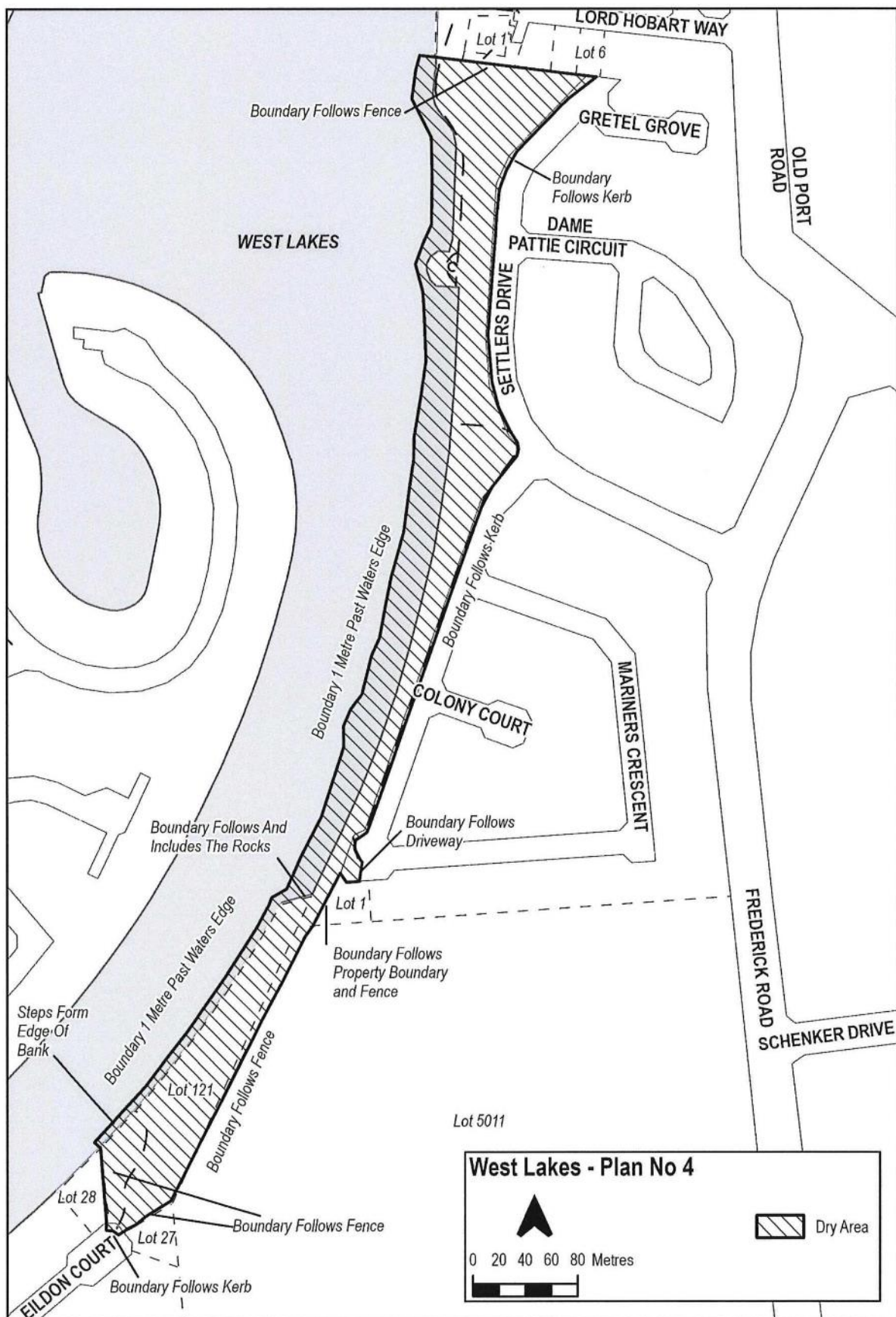












## **Schedule—West Lakes Shore Area 1**

### **1—Extent of prohibition**

The consumption of liquor is prohibited and the possession of liquor is prohibited.

### **2—Period of prohibition**

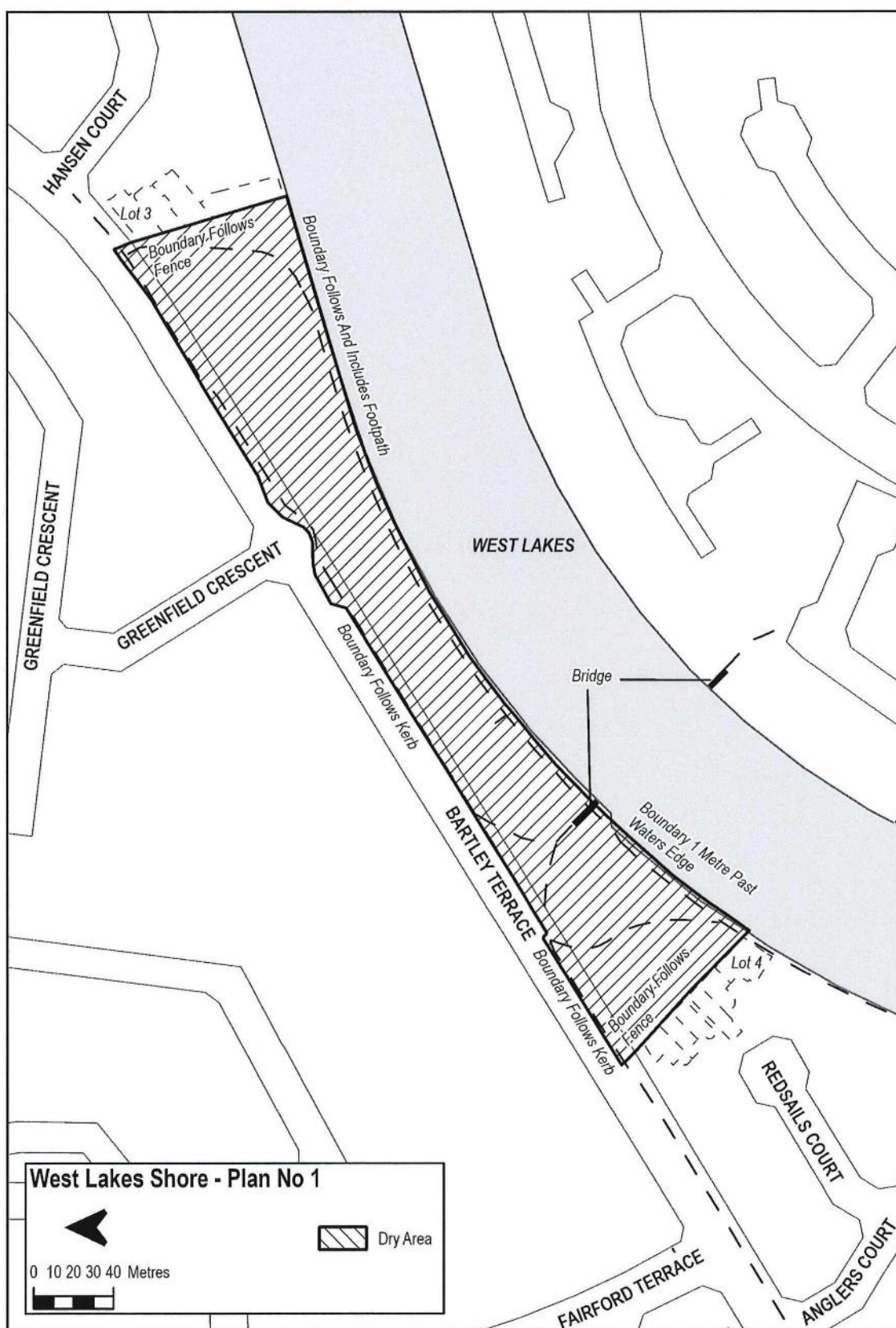
Continuous.

### **3—Description of area**

The area in West Lakes, known as Neighbourhood Reserve North and South, bounded as follows:

Starting at the kerb of the road reserve of Bartley Terrace, level with the North-West boundary of Lot 3 Hansen Court West Lakes Shore, the Boundary of the Dry Zone crosses the footpath and travels South-East along the fence lines of the residential properties of Hansen Court until it meets the lake. The Boundary includes the kerb of the footpath abutting the lake. The Boundary then follows the Southernmost edge of the footpath South-West until reaching the pedestrian bridge. 9 metres of the North-Western end of the footbridge is included in the Dry Zone, from its start to parallel to the kerb of the footpath. The Boundary of the Dry Zone continues to follow the Southern edge of the raised footpath until it angles West toward the reserve. At this point, the Boundary remains in the water, 1 metre from the water's edge, and continues South-West until it is level with the boundary of Lot 4 Redsails Court, West Lakes Shore. The Boundary then travels North-West across the footpath and along the North-Eastern fences of the residential properties of Redsails Court, West Lakes Shore until it crosses the footpath and meets the kerb of the road reserve on Bartley Terrace. The Dry Zone Boundary then turns North-East and follows (and includes) the kerb of the road reserve along Bartley Terrace until it is again level with the North-West boundary Lot 3 Hansen Court, West Lakes Shore.





Made by the Minister for Consumer and Business Affairs

On 12 June 2025

## LIVESTOCK ACT 1997

## SECTION 37

*Requirement to Vaccinate Chickens (Gallus gallus domesticus) in a Commercial Poultry Flock  
with Newcastle Disease Vaccine and Prohibition of the Introduction of Unvaccinated Chickens into South Australia*

Pursuant to Section 87 of the *Livestock Act 1997* (the Act), I Dr Skye Fruean, Chief Inspector of Stock and delegate of the Minister for Primary Industries and Regional Development revoke the notice made pursuant to Section 37 of the Act on 22 June 2020 and published on 2 July 2020.

Pursuant to Section 37 of the Act and for the purpose of the control and eradication of Newcastle disease virus, an exotic disease of chickens caused by virulent avian paramyxovirus serotype 1 (APMV-1), I, Dr Skye Fruean, Chief Inspector of Stock and delegate of the Minister for Primary Industries and Regional Development require that:

1. All chickens kept in a commercial poultry flock, where any chicken in the flock is over 24 weeks of age must be:
  - (a) Vaccinated with a registered Newcastle disease vaccine in accordance with the manufacturer's instructions and
  - (b) Serologically monitored to demonstrate vaccination efficacy,in accordance with the Newcastle Disease Vaccination Program—Standard Operating Procedures, unless otherwise approved by the Chief Inspector of Stock.
2. Surveillance of commercial broiler flocks, where any chicken in the flock has not been vaccinated with a registered Newcastle disease vaccine, must be undertaken for Newcastle disease in accordance with the National Newcastle Disease Management Plan and the Newcastle Disease Surveillance Plan for Unvaccinated Broilers.
3. If requested by the purchaser, the vendor of any chicken kept on a commercial pullet rearing farm must provide the purchaser with evidence of the chicken's Newcastle disease vaccination history prior to the chicken being moved off the farm.

and in addition, I prohibit:

4. The introduction into the State of any chicken that is:
  - (a) over 24 weeks of age; or
  - (b) under 24 weeks of age but has been kept at any time with any chicken over 24 weeks of age;into a commercial poultry flock unless the chicken has been vaccinated for Newcastle disease virus, in accordance with the Newcastle Disease Vaccination Program—Standard Operating Procedures.

*Definitions*

In this Notice:

‘Broiler’ means a chicken bred and raised for meat production.

‘Chickens’ means a domesticated fowl or the subspecies *Gallus gallus domesticus*.

‘Commercial’ means a managed group of more than 1,000 chickens.

‘National Newcastle Disease Management Plan’ means the *National Newcastle Disease Management Plan*, as amended or replaced from time to time, published by Australian Animal Health Council Limited and available at [animalhealthaustralia.com.au](http://animalhealthaustralia.com.au) or from the Chief Inspector of Stock at 33 Flemington Street, Glenside, SA 5065 or by telephone (08) 8207 7900.

‘Newcastle Disease Vaccination Program—Standard Operating Procedures’ means the *Newcastle Disease Vaccination—Standard Operating Procedures*, as amended or replaced from time to time, published by Australian Animal Health Council Limited and available at [animalhealthaustralia.com.au](http://animalhealthaustralia.com.au) or from the Chief Inspector of Stock at 33 Flemington Street, Glenside, SA 5065 or by telephone (08) 8207 7900.

‘Newcastle Disease Surveillance Plan for Unvaccinated Broilers’ means the *Newcastle Disease Surveillance Plan for Unvaccinated Broilers* as amended or replaced from time to time, published by Australian Animal Health Council Limited and available at [animalhealthaustralia.com.au](http://animalhealthaustralia.com.au) or from the Chief Inspector of Stock at 33 Flemington Street, Glenside, SA 5065 or by telephone (08) 8207 7900.

‘Pullet’ means an immature female chicken for egg production.

‘registered Newcastle disease vaccine’ means a veterinary product registered by the APVMA for the purposes of prevention of Newcastle disease in poultry.

This Notice shall remain in force until 30 June 2030, unless amended or revoked by a subsequent Notice.

Dated: 24 June 2025

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

## MENTAL HEALTH ACT 2009

*Authorised Community Mental Health Facility*

Notice is hereby given that the Chief Psychiatrist, pursuant to Section 97A of the *Mental Health Act 2009*, has determined that the following place will be an Authorised Community Mental Health Facility for the purposes of this Act:

Adelaide Hills Community Mental Health Service, 22 Druids Avenue, Mount Barker, SA 5251

Dated: 26 June 2025

DR JOHN BRAYLEY  
Chief Psychiatrist

## MENTAL HEALTH ACT 2009

*Authorised Community Mental Health Facility*

Notice is hereby given that the Chief Psychiatrist, pursuant to Section 97A of the *Mental Health Act 2009*, has determined that the following place will be an Authorised Community Mental Health Facility for the purposes of this Act:

Flinders and Far North Community Mental Health Service, 36 Flinders Terrace, Port Augusta SA 5700

Dated: 26 June 2025

DR JOHN BRAYLEY  
Chief Psychiatrist

## MENTAL HEALTH ACT 2009

*Authorised Community Mental Health Facility*

Notice is hereby given that the Chief Psychiatrist, pursuant to Section 97A of the *Mental Health Act 2009*, has determined that the following place will be an Authorised Community Mental Health Facility for the purposes of this Act:

Port Lincoln Community Mental Health Service, West Wing, Port Lincoln Hospital, 20 Oxford Terrace, Port Lincoln SA 5606

Dated: 26 June 2025

DR JOHN BRAYLEY  
Chief Psychiatrist

## 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:

Danielle Woods

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: 26 June 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 persons as an Authorised Mental Health Professional:

Yvette Moseley

Jacqueline Gardner

The determination will expire three years after the commencement date.

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

Dated: 26 June 2025

DR JOHN BRAYLEY  
Chief Psychiatrist

## MOTOR VEHICLE ACCIDENTS (LIFETIME SUPPORT SCHEME) ACT 2013

*2025-2026 Lifetime Support Scheme (LSS) Attendant Care Rates*

The following rates have been set as the maximum the Lifetime Support Authority of South Australia is liable for in respect to applicable attendant care panel services from 1 July 2025:

**2025-26 LSS Standard Attendant Care Rates**

Monday-Friday 6am-8pm (per hour)	\$65.66
Monday-Friday 8pm-12am (per hour)	\$72.62
Monday-Friday 12am-6am (Active) (per hour)	\$74.01
Saturday (per hour)	\$93.50
Sunday (per hour)	\$121.34
Public Holiday (per hour)	\$149.19
Inactive Sleepover (8 hours)	\$279.88

Dated: 23 June 2025

HON STEPHEN MULLIGAN MP  
Treasurer

## PHYLLOXERA AND GRAPE INDUSTRY ACT 1995

## PHYLLOXERA AND GRAPE INDUSTRY BOARD

*Contributions Towards Primary Functions Under the Act for Contribution Year 2025/2026*

Pursuant to Section 23 of the *Phylloxera and Grape Industry Act 1995* (“**Act**”), the Phylloxera and Grape Industry Board of South Australia (“**Board**”), trading as Vinehealth Australia, gives notice that Registered Persons must contribute to the costs of the Board’s primary functions for the contribution year ending 30 April 2026.

In accordance with the rules approved by the Minister and published in this notice, the contributions payable by a Registered Person for the 2025-2026 contribution year, are:

1. A contribution of \$206, and a
2. A contribution of \$10.59 per hectare of planted vines owned by the Registered Person in this notice:

**Registered Person** has the meaning in the Act.

**Contribution year** means the period 1 May in one calendar year to 30 April in the following calendar year.

**Rules approved by the Minister for Contributions Payable under the Act**

1. A fixed contribution per Registered Person will apply.
  - (a) The fixed contribution for the 2025/26 contribution year will be \$206.
  - (b) From the 2025/26 contribution year onwards, the fixed fee gazetted for the prior contribution year will be adjusted each year by no greater than the annual indexation factor determined by the South Australian government and notified to the Board by the Minister in that contribution year, the adjustment to consider industry conditions alongside funding required to deliver statutory functions.
2. A variable contribution, based on a rate per hectare of vines planted for each Registered Person, will apply.
  - (a) The hectares of vines upon which the variable fee is calculated will be based on the area of vines recorded in the Vinehealth Australia Register as being owned by a Registered Person as at 30 April each year.
  - (b) The variable fee gazetted for the prior contribution year will be adjusted each year by no greater than the annual indexation factor determined by the South Australian government in that contribution year and notified to the Board by the Minister, from and including the 2024/25 contribution year.
  - (c) The variable fee for the 2025/26 contribution year will be \$10.59 per hectare.
3. The Board will by notice in the gazette in accordance with Section 23 of the Act specify the rates for the fixed fee and variable fee for a contribution year as soon as practically possible after the annual indexation factor is determined by the South Australia government.
4. The contribution will be collected or recovered by the Commissioner of Land Tax on behalf of the Board as if the contribution were land tax and will be subject to the same penalties for delay or default in payment (Section 23(3) of the Act).

Dated: 23 July 2025

DIANNE DAVIDSON AM  
Presiding Member

Phylloxera and Grape Industry Board of South Australia, trading as Vinehealth Australia

## PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

## SECTION 42

*Practice Directions**Preamble*

The State Planning Commission may issue a practice direction for the purposes of this Act.

A practice direction may specify procedural requirements or steps in connection with any matter arising under this Act.

A practice direction must be notified in the Gazette and published on the SA planning portal.

A practice direction may be varied or revoked by the State Planning Commission from time to time by a further instrument notified in the Gazette and published on the SA Planning Portal.

## NOTICE

Pursuant to Section 42(4)(b) of the *Planning, Development and Infrastructure Act 2016*, I, Craig Holden, Chair, State Planning Commission:

- (a) vary *State Planning Commission Practice Direction 2—Preparation and Amendment of Designated Instruments*; and
- (b) fix the day on which the varied *State Planning Commission Practice Direction 2—Preparation and Amendment of Designated Instruments* is published on the SA Planning Portal as the day on which the varied practice direction will come into operation.

Dated: 24 June 2025

CRAIG HOLDEN  
Chair, State Planning Commission

## PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

South Australia

# Planning, Development and Infrastructure (Fees) Notice 2025 (No. 2)

under the *Planning, Development and Infrastructure Act 2016*

## 1—Short title

This notice may be cited as the *Planning, Development and Infrastructure (Fees) Notice 2025 (No. 2)*.

**Note—**

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

## 2—Commencement

This notice has effect on 1 July 2025.

## 3—Interpretation

- (1) In this notice, unless the contrary intention appears—

*Act* means the *Planning, Development and Infrastructure Act 2016*;

*allotment* does not include an allotment for road or open space requirements;

*development cost* does not include any fit-out costs;

*regulations* means the following:

- (a) the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*;
  - (b) the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019*;
  - (c) the *Planning, Development and Infrastructure (General) Regulations 2017*.
- (2) Words and expressions used in the regulations and in this fee notice have the same respective meanings in this notice as they have in the regulations.
- (3) Subclause (2) does not apply to the extent that the context or subject matter otherwise indicates or requires.

## 4—Fees payable

- (1) The fees set out in Schedule 1 are prescribed for the purposes of the Act and the regulations and are payable as specified in that Schedule.
- (2) A fee set out in Schedule 1 item 8 is payable to the body specified in relation to the fee.
- (3) Subject to subclauses (4) and (5), if an application, matter or circumstance falls within more than 1 item under Schedule 1, then the fee under each such item applies and those fees in total will be payable.



- (4) If planning consent is sought for development comprising more than 1 element—
  - (a) a fee is not payable under Schedule 1 item 6 for each element of the development; and
  - (b) the fee payable under Schedule 1 item 6 is the highest fee applying to a single element of the development; and
  - (c) if the relevant fee is based on the total development cost, the fee payable will be based on the total cost of all elements of the development.
- (5) If an application for planning consent must be referred to the same body under more than 1 item of Schedule 9 of the *Planning, Development and Infrastructure (General) Regulations 2017*, then only 1 prescribed fee under Schedule 1 item 8 is payable with respect to the referral of the application to that body.
- (6) A reference in subclause (5) to a prescribed fee extends to a prescribed fee that, although payable, was waived (in whole or in part) by a relevant authority.
- (7) Subject to subclause (8) if a lodgement fee has been paid in respect of an application for planning consent or building consent for a development, no lodgement fee is payable for any other consents related to that application or for the issue of the final development approval in respect of that development.
- (8) If a lodgement fee has been paid in respect of an application under the repealed Act, a lodgement fee under this notice is payable in respect of the first application for consent related to the application under the repealed Act that is lodged electronically via the SA planning portal.

## **5—Assessment requirements—water and sewerage**

- (1) A prescribed fee under Schedule 1 item 27 is payable to the South Australian Water Corporation or any other water industry entity identified for the purposes of Section 102(1)(c)(iii) and (1)(d)(vii) of the Act.
- (2) The prescribed fee is payable by the person who makes the application to divide the land.

## **6—Applications relating to certain electricity infrastructure—issue of certificate by Technical Regulator**

The prescribed fee under Schedule 1 item 32 is payable to the Technical Regulator for the issue of a certificate required by the *Planning, Development and Infrastructure (General) Regulations 2017* to accompany an application in respect of a proposed development for the purposes of the provision of electricity generating plant with a generating capacity of more than 5 MW that is to be connected to the State's power system.

## **Schedule 1—Fees**

### **Part 1—Fees under *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019***

The following fees are payable for the purposes of the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*:

- 1 Application to the accreditation authority for accreditation under the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*, other than where item 2 Applies—
  - (a) in the case of an application for accreditation as an accredited professional—planning level 1; and

\$878.00

	(b) in any other case	\$647.00
2	Application to the accreditation authority for accreditation under the <i>Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019</i> where the person is a member of a professional association or body recognised by the Chief Executive for the purposes of Regulation 16(2)(a) of the <i>Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019</i> and the person is applying as a member of that association or body for a corresponding level of accreditation under Regulation 16(2)(a)(ii) of those regulations	\$312.00
3	Application to the accreditation authority under Regulation 19 of the <i>Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019</i>	\$208.00
4	Late application fee under Regulation 19(3) of the <i>Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019</i>	\$69.00

## Part 2—Fees relating to development assessment

The following fees are payable in relation to development assessment under the Act (including in connection with the *Planning, Development and Infrastructure (General) Regulations 2017*):

5	Application for outline consent, planning consent or building consent (the <b>base amount</b> )—	
	(a) a lodgement fee	
	(i) if the total development cost is no more than \$10,000	\$95.50
	(ii) if the total development cost is greater than \$10,000 and no more than \$50,000	\$153.00
	(iii) if the total development cost is greater than \$50,000 and no more than \$100,000	\$172.00
	(iv) if the total development cost is greater than \$100,000 and no more than \$300,000	\$181.00
	(v) if the total development cost is greater than \$300,000 and no more than \$500,000	\$191.00
	(vi) if the total development cost is greater than \$500,000 and no more than \$700,000	\$439.00
	(vii) if the total development cost is greater than \$700,000 and no more than \$1,000,000	\$765.00
	(viii) if the total development cost is greater than \$1,000,000 and no more than \$5,000,000	\$1,721.00
	(ix) if the total development cost is greater than \$5,000,000 and no more than \$10,000,000	\$2,294.00
	(x) if the total development cost is greater than \$10,000,000; and	\$3,154.00
	(b) if the application is lodged at the principal office of the relevant authority—a processing fee	\$92.50
5a	Application for outline consent under Section 120 of the Act	\$6,372.00
6	Application for planning consent—	
	(a) if the proposed development is to be assessed as deemed to satisfy development under Section 106 of the Act—	
	(i) if the total development cost is no more than \$10,000	\$146.00
	(ii) in any other case	\$242.00

(b) if the proposed development is to be assessed on its merits under Section 107 of the Act	\$289.00 or 0.125% of the total development cost up to a maximum of \$200,000, whichever is the greater
(c) if the proposed development is restricted development under Section 108(1)(a) of the Act	
(i) if the proposed development is the division of land	\$567.00
(ii) in any other case	0.25% of the total development cost up to a maximum of \$300,000
(d) if the applicant applies for a review of the decision under Section 110(15) of the Act	\$591.00
(e) if the proposed development is to be assessed as impact assessed development under Section 111 of the Act—	
(i) if the proposed development is declared as being impact assessed development by the Minister	\$2,024.00 plus 0.25% of the total development cost up to a maximum of \$500,000
(ii) in any other case	0.25% of the total development cost up to a maximum of \$500,000
7 Application for planning consent that must be notified—	
(a) if Section 107(3)(a) applies	\$289.00
(b) if Section 110(2)(a) applies	\$289.00
7a Application for outline consent that must be notified	\$289.00
8 Application for outline consent or planning consent that must be referred to 1 or more prescribed bodies under Schedule 9 of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i> —	
(a) for referral to the Commissioner of Highways—	
(i) if the proposed development involves a change in the use of land	\$461.00
(ii) if the proposed development involves the division of land	\$461.00
(b) for referral to the Environment Protection Authority	
(i) non-licensable	\$857.00
(ii) licensable	\$1,928.00
(iii) site contamination	\$1,587.00
(c) for referral to the Minister responsible for the administration of the <i>Heritage Places Act 1993</i>	\$461.00
(d) for referral to the Minister responsible for the administration of the <i>River Murray Act 2003</i>	\$461.00
(e) for referral to the Relevant authority under the <i>Landscape South Australia Act 2019</i>	\$461.00
(f) for referral to the Chief Executive of the Department of the Minister responsible for the administration of the <i>Landscape South Australia Act 2019</i>	\$461.00
(g) for referral to the Coast Protection Board	\$461.00
(h) for referral to the Minister responsible for the administration of the <i>Historic Shipwrecks Act 1981</i>	\$461.00

(i)	for referral to the Commonwealth Minister responsible for the administration of the <i>Underwater Cultural Heritage Act 2018</i> of the Commonwealth	\$461.00
(j)	for referral to the Native Vegetation Council	\$739.00
(k)	for referral to the Government Architect or Associate Government Architect	\$563.00
(l)	for referral to Minister responsible for the administration of the <i>South Australian Housing Trust Act 1995</i>	\$278.00 plus \$173.00 per stage
(m)	for referral to the Minister responsible for the administration of the <i>Aquaculture Act 2001</i>	\$478.00
(n)	for referral to the South Australian Country Fire Service	\$461.00
(o)	for referral to Chief Executive of the Department of the Minister responsible for the administration of the <i>Petroleum and Geothermal Energy Act 2000</i>	\$378.00
(p)	for referral to the Minister responsible for the administration of the Mining Acts	\$378.00
(q)	for referral to the Technical Regulator	\$193.00
(r)	for referral to the Airport-operator company for the relevant airport within the meaning of the <i>Airports Act 1996</i> of the Commonwealth or, if there is no airport-operator company, Secretary of the Department of the Minister responsible for the administration of the <i>Airports Act 1996</i> of the Commonwealth	\$461.00
9	Application for building consent (a <b><i>building assessment fee</i></b> )—	
(a)	for a Class 1 building under the Building Code	\$521.00 or 0.25% of the total development cost, whichever is the greater
(b)	for a Class 10 building under the Building Code	\$149.00 or 0.25% of the total development cost, whichever is the greater
(c)	for any other class of building under the Building Code—	
(i)	if the total development cost is no more than \$20,000	\$775.00
(ii)	if the total development cost is greater than \$20,000 and no more than \$200,000	\$775.00 plus 0.4% of the amount determined by subtracting \$20,000 from the total development cost
(iii)	if the total development cost is greater than \$200,000 and no more than \$1,000,000	\$1,606.00 plus 0.25% of the amount determined by subtracting \$200,000 from the total development cost
(iv)	if the total development cost is greater than \$1,000,000	\$3,921.00 plus 0.15% of the amount determined by subtracting \$1,000,000 from the total development cost
10	Application for building consent (a <b><i>compliance fee</i></b> )—	
(a)	for a Class 1 building under the Building Code	\$278.00
(b)	for a swimming pool or swimming pool safety features	\$278.00
(c)	for a Class 1 building under the Building Code if the building comprises multiple dwellings	\$278.00 for each dwelling
(d)	for a Class 10 building under the Building Code—	
(i)	if the total development cost is no more than \$10,000	no fee

(ii) if the total development cost is greater than \$10,000	\$92.50
(e) for any other class of building under the Building Code	Once per building— \$278.00 or 0.075% of the total development cost up to a maximum of \$2,893.00, whichever is the greater
11 Application for building consent for the demolition of a building	\$168.00
11a Where Regulation 39 of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i> applies	20% of the fees payable under items 6 to 11
12 Application for the concurrence of the Commission under Section 118(2)(a) of the Act	\$399.00
13 Referral of application to the Commission for an opinion under Section 118(4) of the Act	\$399.00
14 Application for a development authorisation under Section 102(1)(c) or (d) of the Act—	
(a) if the number of allotments resulting from the division is equal to or less than the existing number of allotments, or creates no more than 4 additional allotments and does not involve the creation of a public road	\$203.00
(b) if the division creates more than 4 additional allotments	\$203.00 plus \$18.50 for each additional allotment created
(c) if the division involves the creation of a public road (regardless of the number of additional allotments created)	\$203.00 plus \$18.50 for each additional allotment created
15 Application for final development approval in respect of HomeBuilder development (fee payable to the council for the area in which the proposed development is to be undertaken)	\$136.00
16 Advice of the Commission under Regulation 76 of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i> (payable by the applicant at the time of lodgement of the application)	\$232.00
17 A Certificate of Approval Fee for the purposes of Section 138 of the Act	\$1,190.00
18 Application under Section 130 or 131 of the Act (fee payable to the Commission)	\$205.00 plus 0.25% of the total development cost up to a maximum of \$300,000
19 Amount for public notice under Section 131(13)(a) of the Act (amount payable to the Commission)	An amount determined by the Commission as being appropriate to cover its reasonable costs in giving public notice of the application under Section 131(13)(a) of the Act
20 Application for a variation of a development authorisation previously given that is minor in nature	\$146.00
21 Application to assessment panel for review of a prescribed matter under Section 202(1)(b)(i)(A) of the Act	\$591.00

### Part 3—Fees relating to building activity and use

The following fees are payable in relation to building activity and use (including in connection with the *Planning, Development and Infrastructure (General) Regulations 2017*):

- |    |  |          |
|----|--|----------|
| 22 | Issue of a certificate relating to essential safety provisions under Regulation 94 of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i> | \$278.00 |
| 23 | Application for assignment of a classification to a building or a change in the classification of a building under Section 151 of the Act                            | \$196.00 |
| 24 | Application for a certificate of occupancy under Section 152 of the Act  | \$57.50  |

## Part 4—Funds and off-set schemes

The following fees are payable in relation to funds and off-set schemes:

- |    |   |  |
|----|---|--|
| 25 | Rates of contribution under Section 198(1)(d), (2)(c) or (8) of the Act—      |  |
|    | (a) where the land to be divided is within Greater Adelaide                   | \$8,977.00 for each new allotment or strata lot delineated by the relevant plan that does not exceed 1 hectare in area |
|    | (b) where the land to be divided is within any other part of South Australia  | \$3,604.00 for each new allotment or strata lot delineated by the relevant plan that does not exceed 1 hectare in area |
| 26 | Rates of contribution for the purposes of Section 199(1) of the Act—          |  |
|    | (a) where the prescribed building is within Greater Adelaide                  | \$8,977 for each apartment or allotment delineated by the relevant plan  |
|    | (b) where the prescribed building is within any other part of South Australia | \$3,604.00 for each apartment or allotment delineated by the relevant plan   |

## Part 5—Other fees

The following fees are also payable:

- |     |   |   |
|-----|---|---|
| 27  | An assessment, or the update of an assessment, under Regulation 79 of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i> —    |   |
|     | (a) in relation to an original assessment   | \$465.00  |
|     | (b) in relation to an updating of the original or a subsequent assessment (including where the update is required because of an amended plan of division) | \$134.00  |
| 28  | Application for design review under Section 121 of the Act  | \$113.00 plus the reasonable costs of the design panel to provide advice on the application |
| 29  | Amount for the purposes of Section 127(6) of the Act  | \$516.00 for each replacement tree that is not planted                                      |
| 29A | Amount for the purposes of the Urban Tree Canopy Offset Scheme established under Section 197 of the Act—  |   |
|     | (a) in relation to a small tree   | \$516.00  |
|     | (b) in relation to a medium tree  | \$1,031.00  |
|     | (c) in relation to a large tree   | \$1,547.00  |
| 29B | Amount for the purposes of Schedule 4, Clause 18(1a)(a)(ii) of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i>             | \$516.00 for each replacement tree that is not planted                                      |

30	Application for the extension of a development authorisation under Section 126(3) of the Act—	
	(a) if the development authorisation relates to development assessed as restricted development under Section 108(1)(a) of the Act	\$146.00
	(b) if the development authorisation relates to development assessed as impact assessed development under Section 111 of the Act	\$10,000 for the first request, with the fee to be double the previously applicable fee for each subsequent request thereafter
	(c) in any other case	\$123.00
30a	Application for the extension of a development authorisation under Regulation 104B of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i> where the development authorisation relates to development assessed under Section 130 of the Act	\$146.00
30b	Application for the extension of a development authorisation under Regulation 108 of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i> :	
	(a) if the development authorisation relates to development assessed under Section 131(2)(b) of the Act, and the development is undertaken in partnership or joint venture with a person or body that is not a State agency	\$10,000 for the first request, with the fee to be double the previously applicable fee for each subsequent request thereafter
	(b) if the development authorisation relates to development assessed under Section 131(2)(c) of the Act	\$10,000 for the first request, with the fee to be double the previously applicable fee for each subsequent request thereafter
	(c) in any other case	\$146.00
31	Request for initiation of infrastructure scheme under Section 163(3)(b) of the Act	\$4,247.00
32	Certificate from Technical Regulator	\$465.00
33	Application to register an agreement under Section 192 or 193 of the Act	\$92.50
34	Fee for the purposes of Section 192(7) or 193(7) of the Act	\$17.20
35	Fee for approval under Section 197(5) of the Act	\$431.00
36	Application for the approval of the Minister under Section 235 of the Act	\$184.00
37	Application for approval of building envelope plan under Regulation 19A(1) of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i>	\$203.00 plus \$18.50 for each allotment delineated under the building envelope plan
38	Fee for consideration and publication of building envelope plan under Regulation 19A(3) and (4) of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i> (payable by applicant at the time of making application for approval of building envelope plan)	\$232.00
39	Fee for registration as a Local Design Review Administrator under the Minister's Design Review scheme established under Section 121 of the Act	\$625.00
40	Fee for registration an Independent Design Review Administrator under the Minister's Design Review scheme established under Section 121 of the Act	\$363.00
41	Fee for consideration of a proposal to initiate an amendment to the Planning and Design Code under Section 73(2)(b) of the Act	\$6,243.00

42	Fee for the administration and management of a proposed amendment to the Planning and Design Code, where approval of the Minister to initiate the amendment has been granted under Section 73(2)(b) of the Act:	
	(a) if the proposed amendment is determined to be simple in nature	\$4,768.00
	(b) if the proposed amendment is determined to be moderately complex in nature	\$23,157.00
	(c) if the proposed amendment is determined to be complex in nature	\$32,352.00
43	Fee for the publication of consultation of a proposed amendment of the Planning and Design Code under Section 73(2)(b) of the Act	\$9,876.00
44	Fee for the consideration by the Minister of a proposed amendment to the Planning and Design Code under Section 73(2)(b) of the Act:	
	(a) where the proposed amendment is determined to be simple in nature	\$4,767.00
	(b) where the proposed amendment is determined to be moderately complex in nature	\$23,156.00
	(c) where the proposed amendment is determined to be complex in nature	\$32,352.00
45	Fee for administration of implementing a code amendment adopted to by the Minister under Section 73(2)(b) of the Act	\$11,124.00
46	Fee for accredited professionals acting in a private capacity to use the SA Planning Portal to assess development applications	\$53.00 per consent decision made in the preceding quarter

## Signed by the Minister for Planning

On 24 June 2025

### PUBLIC CORPORATIONS ACT 1993

#### SECTION 6

#### *Direction to the South Australian Water Corporation*

#### Background

1. Pursuant to Section 6 of the *Public Corporations Act 1993*, and Sections 6 and 7(2)(f) of the *South Australian Water Corporation Act 1994*, the South Australian Water Corporation (SA Water) is subject to control and direction by its Minister, and has the functions conferred on it by its Minister.
2. The *South Australian Water Corporation Act 1994* is committed to the Minister for Housing Infrastructure (the Minister) as per Gazettal notice dated 15 April 2024, p. 683.
3. Pursuant to Section 32 of the *Water Industry Act 2012* (SA), Cape Jaffa Anchorage Essential Services (CJAES) wrote to the Essential Services Commission of South Australia to surrender its retail licence for the provision of sewerage and non-drinking water services to residential and non-residential customers, with an effective surrender date of 31 October 2022.
4. The Minister previously considered it appropriate to direct SA Water to temporarily take over the existing operations of CJAES.
5. The Minister now considers a new direction is appropriate to extend the timeframe for SA Water to take ownership of assets at Cape Jaffa to allow more time to confirm and transition to long term arrangements for water and sewerage services.

#### Direction

6. I, Nick Champion, Minister for Housing Infrastructure, direct SA Water under Section 6 of the *Public Corporations Act 1993* to use best endeavours to:
  - (i) secure all access rights and approvals necessary to continue SA Water's temporary operation of non-drinking water and sewerage services at Cape Jaffa, to ensure continued operation to customers (as defined by the *Water Industry Act 2012*) at Cape Jaffa Marina until 30 June 2026;
  - (ii) work with the Department for Environment and Water to confirm all land and other assets that would be required for SA Water to continue the temporary operation of non-drinking water and sewerage services at Cape Jaffa until 30 June 2026;
  - (iii) take ownership of all land and other assets required to continue SA Water's temporary operation of non-drinking water and sewerage services at Cape Jaffa, for nil consideration, by no later than 31 December 2025;
  - (iv) provide a retail service to customers at Cape Jaffa Marina, with all charges to be based on the charges of CJAES as at 1 July 2024 (see Attachment 1), to be indexed and published in the *South Australian Government Gazette*.
7. For the avoidance of doubt and to the extent of any inconsistency, this direction overrides any other previous direction to SA Water under Section 6 of the *Public Corporations Act 1993*—with respect to Cape Jaffa customers.
8. This direction may be revoked at any time.

Dated: 23 June 2025

HON NICK CHAMPION MP  
Minister for Housing Infrastructure



## ATTACHMENT 1

*Prices for Customers at Cape Jaffa Marina as at 1 July 2024*

Fee Name	Fee <sup>1</sup>
<b>Non-drinking water</b>	
Supply fee	\$399.00 per annum payable quarterly (GST free)
Flat rate tariff	\$3.14 per kL (GST free)
<b>Sewerage</b>	
Sewer access fee	The higher of: <ul style="list-style-type: none"> <li>• 37.125 cents per \$1,000 of property value per quarter<sup>2</sup>, or</li> <li>• minimum access fee of \$159.90 (GST free)</li> </ul>

<sup>1</sup> Fee quoted for 2024-25. Fees for 2025-26 to be indexed and published in the *South Australian Government Gazette* prior to 1 July 2025.

<sup>2</sup> Property value is set by the Valuer General.

## PUBLIC CORPORATIONS ACT 1993

## SECTION 6

*Direction to the South Australian Water Corporation*

I, Nicholas David Champion, Minister for Housing and Urban Development, direct SA Water to charge the following augmentation charges for connection to SA Water infrastructure:

1. All persons who receive development approval between 1 July 2025 and 30 June 2026 for an additional allotment, new connection or a variation to an existing connection with multiple new premises that connect to SA Water's water and/or sewerage infrastructure in the Greater Adelaide Region will be charged an augmentation charge in respect of each connection or new allotment, subject to this direction.
2. Augmentation charges will still be imposed in addition to any requirement to fund the augmentation of SA Water's infrastructure to service a greenfield or infill development and avoid impacting services to SA Water's customers.
3. An augmentation charge is not payable in relation to:
  - 3.1. a like-for-like replacement of an existing connection; or
  - 3.2. a connection to premises being built by or on behalf of a community housing provider, or a not-for-profit entity that is registered with the Australian Charities and Not-for-profit Commission; or
  - 3.3. an apartment; or
  - 3.4. any other connection determined by SA Water, subject to my consent.
4. The following augmentation charges will be payable to additional allotments and in relation to connections to land with the following classifications and, where a single connection is intended to facilitate the provision of a service to multiple new premises on the land, each premises will be treated as a connection for the purposes of imposing augmentation charges:

Greenfield Augmentation Charge	Residential 100%	Commercial/Industrial 225%	Reserves	
			<400m <sup>2</sup> 100%	>400m <sup>2</sup> 225%
Water	\$5,120	\$11,520	\$5,120	\$11,520
Sewer	\$5,120	\$11,520	\$5,120	\$11,520

All Other Locations Augmentation Charge	Residential 100%	Commercial/Industrial 225%	Reserves	
			<400m <sup>2</sup> 100%	>400m <sup>2</sup> 225%
Water	\$2,560	\$5,760	\$2,560	\$5,760
Sewer	\$2,560	\$5,760	\$2,560	\$5,760

5. An augmentation fee will be payable in addition to any other applicable fees or charges (including a connection fee) per SA Water's general fees and charges.

**Definitions**

"Greenfield" are locations within the Greater Adelaide region that come within the definition of "greenfield" in Table 1 of the [Land Supply Report for Greater Adelaide](#) (July 2023).

"Greater Adelaide Region" means the planning region of that name proclaimed by the Governor under Section 5 of the *Planning, Development and Infrastructure Act 2015* on 19 March 2020, a map of which is available in Figure 1 of the [Land Supply Report for Greater Adelaide](#) (July 2023).

A "Residential Allotment" is a property classified with the use of land for detached dwelling, group dwelling, multiple dwelling, residential flat building, or dwelling or semi-detached dwelling for the purposes of the *Planning, Development and Infrastructure Act 2015*.

A "Commercial/Industrial Allotment" is a property classified with the use of land that is not residential.

A “Reserve” is a property classified with the use of land that is set aside to protect natural resources, maintain public spaces or serve other public interests.

“Premises” is a dwelling, house or building together with its land.

Dated: 23 June 2025

HON NICK CHAMPION MP  
Minister for Housing Infrastructure

PUBLIC SECTOR ACT 2009

SECTION 71

2025 Ministerial Staff Report

Pursuant to Section 71 of the *Public Sector Act 2009*, the following details of all appointments to the Minister’s personal staff under this section is provided as at 19 June 2025.

In accordance with the standing practice first introduced with the commencement of the *Public Sector Management Act 1995* details of employer superannuation liabilities and fringe benefits tax for each employee are not included in this report. These liabilities vary from employee to employee and are not paid directly to the employee. This information is included in aggregate form in salary data contained in departmental annual reports.

MINISTER: Premier		Number of Ministerial Staff:	42.0 FTE
APPOINTEE		POSITION	SALARY
<b>Bistrovic</b>	John	Chief of Staff <i>home telephone rental and two thirds of calls, reasonable personal use of mobile phone, carpark, private plated motor vehicle, home delivered newspaper, \$30 per month for home internet</i>	\$231,982
<b>Rich</b>	Cheyne	Deputy Chief of Staff <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$189,337
<b>Romeo</b>	Sonia	Deputy Chief of Staff <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$189,337
<b>Todd</b>	Adam	Director of Media and Communications <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$196,076
<b>Harmsen</b>	Nicholas	Chief Media Adviser to the Premier <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$189,337
<b>Price</b>	Lukas	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$169,500
<b>Blaikie</b>	Catherine	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$169,500
<b>Ben</b>	Lawrence	Economics Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$169,500
<b>Richardson</b>	Thomas	Senior Media Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$153,787
<b>Richardson</b>	Jemma	Senior Media Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$153,787
<b>Gillick</b>	Jason	Senior Media Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$153,787
<b>Berketa</b>	Jack	Senior Media Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$153,787
<b>De Bono</b>	Nadine	Senior Media Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$153,787
<b>McMahon</b>	Amelia	Senior Media Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$153,787
<b>Perre</b>	Pamela	Media Unit Manager <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$153,787
<b>Cooper</b>	Angelina	Media Monitoring Service Manager <i>reasonable personal use of mobile phone, car park</i>	\$151,500
<b>Pham</b>	Minh	Social and Digital Director <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$149,220
<b>Angley</b>	Thomas	Media Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$131,131
<b>Pappas</b>	Panagiota	Media Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$131,131

MINISTER: Premier			Number of Ministerial Staff:	42.0 FTE
APPOINTEE		POSITION		SALARY
<b>Opie</b>	Rebecca	Media Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$131,131
<b>O'Callaghan</b>	Deborah	Media Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$131,131
<b>Bignell</b>	Conor	Media Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$131,131
<b>Ruzgar</b>	Andrew	Media Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$131,131
<b>Maios</b>	Theodora	Media Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$131,131
<b>Pisani</b>	Ashleigh	Media Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$131,131
<b>Moore</b>	Joseph	Media Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$131,131
<b>Street</b>	Andrew	Speech Writer <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$131,131
<b>Carmen</b>	Wendy	Graphic Designer <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220
<b>Chapman</b>	Nicole	Executive Assistant to the Premier <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220
<b>Griffiths</b>	David	Digital Content Producer <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220
<b>Nelli</b>	Harrison	Digital Content Producer <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220
<b>Munyard</b>	Caitlin	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220
<b>Vandepelaar</b>	Rebecca	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220
<b>Couch</b>	Matilda	Ministerial Adviser—Assistant Minister for Junior Sport Participation <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220
<b>Ritter</b>	Brendan	Ministerial Adviser—Assistant Minister to the Premier for Artificial Intelligence and the Digital Economy <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220
<b>Buntain</b>	Nicholle	Principal Monitor, Media Monitoring Service		\$98,873
<b>Allen</b>	Connie	Media Monitor		\$82,373
<b>Jarrett</b>	Melinda	Media Monitor		\$82,373
<b>Maunder</b>	Joanne	Media Monitor		\$82,373
<b>Holbrook</b>	Sarah	Media Monitor		\$82,373
<b>Mayman</b>	Cameron	Media Monitor		\$82,373
<b>Riley</b>	Megan	Media Monitor		\$82,373

**MINISTER: Deputy Premier, Minister for Climate, Environment and Water,  
Minister for Industry, Innovation and Science, Minister for Workforce and  
Population Strategy**

			Number of Ministerial Staff:	4.6 FTE
APPOINTEE		POSITION		SALARY
<b>Roffee</b>	James	Chief of Staff <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$180,872
<b>Gore</b>	Emily	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$149,220
<b>Woods</b>	Claire	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$149,220
<b>Natt</b>	Ashley	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$149,220

**MINISTER: Deputy Premier, Minister for Climate, Environment and Water,  
Minister for Industry, Innovation and Science, Minister for Workforce and  
Population Strategy**Number of Ministerial Staff: **4.6 FTE**

APPOINTEE		POSITION	SALARY
Hurst	Cameron	Communications Adviser <i>0.6 FTE, reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$73,932

**MINISTER: Minister for Aboriginal Affairs, Attorney-General, Minister for  
Industrial Relations and Public Sector, Special Minister of State**Number of Ministerial Staff: **6.0 FTE**

APPOINTEE		POSITION	SALARY
Stewart	Patrick	Chief of Staff <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$180,872
Ah Chee	Roland	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$149,220
Oehme	Angas	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$149,220
Kirkbride	Elliette	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$123,220
Hennessy	Meredith	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$123,220
Gal	Jennifer	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$123,220

**MINISTER: Minister for Infrastructure and Transport, Minister for Energy  
and Mining**Number of Ministerial Staff: **7.0 FTE**

APPOINTEE		POSITION	SALARY
Labropoulos	Panagiotis	Chief of Staff <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$180,872
Knapp	Evan	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$149,220
Alexandrides	Daniel	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$123,220
Antonopoulos	Nick	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$123,220
Harriss	Corey	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$123,220
Karastamatis	Anthony	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$123,220
Jensen	Peter	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$123,220

**MINISTER: Treasurer, Minister for Defence and Space Industries, Minister for  
Police**Number of Ministerial Staff: **7.0 FTE**

APPOINTEE		POSITION	SALARY
Atkinson	John	Chief of Staff <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$180,872
McGuire	Michael	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$149,220
Yoon	Tara	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$149,220
Nankivell	Grace	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$123,220
De Favari	Emma	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$123,220
Chapman	Samuel	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$123,220

<b>MINISTER: Treasurer, Minister for Defence and Space Industries, Minister for Police</b>			Number of Ministerial Staff:	<b>7.0 FTE</b>
<b>APPOINTEE</b>		<b>POSITION</b>		<b>SALARY</b>
<b>Wheeler</b>	Kate	Executive Assistant <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220
<b>MINISTER: Minister for Tourism, Minister for Multicultural Affairs</b>			Number of Ministerial Staff:	<b>4.0 FTE</b>
<b>APPOINTEE</b>		<b>POSITION</b>		<b>SALARY</b>
<b>Geytenbeek</b>	Peter	Chief of Staff <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$180,872
<b>Marozzi</b>	Matthew	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$149,220
<b>Miller</b>	Daisy	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220
<b>Hillard</b>	Josephine	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220
<b>MINISTER: Minister for Health and Wellbeing</b>			Number of Ministerial Staff:	<b>6.8 FTE</b>
<b>APPOINTEE</b>		<b>POSITION</b>		<b>SALARY</b>
<b>Wilkins</b>	David	Chief of Staff <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$180,872
<b>Phillips</b>	Georgia	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$149,220
<b>Harmer</b>	Joshua	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$149,220
<b>Anesbury</b>	Dylan	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220
<b>Buckley</b>	Lauris	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220
<b>Maltby</b>	Benjamin	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220
<b>Jurkovic</b>	Tara	Ministerial Adviser <i>0.8 FTE, reasonable personal use of mobile phone</i>		\$98,576
<b>MINISTER: Minister for Child Protection, Minister for Women and the Prevention of Domestic, Family and Sexual Violence</b>			Number of Ministerial Staff:	<b>4.0 FTE</b>
<b>APPOINTEE</b>		<b>POSITION</b>		<b>SALARY</b>
<b>Sibley</b>	Ruth	Chief of Staff <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$180,872
<b>Pearce</b>	Matt	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$149,220
<b>Karanikos-Mimis</b>	Spiro	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220
<b>Nicholls</b>	Amanda	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220
<b>MINISTER: Minister for Human Services, Minister for Seniors and Ageing Well</b>			Number of Ministerial Staff:	<b>4.0 FTE</b>
<b>APPOINTEE</b>		<b>POSITION</b>		<b>SALARY</b>
<b>Hicks</b>	Michael	Chief of Staff <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$180,872
<b>Newman</b>	Rhiannon	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$149,220
<b>Lightowler</b>	Rebecca	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220

MINISTER: Minister for Human Services, Minister for Seniors and Ageing Well			Number of Ministerial Staff:	4.0 FTE
APPOINTEE		POSITION		SALARY
Marsh	Tyler	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220

MINISTER: Minister for Primary Industries and Regional Development, Minister for Forest Industries			Number of Ministerial Staff:	4.0 FTE
APPOINTEE		POSITION		SALARY
Spencer	Meagan	Chief of Staff <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$180,872
Jones	Lucas	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$149,220
O'Brien	Mathew	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220
Snelling	Molly	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220

MINISTER: Minister for Education, Training and Skills			Number of Ministerial Staff:	4.8 FTE
APPOINTEE		POSITION		SALARY
Kimberley	Nicholas	Chief of Staff <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$180,872
Vines	Joshua	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$149,220
Weidenbach	Josh	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$149,220
Griffiths	Leanne	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220
Ralfs	Amy	Ministerial Adviser <i>0.8 FTE, reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$98,576

MINISTER: Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts			Number of Ministerial Staff:	4.5 FTE
APPOINTEE		POSITION		SALARY
Wemmer	Joel	Chief of Staff <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$180,872
Buchanan	Chad	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$149,220
Pilkington	Gemma	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220
Makarenko	Jason	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220
Ly	Savoth	Ministerial Adviser <i>0.5 FTE, reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$61,610

MINISTER: Minister for Trade and Investment, Minister for Local Government, Minister for Veterans' Affairs			Number of Ministerial Staff:	3.6 FTE
APPOINTEE		POSITION		SALARY
Wills	Dan	Chief of Staff <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$180,872
Cavanough	Angus	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$149,220
Gallery	Skana	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>		\$123,220

**MINISTER: Minister for Trade and Investment, Minister for Local Government, Minister for Veterans' Affairs**Number of Ministerial Staff: **3.6 FTE**

APPOINTEE		POSITION	SALARY
Turner	Jeffrey	Ministerial Adviser <i>0.6 FTE, reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$73,932

**MINISTER: Minister for Housing and Urban Development, Minister for Housing Infrastructure, Minister for Planning**Number of Ministerial Staff: **5.0 FTE**

APPOINTEE		POSITION	SALARY
Brown	Victoria	Chief of Staff <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$180,872
Chrisan	Manuel	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$149,220
Babaniotis	Con	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$149,220
Ginges	Joel	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$149,220
Green	Emma	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$123,220

**MINISTER: Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing**Number of Ministerial Staff: **4.0 FTE**

APPOINTEE		POSITION	SALARY
Heise	Lydia	Chief of Staff <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$180,872
Harrington	May	Senior Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$149,220
Drewer	Tania	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$123,220
Werfel	Mathew	Ministerial Adviser <i>reasonable personal use of mobile phone, car park, \$30 per month for home internet</i>	\$123,220

**Leader of the Opposition**Number of Ministerial Staff: **7.8 FTE**

APPOINTEE		POSITION	SALARY
Pierce	Aric	Chief of Staff <i>reasonable personal use of mobile phone, car park</i>	\$170,000
McDonald	Hayley	Director of Media and Communications <i>reasonable personal use of mobile phone, car park</i>	\$150,000
Finizio	Anna	Director of Policy and Stakeholder Engagement <i>reasonable personal use of mobile phone</i>	\$140,000
Lambert	Maxwell	Adviser <i>reasonable personal use of mobile phone</i>	\$130,000
Venning	Nigel	Creative and Digital Lead	\$125,000
Mead	Gretel	Media Adviser <i>reasonable personal use of mobile phone</i>	\$100,000
Shahin	Firas	Adviser <i>reasonable personal use of mobile phone</i>	\$97,000
Jurczak	Dawid	Office Manager <i>0.4 FTE</i>	\$51,200
Flutsch	Anna	Assistant to the Leader of the Opposition <i>0.4 FTE</i>	\$31,565

Dated: 19 June 2025

PETER BRYDEN MALINAUSKAS  
Premier of South Australia

## RETIREMENT VILLAGES ACT 2016

## SECTION 59(1)

*Voluntary Termination of Retirement Village Scheme*

Take notice that I, Natalie Cook, Minister for Seniors and Ageing Well, pursuant to Section 59(1) of the *Retirement Villages Act 2016*, hereby terminate the portion Allotment 101 of the Kings Park retirement village scheme situated at 297 Goodwood Road, Kings Park SA 5034.

“Allotment 101” means the allotment to be created from the subdivision of the Land in Certificate of Title Register Book Volume 5596 Folio 823 in accordance with Development application number 25010606.

I do so being satisfied for the purposes of Section 59(2) of the Act that all residents agree to the removal of Allotment 101 from the retirement village. The termination will take effect the day the certificate of title for Allotment 101 is issued, upon which the retirement village endorsement for Allotment 101 is cancelled.

Dated: 17 June 2025

HON NATALIE COOK MP  
Minister for Seniors and Ageing Well

## SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

SACAT REFERENCE NUMBER: 2025/SA001166

*Notice of Exemption Before Tribunal Member Estelle Frawley*

I hereby certify that on 6 June 2025, the South Australian Civil and Administrative Tribunal, on application of Mellori Solutions Pty Ltd, made the following orders for an exemption:

1. Pursuant to Section 92 of the *Equal Opportunity Act 1984*, the Tribunal grants an exemption to Mellori Solutions Pty Ltd for compliance with the provisions of Section 52, 53, 54, 103(1) of the *Equal Opportunity Act 1984* with respect of nationality and country of origin for a period of three years.
2. For clarity, it is intended that Mellori Solutions Pty Ltd may:
  - (a) request information relating to the nationality, country of birth and current and past citizenship from existing and potential employees and contractors;
  - (b) take a person’s nationality, country of birth and current and past citizenship into account in determining who should be offered employment or contract work in areas requiring access to Controlled Defence Articles and when making decisions as to the participation of employees or contractors in such work;
  - (c) maintain records of the nationality, country of birth and current and past citizenship of all employees and contractors who have or may have access to Controlled Defence Articles in the performance of their work;
  - (d) disclose Controlled Defence Articles only to persons who are not prohibited from receiving a disclosure in accordance with applicable United States laws;
  - (e) impose limitations or prohibitions on persons of particular nationalities, countries of origin and current and past citizenship having access to Controlled Defence Articles in the performance of their work;
  - (f) to the extent necessary to comply with their legal obligations to the Commonwealth, disclose to the Commonwealth the nationality, country of birth and current and past citizenship of all employees and contractors who require access to Controlled Defence Articles in the performance of their work;
  - (g) disclose to US Contractors with whom the Applicant is party to a US Export Authorisation and to the US Department of State, the nationality, country of birth and current and past citizenship of all employees and contractors who will have access to Controlled Defence Articles in the performance of their work; and
  - (h) establish security systems which will prevent the unauthorised re-export or retransfer of Controlled Defence Articles.
3. It is also intended that the exemption apply subject to the following conditions:
  - (a) It will only apply to conduct by the Applicant where:
    - (i) that conduct is necessary to enable the Applicant to enter into and/or perform contractual undertakings requiring access to Controlled Defence Articles; and
    - (ii) the Applicant has taken all steps that are reasonably available (including steps that might be taken in negotiating and performing the terms of their agreements with US Contractors) to avoid the necessity of engaging in conduct that would otherwise be in breach of Sections 52, 53, 54 and 103 of the Act;
  - (b) Where the Applicant uses a system of security passes to reflect the fact of access to Controlled Defence Articles or levels of access to any security sensitive material by employees and contract workers, the passes may be coded but not in such a way as to identify the nationality, country of birth and current and past citizenship of the person or the reasons for that person’s level of access;
  - (c) All information relating to nationality, country of birth and current and past citizenship and access to Controlled Defence Articles shall be restricted to technology control officers, export control officers, security officers, legal officers and human resources officers of the Applicant or their properly appointed nominees on a need to know basis;
  - (d) The Applicant’s employment policies shall be amended as soon as reasonably possible so as to refer to the terms of this exemption, including all conditions attached to it, and to make it clear that the purpose of the request for information regarding nationality, country of birth and current and past citizenship is made solely for the purposes of compliance with United States laws.
4. Further, on the 12-month anniversary of these orders, and every 12 months thereafter for the duration of this exemption, the Applicant must report to the Commissioner for Equal Opportunity on their compliance with the orders and changes (if any) to their procedures. That report must include:
  - (a) The steps taken to ensure that the gathering, storage and use of nationality and country of origin information is appropriate and secure;
  - (b) The steps taken to ensure that nationality and country of origin information is only used for lawful purposes, including as permitted by the exemption;
  - (c) The training and education provided to new and existing employees on these orders and their implementation;



- (d) The steps taken by the Applicant to implement these orders;
- (e) How the Applicant monitors compliance with these orders;
- (f) The number of persons affected by these orders and the nature of those effects;
- (g) The steps taken by the Applicant to address any adverse effects on existing or future employees because of these orders;
- (h) The steps taken by the Applicant to minimise the impact of these orders on current and future employees.

Dated: 26 June 2025

ANNE LINDSAY  
Principal Registrar  
South Australian Civil and Administrative Tribunal

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SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

SACAT REFERENCE NUMBER: 2025/SA001252

*Notice of Renewal of Exemption Before Senior Member Candida D'Arcy*

I hereby certify that on 9 May 2025, the South Australian Civil and Administrative Tribunal, on application of Dieri Aboriginal Corporation Rntbc, made the following orders for an exemption:

1. Pursuant to Section 92 of the *Equal Opportunity Act 1984* the Tribunal grants the applicant exemption from the provisions of Sections 52, 53, 54 and 103(1) of that Act so as to permit it to:
  - (a) Request ancestral or such other information necessary to identify Aboriginality from existing and potential employees and contractors;
  - (b) Take a person's ancestry or Aboriginality into account in determining who should be offered employment, contract work or other contract for goods and services; and
  - (c) Maintain records of ancestry and Aboriginality of all employees and contractors.
2. This exemption will expire on Tuesday, 9 May 2028.

Dated: 20 June 2025

ANNE LINDSAY  
Principal Registrar  
South Australian Civil and Administrative Tribunal

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SOUTH AUSTRALIAN SKILLS ACT 2008

*South Australian Skills Standards*

Pursuant to the provisions of Division 3, Section 26 of the *South Australian Skills Act 2008* and Regulation 5 of the *South Australian Skills Regulations 2021*, the South Australian Skills Commission (SASC) gives notice of the publication of Standard 9 and Standard 13, as varied, of the South Australian Skills Standards.

South Australia's apprenticeship and traineeship system is underpinned by the *South Australian Skills Act 2008* (the *SAS Act*), the *South Australian Skills Regulations 2021* (the *Regulations*), and the South Australian Skills Standards (Standards).

The 14 Standards came into force on 1 July 2021. Compliance with the Standards is required, and a failure to comply with a provision of the Standards may result in compliance action being taken.

Standard 9 Transfer of Training Contracts and Substitute Employer, and Standard 13 Recognition of Other Qualifications and Experience in Trades and Declared Vocations have been amended to reflect fee increases that come into force on 1 July 2025.

The *SAS Act* or the *Regulations* (whichever is applicable) will prevail to the extent that there is any inconsistency with a provision of the Standards.

Each Standard should be read in conjunction with the other Standards and supporting information for employers of apprentices and trainees.

In addition to the requirements under the *SAS Act*, employers must comply with such other laws, professional standards or regulatory frameworks as may apply to their business and industry sector. In particular, these Standards do not override the *Work Health and Safety Act 2012* and *Fair Work Act 2009*.

**Transitional Arrangements**

Transitional arrangements for these Standards will apply, for more detail:

<http://www.skillscommission.sa.gov.au/2021-legislation-changes/transitional-arrangements>

Dated: 26 June 2025

COMMISSIONER CAMERON BAKER  
Chair of the South Australian Skills Commission

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SOUTH AUSTRALIA SKILLS STANDARDS

*Standard 9—Transfer of Training Contracts and Substitute Employer*

This Standard relates to the substitution of an employer of an apprentice or trainee and covers three broad situations in which the Training Contract is taken over by (or transferred to) another employer. Transfer of a Training Contract through the first two situations described below are subject to approval by the Commission. A change of business ownership requires the South Australian Skills Commission (the Commission) to be notified of the change of ownership.

A substitution or transfer of a Training Contract occurs where:

- an apprentice or trainee under a Training Contract established in another state or territory transfers to a South Australian-based employer
- an application is made to the Commission to substitute the current employer of an apprentice or trainee with a different employer
- the Commission determines, on its own motion, to substitute the current employer of an apprentice or trainee with a different employer

- there is a change in the ownership of the business under which an apprentice or trainee is employed.

This Standard applies to the Commission, employers and prospective employers of apprentices and trainees.

### **Governance Arrangements**

Decisions to approve the transfer of a Training Contract and substitution of an employer are decided by the Commission (or its delegate).

### **Compliance with the Standard**

#### **9.1 Transfer of Training Contracts between jurisdictions (*SAS Act, S45, S48A, Regulation 7*)**

- 9.1.1 In the event an apprentice or trainee under a Training Contract established in another state or territory relocates to South Australia, the *SAS Act* permits the Commission to:
- (a) recognise (with or without modification) the Training Contract (and associated Training Plan) as a Training Contract and Training Plan under the *SAS Act*
  - (b) substitute the employer under the Training Contract with a South Australian based employer
  - (c) recognise the previous employment and training completed in the jurisdiction
  - (d) make other appropriate arrangements.
- 9.1.2 The Commission must decline to recognise the Training Contract of a relocating apprentice or trainee if the proposed new employer is a prohibited employer.
- 9.1.3 The Commission may refuse recognition of the Training Contract if:
- (a) there is no nominated training organisation for the apprentice or trainee
  - (b) there is no Training Plan relating to the Training Contract
  - (c) the trade or vocation is not a declared trade or vocation under the *SAS Act* or does not have an equivalent under the *SAS Act*
  - (d) the proposed employer
    - i. is not registered or has not applied for registration
    - ii. is not operating within the scope of their registration
    - iii. has failed to comply with a condition of their registration.
- 9.1.4 A relocating apprentice or trainee seeking to have their Training Contract recognised and/or the proposed (South Australian-based) employer must notify the Commission as early as practicable (the Training Contract made in another jurisdiction will not be enforceable until the Commission recognises it).
- 9.1.5 Notification of the transfer, via a form determined by the Commission and available at [www.skills.sa.gov.au/business/forms](http://www.skills.sa.gov.au/business/forms), should include:
- (a) name and contact details of the apprentice or trainee and of the previous and proposed employer
  - (b) name and contact details of the training organisation under the Training Contract
  - (c) commencement date of employment with proposed employer
  - (d) a copy of the Training Contract and Training Plan
  - (e) name of the nominated training organisation (if not the training organisation under the Training Contract).
- 9.1.6 The Commission will consider this information in reaching a decision whether or not to recognise the transfer and will advise the applicant(s):
- (a) whether or not the Training Contract is recognised
  - (b) the date from which it is recognised
  - (c) the trade or vocation, or equivalent trade or vocation under the recognised Training Contract
  - (d) conditions (if any) under which the Training Contract is agreed to be recognised.
- 9.1.7 If the Commission has insufficient information to enable it to determine whether a Training Contract is recognised, it will notify the applicant(s) and request further information.

#### **9.2 Transfer due to a change of ownership of business (*SAS Act, S54 MA*)**

- 9.2.1 In the event an owner of a business who employs one or more apprentices or trainees transfers ownership of the business to another employer, the Training Contract continues with the new employer and the rights, obligations and liabilities of the former owner/employer transfer to the new owner/employer.
- 9.2.2 Rights, obligations, and liabilities include:
- (a) to provide training as required by the Training Contract and Training Plan
  - (b) to meet relevant occupational, health, safety and welfare requirements.
- 9.2.3 Both the former owner/employer and new owner/employer must notify the Commission and the NTO of the change of business ownership and consequent transfer of the Training Contract(s) within 21 days of it occurring. Notification is made via a form, determined by the Commission.
- 9.2.4 Notice to the Commission and the NTO should include:
- (a) date of the transfer of ownership of the business (note, an employer must also notify the Commission of an offer to sell the business to which the Training Plan(s) relates and in the event the business becomes insolvent or bankrupt)
  - (b) name and contact details of the apprentice or trainee
  - (c) name and contact details of the former owner/employer and new owner/employer
  - (d) a copy of the Training Contract and Training Plan
  - (e) name of the NTO

- (f) proof of registration by the new owner/employer, or that the employer has applied for registration.

### **9.3 Substitution of an employer under Training Contract and transfer fees (*SAS Act, S54N, S54O, Regulation 13*)**

- 9.3.1 An application may be made to the Commission to substitute the employer of an apprentice or trainee and determination of the application may, unless waived or previously paid between the parties to the transfer, invoke a transfer fee payable by the proposed employer to the previous employer.
- 9.3.2 This application may be made by:
- (a) the existing/previous employer (or person on their behalf)
  - (b) the proposed employer (or a person on their behalf)
  - (c) the apprentice or trainee (or a person on their behalf).
- 9.3.3 The application must contain the following information:
- (a) contact details of the parties to the application
  - (b) reason(s) for the substitution
  - (c) the number of employees employed by the business to which the apprentice or trainee is being transferred
  - (d) evidence of the transfer fee transaction or of an agreement to pay the transfer fee, if a request to waive the transfer fee is not made to the Commission
  - (e) if the proposed employer is seeking to have the transfer fee waived (see below for grounds to waive the transfer fee) by the Commission, the ground(s) for waiving the fee
  - (f) if the previous/existing employer objects to the transfer, reasons for the objection.
- 9.3.4 The Commission may invite the existing employer to provide a written submission about whether the application to substitute the proposed employer should be granted or not, and may make any enquiries of any of the parties about whether the transfer of the apprentice or trainee to the new employer is appropriate in the circumstances.

### **9.4 Application in relation to an apprentice or trainee under 18 years of age**

- 9.4.1 The Commission must be satisfied, in relation to an application to substitute an employer in relation to an apprentice under 18 years of age, that the application is in the best interests of the apprentice or trainee and where the parent(s) or guardian(s) are party to the Training Contract, may enquire about the merits of the application with the parent(s) or guardian(s) of the apprentice or trainee.

### **9.5 Consideration of an application to substitute an employer by application**

- 9.5.1 For the purposes of Section 54N(3) of the *SAS Act*, the Commission must be satisfied that:
- (a) if the proposed employer has consented to the substitution, there is evidence in writing of such consent
  - (b) the proposed employer is not a prohibited employer
  - (c) the proposed employer is:
    - i. registered
    - ii. operating within scope of the registration
    - iii. complying with conditions of the registration.

(requirement (i.) is suspended when the proposed employer has applied for registration, and the application has yet to be determined and the Commission is satisfied they are a fit and proper person to enter into a Training Contract. The Commission may inform itself of this question in any way it sees fit).
  - (d) The proposed employer has paid, or agreed to pay, any transfer fee payable under Section 54O, or that there are grounds for a waiver.
- (Note: The Commission may consider information, or a submission provided by the parties, or make any enquiries on its own initiative, on the appropriateness of the substitution. It may consider, for example, whether any coercion or inducement has been applied by any party against another party to agree to the substitution).

### **9.6 Existing employer may provide a submission on the application**

- 9.6.1 Except where the existing employer is an applicant to substitute, the Commission should, where practicable, have regard to any submission of the existing employer in relation to the application. However, a submission by the existing employer will not be determinative of the outcome.

### **9.7 Notice of the Commission's decision**

- 9.7.1 The Commission will notify the parties of its decision on the application and will advise whether the application is successful. If an application is successful, the Commission will advise the parties:
- (a) the date the substitution is taken to have occurred
  - (b) the transfer fee payable by the proposed employer to the previous employer, unless waived or reduced
  - (c) a condition that confirmation of the substitution is subject to an application to register the proposed employer being approved, if applicable.
- 9.7.2 If the application is unsuccessful the Commission will advise the parties of this outcome and the reason(s) for the decision.

### **9.8 Transfer fee**

- 9.8.1 The transfer fee payable upon confirmation of the substitution being approved outlined in the *South Australian Skills (Fees) Notice 2025* is as follows:

#### **Small business (20 or fewer employees)**

First year of Training Contract .....	\$1,816
Second year of Training Contract.....	\$3,633
Third year of Training Contract.....	\$5,450

Fourth year of Training Contract ..... \$7,264

**Medium to large business (21 or more employees)**

First year of Training Contract ..... \$2,271

Second year of Training Contract ..... \$4,541

Third year of Training Contract ..... \$6,811

Fourth year of Training Contract ..... \$9,083

9.8.2 For the purpose of Section 54O(6) of the *SAS Act*, the size of the business is to be calculated at the date of the proposed substitution and should include permanent, temporary, casual, part-time, managerial and executive employees in addition to employees on paid leave and workers' compensation.

9.8.3 Transfer fees are reviewed annually and increased in line with the standard indexation rate.

**9.9 Transacting the transfer fee (*SAS Regulation 12(e)*)**

9.9.1 The transfer fee is paid directly by the proposed employer to the existing employer and a record of the transaction must be retained by both the previous and proposed employer.

9.9.2 A proposed employer must not seek compensation for payment of a transfer fee from the apprentice or trainee under the Training Contract to which the application relates.

**9.10 Disputes relating to an application to substitute an employer and payment of the transfer fee (*SAS Act, S52, S54O(3)*)**

9.10.1 The Commission, before determining an application to substitute an employer, may direct the parties to the Training Contract to undertake dispute resolution of a specified kind. For more information, parties are referred to [Standard 12, Complaint Handling, Mediation and Advocacy](#).

9.10.2 If the proposed employer defaults on payment of the transfer fee, the previous employer may commence proceedings for recovery of the transfer fee from a court of competent jurisdiction. Independent legal advice should be obtained before commencing proceedings for recovery of the transfer fee and note, in this situation, the Commission does not have a role pursuing an unpaid fee on behalf of an employer.

**9.11 Waiver of the transfer fee (*SAS Regulation 13*)**

9.11.1 The transfer fee payable by a proposed employer to the existing employer may be waived or reduced in certain prescribed circumstances where:

- (a) the transfer is mutually agreed by the proposed employer and the existing employer
- (b) it is unlikely that the existing employer will be able to provide employment to the apprentice or trainee for the duration of the Training Contract
- (c) it is unlikely that the existing employer will be able to provide the scope of training or supervision necessary for the apprentice or trainee to complete the training required under the Training Contract
- (d) it is appropriate to do so in the circumstances.

9.11.2 If a request to waive the transfer fee is not made at the same time as the application to substitute the employer, the proposed employer may apply to the Commission for a waiver of the transfer fee within 7 days of the application to substitute the employer.

9.11.3 Where a request to waive the transfer fee is made, the Commission may make enquiries of the existing and/or proposed employer to determine whether, in the circumstances, it is appropriate to grant a waiver.

**9.12 Review of decisions by the South Australian Civil and Administrative Tribunal (*SAS Act, S70F, Regulation 20*)**

9.12.1 The South Australian Civil and Administrative Tribunal (SACAT) has jurisdiction to review a decision of the Commission to approve or refuse a substitution of an employer under Section 54N of the *SAS Act*.

9.12.2 An applicant must apply to the SACAT within 28 days of receiving notice of the relevant decision.

9.12.3 The SACAT may allow an extension of time to this application period if it is satisfied that:

- (a) special circumstances exist; and
- (b) another party will not be unreasonably disadvantaged because of the delay in commencing proceedings.

9.12.4 An application to the SACAT to review a decision must be made using the online form available at:

[www.sacat.sa.gov.au/applications-and-hearings/how-to-apply-to-sacat](http://www.sacat.sa.gov.au/applications-and-hearings/how-to-apply-to-sacat)

9.12.5 Fees apply for commencing a review in the SACAT. The SACAT can reduce or waive a fee in a particular case, or in relation to a particular class of applicant, based on financial hardship or where it is in the interests of justice to do so. An applicant may also apply for a partial waiver of the fee if they hold a valid concession card.

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*Standard 13—Recognition of Other Qualifications and Experience  
in Trades and Declared Vocations*

This Standard relates to the assessment and certification of a person's qualifications and/or experience in relation to a particular trade or declared vocation, where the person has:

- Not completed an apprenticeship or traineeship but developed the skills and knowledge for a trade or declared vocation through employment and training in an occupation listed on the Traineeship and Apprenticeship Pathways Schedule.
- Gained a trade or declared vocation-related qualification overseas.

This Standard is in accordance with the requirements contained in the *South Australian Skills Act 2008* (the *Act*).

Recognition arrangements outlined in this Standard may be used in support of, but does not guarantee, the receipt of an Australian visa. Individuals should seek information on visa application processes from the Australian Government Department of Home Affairs.

The Commission provides certification arrangements for trades and declared vocations that acknowledge employment-based skills outcomes, and also provide recognition for:

- obtaining non-conditional occupational licenses (if a license is required for the purpose of employment in South Australia)

- accessing trade or declared vocation-level remuneration under awards or other industrial agreements
- further career progression and up-skilling
- recognising overseas-qualified applicants.

The Commission does not award qualifications under the Australian Qualifications Framework (AQF), or occupational licenses. Individuals are responsible for acquiring these if required.

#### **Governance Arrangements**

Under Section 70A of the *Act*, a person may apply to the Commission for recognition of the person's qualifications or experience in relation to a particular trade or declared vocation (not being qualifications obtained under a Training Contract).

Under Section 70B of the *Act*, the Commission, if it is satisfied that an applicant for recognition of qualifications or experience in a particular trade or declared vocation has acquired the competencies of the trade or declared vocation, may:

- Determine that the applicant is adequately trained to pursue that vocation; and
- Certify to that effect.

Where the Commission determines that an individual competency assessment is required, the Commission will utilise any appropriate skilled or experienced person or body to undertake the competency assessment of applications, and may engage with appropriately skilled or experienced persons or bodies to provide any other advice to the Commission in relation to applications for the recognition of qualifications or experience.

This Standard is limited to the recognition of qualifications or experience in the trades and vocations declared by the South Australian Skills Commission as listed on the Traineeship and Apprenticeship Pathways Schedule excluding higher education apprenticeships and traineeships.

#### **Compliance with the Standard**

##### **13.1 Criteria for Certification**

13.1.1 The assessment arrangements for an application for an Occupational Certificate must have regard to:

- (a) the need to maintain a satisfactory level of equivalence to the standards and outcomes of the relevant nationally endorsed qualification
- (b) the breadth, depth and currency of employment experience required for trade or declared vocation recognition.

13.1.2 In the case of an overseas qualification, the assessment arrangements must establish a satisfactory level of equivalence between the overseas qualification and requirements for trade or declared vocation recognition in Australia. The assessment may lead to a recommendation that an overseas qualification is equivalent, contingent upon the satisfactory attainment of specified units of competence from an AQF qualification.

##### **13.2 Application process**

13.2.1 A person may apply to the Commission for recognition of their qualifications (not being obtained under a Training Contract) and/or experience in relation to a particular trade or declared vocation.

13.2.2 An individual may have acquired the skills and knowledge for a particular trade or declared vocation through any combination of:

- (a) employment
- (b) training in a qualification aligned to a particular trade or declared vocation in South Australia, or
- (c) other training that allowed the person to develop skills related to the trade or declared vocation in question.

13.2.3 An application must be made using the application form and must be accompanied by:

- (a) such supporting information and documents as are stipulated in the application form
- (b) the prescribed fee.

##### **13.3 Assessment of applications (SAS Act, S70A)**

13.3.1 To determine whether the applicant has acquired the competencies of the relevant trade or declared vocation, the Commission may require the applicant to:

- (a) Undertake an examination or test; or
- (b) Undergo an independent competency assessment of a kind specified by the Commission.

13.3.2 The Commission may, in determining the application, seek advice from any person or body who, in the Commission's opinion, has special knowledge of, and experience in, the relevant trade or declared vocation.

13.3.3 In determining whether a person has acquired the competencies of the trade or declared vocation the Commission must have regard to:

- (a) The length of time the applicant has been working in the relevant trade or declared vocation
- (b) The nature and duration of any instruction or training received by the applicant in the relevant trade or declared vocation
- (c) The nature of any qualifications held by the applicant in relation to the relevant trade or declared vocation
- (d) Any advice received from a person or body under Section 13.3.2 of this Standard.

13.3.4 If the Commission, or delegate, determines that the applicant requires further training to acquire the competencies of the relevant trade or declared vocation, it may refuse to make a determination until it is satisfied that the applicant has satisfactorily completed such training.

13.3.5 Any training undertaken to acquire the competencies of the relevant trade or declared vocation will be at the individual's expense.

##### **13.4 Issuance of an Occupational Certificate (SAS Act, S70B)**

13.4.1 The Commission will determine whether it is satisfied the applicant has acquired the competencies of the relevant trade or declared vocation and, if satisfied, certify to that effect.

13.4.2 The certification issued by the Commission (or appropriate delegate) will take the form of an Occupational Certificate.

**13.5 Prescribed fees (SAS Act, S70A, South Australian Skills (Fees) Notice 2025, Schedule 1, cl. 1)**

- 13.5.1 Prescribed fees are published in the *South Australian Skills (Fees) Notice 2025*.
- 13.5.2 The mechanism for paying the prescribed fee is contained in the application form.
- 13.5.3 The prescribed fees payable for recognition of qualifications and/or experience in relation to a particular trade or declared vocation are:
  - (a) \$567 for a first or initial assessment
  - (b) \$1,135 for a competency assessment or examination or test
  - (c) \$227 for a second or subsequent assessment.
- 13.5.4 Under the *South Australian Skills Regulations 2021* (the *Regulations*), the Commission has the ability to:
  - (a) waive the prescribed fee in full, or
  - (b) charge 80 per cent of the fees specified in Clause 13.5.3 (in effect, a 20 per cent reduction in the fees).
- 13.5.5 Application fees are reviewed annually and increased in line with the standard indexation rate.

**13.6 Review of decisions by the South Australian Civil and Administrative Tribunal (SAS Act, S70F)**

- 13.6.1 The South Australian Civil and Administrative Tribunal (SACAT) has jurisdiction to review a decision of the Commission to refuse an application for recognition of a person's qualifications or experience under Section 70B of the *Act*.
- 13.6.2 An applicant must apply to the SACAT within 28 days of receiving notice of the relevant decision.
- 13.6.3 The SACAT may allow an extension of time to this application period if it is satisfied that:
  - (a) special circumstances exist
  - (b) another party will not be unreasonably disadvantaged because of the delay in commencing proceedings.
- 13.6.4 An application to the SACAT to review a decision must be made using the online form available at:  
[www.sacat.sa.gov.au/applications-and-hearings/how-to-apply-to-sacat](http://www.sacat.sa.gov.au/applications-and-hearings/how-to-apply-to-sacat).
- 13.6.5 Fees apply for commencing a review in the SACAT. The SACAT can reduce or waive a fee in a particular case, or in relation to a particular class of applicant, based on financial hardship or where it is in the interests of justice to do so. An applicant may also apply for a partial waiver of the fee if they hold a valid concession card.

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**INTRODUCTION**

Pursuant to the provisions of Division 3, Section 26 of the *South Australian Skills Act 2008* (SAS Act) and Section 5 of the *South Australian Skills Regulations 2021* (the *Regulations*), the South Australian Skills Commission (SASC) gives notice of the publication of the South Australian Skills Standards (Standards).

South Australia's apprenticeship and traineeship system is underpinned by the *SAS Act*, the *Regulations*, and the Standards.

The 14 Standards came into force on 1 July 2021. Compliance with the Standards is required, and a failure to comply with a provision of the Standards may result in compliance action being taken.

The *SAS Act* or the *Regulations* (whichever is applicable) will prevail to the extent that there is any inconsistency with a provision of the Standards.

Each Standard should be read in conjunction with 1) the other Standards and 2) **supporting information** for employers of apprentices and trainees.

In addition to the requirements under the *SAS Act*, employers must comply with such other laws, professional standards or regulatory frameworks as may apply to their business and industry sector. In particular, these Standards do not override the *Work Health and Safety Act 2012* and *Fair Work Act 2009*.

**TRANSITIONAL ARRANGEMENTS**

Transitional arrangements for these Standards will apply. For more detail see:

[www.skillscommission.sa.gov.au/2021-legislation-changes/transitional-arrangements](http://www.skillscommission.sa.gov.au/2021-legislation-changes/transitional-arrangements)

*Standard 1—Declaration of Trades and Vocations*

This Standard relates to the occupations that must be declared a trade or declared vocation in accordance with the *South Australian Skills Act 2008* (the *SAS Act*) before they can be aligned to an apprenticeship (trade) or traineeship (declared vocation).

The purpose of this Standard is to outline the steps that must be taken in order to have an occupation declared as a trade or declared vocation, and the obligations on applicants who are looking to have their application assessed by the South Australian Skills Commission (the Commission).

**Governance Arrangements**

The Minister for Education, Training and Skills (the Minister) has delegated the responsibility for declaring an occupation to be a trade or declared vocation to the Commission. The Commission maintains the Traineeship and Apprenticeship Pathways (TAP) Schedule, which lists all apprenticeships and traineeships available in South Australia.

The TAP Schedule can be accessed via the South Australian Skills Commission website:

[www.skillscommission.sa.gov.au/regulations-and-standards/taps-schedule](http://www.skillscommission.sa.gov.au/regulations-and-standards/taps-schedule).

**Compliance with the Standard****1.1 Gazettal of declared trades and vocations (SAS Act, S6, S45, Regulation 4)**

- 1.1.1 Under Section 6 of the *SAS Act*, the Minister may, by notice in the South Australian Government Gazette (the *Gazette*) and on the recommendation of the Commission, declare an occupation to be a trade or declared vocation.
- 1.1.2 A declaration notice published in the *Gazette* must, in relation to each trade or vocation to which the notice relates:
  - (a) identify the job or occupation, or class of job or occupation, to which the trade or vocation relates
  - (b) identify any relevant pathways (including, where appropriate, pathways at a national level) to the trade or vocation
  - (c) contain any information required by the *South Australian Skills Regulations 2021* (the *Regulations*).



- 1.1.3 A relevant pathway to a trade or vocation may, in addition to the primary qualification relating to that trade or vocation, include:
- (a) pre-apprenticeships or pre-traineeships
  - (b) specified skill sets
  - (c) higher qualifications
  - (d) such other matters as the Minister thinks appropriate.
- 1.1.4 Apprenticeships and traineeships are established by the Commission to link Australian Quality Framework (AQF) approved primary qualifications to trades and declared vocations. Part 4 of the *SAS Act* confers regulatory requirements for the establishment of apprenticeships and traineeships on the Commission. Under Section 45(2), the Commission may, by notice in the Gazette:
- (a) determine a standard form contract for the purposes of this part
  - (b) determine a probationary period for a Training Contract for a specified trade or declared vocation
  - (c) determine standard conditions for a Training Contract for a specified trade or declared vocation including:
    - i. the term of the contract
    - ii. the qualifications available for a person in the trade or declared vocation
    - iii. any other condition considered necessary by the Commission.
- 1.1.5 Under Section 45(3), the Commission may, by further notice in the Gazette, vary or revoke a notice under Section 45(2).
- 1.1.6 Under Section 45A of the *SAS Act*, training in a trade must occur under a Training Contract, except in the further training or re-training of a person who has:
- (a) already completed the training required under a Training Contract; or
  - (b) has an equivalent qualification; or
  - (c) has been certified by the Commission as competent in relation to the relevant trade.
- 1.1.7 Under Section 45B of the *SAS Act*, training in a declared vocation may occur under a Training Contract.

## 1.2 Application process

- 1.2.1 An application to declare a trade or vocation must be in the approved form located at [www.skills.sa.gov.au/business/forms](http://www.skills.sa.gov.au/business/forms) and contain all the requested information.
- 1.2.2 The applicant is responsible for:
- (a) Developing the application for declaring a trade or vocation, including providing information on the proposed apprenticeship(s) or traineeship(s) aligned to that trade or vocation, and relevant industry support for the proposed trade or vocation
  - (b) Nominating a contact person who can speak on the applicant's behalf in discussions with the Commission
  - (c) Ensuring the application is signed by the Chair, Chief Executive, or other delegate of the applicant, as approved by the Commission
  - (d) Submitting the application to the Commission (or its delegate) for an initial assessment of the application's completeness, accuracy and suitability. The Commission (or its delegate) may request amendments to the application to address any gaps in information or matters of concern.
  - (e) Attending a meeting of a subcommittee of the Commission to present their proposal as outlined in the application and to discuss any concerns or questions raised. Where applicable, the relevant Industry Skills Council Chair will also be invited to attend.
  - (f) Where required, addressing any queries or concerns raised by the subcommittee regarding the application. This may include amending and re-submitting the application, and/or attending a further meeting to discuss the amendments. The process by which an application, or responses to the subcommittee's questions should be re-submitted, will be determined on a case-by-case basis.
- 1.2.3 Upon receipt of all requested information, the subcommittee of the Commission will recommend whether to approve the application or not. The Commission will make the final determination.
- 1.2.4 In addition to applicant-driven applications, the Commission may of its own volition elect to declare occupations as trades or declared vocations.

## 1.3 Information required

- 1.3.1 In the application, the applicant must include the proposed:
- (a) *Occupational title of the trade or declared vocation*

The applicant should use occupational titles listed on the Australian Apprenticeships Training Information Services (AATIS). For pre-apprenticeships and pre-traineeships, the term 'pre-apprenticeship' or 'pre-traineeship' may be appended to an existing occupational title, or a unique occupational title may be used. If the occupational title is not listed by AATIS or is not considered appropriate, a case will need to be made in the application for a new occupational title.
  - (b) *Trade or declared vocation status*

In determining the proposed status, the applicant should be aware the *SAS Act* prohibits employers from training a person in a trade except under a Training Contract, and that many industrial instruments prohibit the employment of juniors in declared trades other than through an apprenticeship. Pre-apprenticeships and pre-traineeships are declared vocations.
  - (c) *Job or occupation, or class of job or occupation, to which the trade or vocation relates*

In most instances, the job or trade title will be the same as the proposed occupational title. However, where the occupational title is broad (for example, Horticulture), the application should list the job or occupation, or class of job or occupation, to which the trade or vocation relates, to demonstrate the connection to an employment outcome.

(d) *Training*

- The application must demonstrate the alignment between the proposed trade or vocation and the associated AQF aligned qualification.
- The qualification must be either:
  - a nationally recognised Vocational Education Training (VET) qualification approved by the Australian Skills Quality Authority (ASQA) and taken from a training package or existing accredited course
  - a higher education qualification approved by the Tertiary Education Quality and Standards Agency (TEQSA).
- Applicants can check available training package qualifications and VET accredited courses through the National Register of VET.

(e) *Industrial Arrangements*

The application should include the relevant awards or other industrial arrangements, including enterprise level agreements.

(f) *Nominal term of a Training Contract*

The nominal term of a Training Contract will dictate the standard probationary period. For more information, applicants are referred to Standard 8, Training Contract Conditions.

(g) *Probationary period for a Training Contract*

Standard probationary periods are 60 and 90 days, depending on the nominal term of the Training Contract. For more information, applicants are referred to Standard 8, Training Contract Conditions. If the applicant is seeking a non-standard probationary period, a case will need to be made in the application.

(h) *Level of supervision*

The level of supervision may be Low, Medium, or High. The proposed level must comply with Standard 5, Supervision.

(i) *Supervisor requirements*

The application should list the qualifications, experience, and/or licensing required of a person supervising an apprentice or trainee in the trade or vocation.

(j) *Entry Requirements*

Entry requirements may include minimum levels of training or experience, certification or licensing requirements, or a combination of these requirements.

(k) *Conditions*

In addition to any other relevant conditions, the application should indicate whether the proposed trade or vocation is suitable for school-based Training Contracts, people below a certain age, and new and existing workers.

(l) *Identified pathways*

The application should identify any relevant pathways to the trade or vocation, or, in the case of pre-apprenticeships or pre-traineeships, the trade or vocation to which the proposal is a pathway.

(m) *Maintenance*

Where a primary qualification is accompanied by non-accredited training, the application should indicate how the applicant will maintain the currency of the training and acknowledge the applicant will participate in any future review of the trade or declared vocation by the Commission.

1.3.2 In addition to the information required in Clause 1.3.1, applications for higher education qualification-aligned trades and vocations must include information on:

(a) *Student tuition fees and wages*

The applicant must provide the proposed arrangements regarding the payment of student tuition fees (HECS-HELP; FEE-HELP; tuition fees) and wages under the trade or vocation.

(b) *Commercial in confidence or intellectual property (IP)*

Where there are commercial in confidence or IP matters arising as a result of the proposed pathway, the applicant must describe how these will be managed.

(c) *Work placements*

Under training contract arrangements, work-based training (recorded in a Training Plan) replaces any 'work placement' requirements. Where the proposed qualification includes work placement requirements, the applicant must 1) list these, and 2) describe how the requirements will be satisfied under training contract arrangements.

(d) *Nominal term of a high education qualification-aligned training contract*

In addition to providing the proposed nominal term, applicants must outline how the proposed term considers the Equivalent Full Time Study Load (EFTSL), AQF requirements for off-job training, and the expectations of employers and industry regarding hours of work and training contract hours.

(e) *Delivery providers*

The applicant must list the provider/s or consortia that are approved to deliver the qualification or course.

(f) *Conditions*

The applicant must list any proposed conditions or industry requirements associated with the declaration, including any requirements for endorsement by professional associations. The applicant should also note the following standard conditions will apply to all higher education qualification-aligned trades and vocations:



- any material updates to the qualification/course must be agreed to by the professional associations and industry partners identified in the application; and
- the higher education partner is required to notify the South Australian Skills Commission of any material changes to the course/qualification during the term of the declaration; and
- an employment contract and a training contract are both required as a condition of the declaration.

#### **1.4 Consultation and evidence of demand and support for the trade or vocation**

- 1.4.1 The applicant must consult with relevant stakeholders when developing the application, in order to provide evidence of:
- (a) Industry demand in South Australia – where possible to include an estimate of annual commencements in the proposed trade or vocation.
  - (b) Broad support for the trade or vocation – any alternative or dissenting views should be included in the application for the Commission's consideration.
- 1.4.2 At a minimum, consultation should be undertaken with the relevant:
- (a) Industry Skills Council, where applicable
  - (b) Industry and employer association(s)
  - (c) Professional associations
  - (d) Registering bodies
  - (e) Employee representatives
  - (f) Training organisations.
- 1.4.3 Evidence to support the application should include submissions from the relevant Industry Skills Council, industry and employer associations and employee representatives.
- 1.4.4 All submissions must be signed by the Chair, Chief Executive, or other delegate of the organisation, as approved by the Commission.
- 1.4.5 The submissions should reflect the unique perspective of the stakeholder and must confirm:
- (a) Industry demand for the trade or vocation
  - (b) Support for the proposed:
    - Occupational title
    - Trade or declared vocation status
    - Job or occupation, or class of job or occupation, to which the trade or vocation relates
    - Training
    - Industrial arrangements
    - Nominal term
    - Probationary period
    - Level of supervision
    - Supervisor requirements
    - Entry requirements
    - Conditions
    - Identified pathways.

#### **1.5 Maintenance and review**

- 1.5.1 Maintenance of the Traineeship and Apprenticeship Pathways (TAP) Schedule will be undertaken by the Commission.
- 1.5.2 Apprenticeships and traineeships listed on the TAP Schedule will be varied as required, by notice in the Gazette, to maintain the currency of the training associated with the trade or declared vocation.
- 1.5.3 Where an updated qualification is deemed by ASQA to be equivalent to the one it replaces, no consultation will be undertaken. Where an updated qualification is deemed to be non-equivalent, relevant stakeholders will be consulted prior to any update.
- 1.5.4 Where a primary qualification is accompanied by non-accredited training, the applicant must participate in any review of the trade or declared vocation undertaken by the Commission to maintain the currency of the training.
- 1.5.5 The Commission will review every new pathway approved after 1 July 2021, where there has been no take-up within 24 months, with the review to ideally include the original applicant.
- 1.5.6 More comprehensive reviews will be undertaken on an as needs basis as determined by the Commission.

#### *Standard 2—Employer Registration*

This Standard relates to the registration of employers to train apprentices and trainees under a Training Contract in accordance with the *South Australian Skills Act 2008* (the *SAS Act*).

The primary purpose of the Training Contract system is to ensure the provision of quality training for apprentices and trainees while they undertake employment relevant to the trade or vocation.

Employer registration assists in this process by ensuring employers are made aware of their rights and obligations when employing apprentices and trainees.

Registered employers will be placed on the South Australian Skills Register at:

[www.skillscommission.sa.gov.au/regulations-and-standards/employer-register](http://www.skillscommission.sa.gov.au/regulations-and-standards/employer-register)

### Governance Arrangements

Under the *SAS Act*, the South Australian Skills Commission (the Commission) (or its delegate) is responsible for the regulation of the apprenticeship and traineeship system. To this end, it is empowered to:

- register an employer to train a person in a Training Contract for a period of up to 5 years
- renew an employer's registration for a period of up to 5 years
- vary, suspend, or cancel an employer's registration, at any time during the period the registration is in force.

### Compliance with the Standard

#### 2.1 Registration of employers (*SAS Act*, S46, S54F)

- 2.1.1 An employer must not enter into a Training Contract to train a person unless the employer is:
  - (a) registered
  - (b) operating within the scope of their registration
  - (c) complying with any other conditions of the registration.
- 2.1.2 To become registered, an employer must apply to the Commission.
- 2.1.3 Upon application, the Commission will register the employer if:
  - (a) the employer is not prohibited
  - (b) the employer satisfies the requirements set out in this Standard
  - (c) it is, in the Commission's opinion, appropriate to do so.
- 2.1.4 An application to be registered as an employer must be made using the online Employer Registration Application Portal available at <https://atlas.skills.sa.gov.au/>
- 2.1.5 The employer must provide all the information requested in the application form.
- 2.1.6 In addition, the employer must:
  - (a) have completed any training exercises included in the application process
  - (b) read and accept the terms and conditions contained in the application form
  - (c) declare the information contained in the application is true and accurate and that the applicant is authorised to make the application on behalf of the employer.

#### 2.2 Scope of registration (*SAS Act*, S46, S54F)

- 2.2.1 When applying for registration, an employer must select the trades (apprenticeships) or declared vocations (traineeships) for which they wish to be registered.
- 2.2.2 As part of the application, the employer must certify they are able to deliver and support the full range of on and off-job training required for an apprentice or trainee to become competent in the selected trade or vocation, or that they otherwise have arrangements in place to transfer the Training Contract (whether through host employment arrangements or via the substitution of the employer – for more information, applicants are referred to Standard 4, Host Employment Arrangements, and Standard 9, Transfer of Training Contracts and Substitute Employer, respectively) in order to provide the full range of training.
- 2.2.3 Each trade or declared vocation selected by the applicant and approved by the Commission represents a condition placed on the employer's registration under Section 54F(3)(b) of the *SAS Act*. Collectively, the list of one or more trades and declared vocations represents the scope of the employer's registration.
- 2.2.4 An employer must not enter into a Training Contract to train a person unless the employer is operating within the scope of their registration.
- 2.2.5 An employer will be required to select at least one trade or declared vocation to be registered for during the initial registration process.
- 2.2.6 The employer may request additional trades or declared vocations be added to their scope of registration by applying through the online Employer Registration Application Portal available at <https://atlas.skills.sa.gov.au/>.

#### 2.3 Other conditions of registration (*SAS Act*, S54F, Regulation 9)

- 2.3.1 In addition to the scope of registration, under Section 54F(3)(b) of the *SAS Act* the Commission may impose such other conditions on an employer's registration as determined by the Commission. Such conditions may include:
  - (a) limiting the number of apprentices and trainees that the employer may employ at any one time
  - (b) setting a minimum age limit for the apprentices and trainees an employer may employ
  - (c) provision to enter into a host employment arrangement in accordance with Standard 4, Host Employment Arrangements.
- 2.3.2 The Commission must impose a condition on registration as prescribed by the *South Australian Skills Regulations 2021* (the *Regulations*). Regulation 9 makes it a requirement of the registration that an employer satisfies the employer supervision requirements as set out in Standard 5.
- 2.3.3 The Commission may impose conditions on an employer's registration at the time of the initial registration, or renewal of registration, or during the period of registration.

#### 2.4 Variation, suspension, and cancellation of registration (*SAS Act*, S54G)

- 2.4.1 An employer's registration may be varied, suspended, or cancelled, whether through an application by the employer or on the Commission's own volition.
- 2.4.2 An employer may apply to the Commission to vary or revoke a condition placed on their registration, or to cancel their registration. Applications to vary or cancel a registration should be made via <https://atlas.skills.sa.gov.au/>.

- 2.4.3 The Commission must cancel an employer's registration upon application by the employer and may vary or revoke a condition (not being a condition imposed by the *Regulations*) of the registration as outlined in Section 54G(2)(b) of the *SAS Act* and the *Regulations*.
- 2.4.4 If the Commission declares an employer to be prohibited, it must cancel the employer's registration.
- 2.4.5 Additionally, if the Commission is satisfied that:
- (a) an employer has contravened a provision of the *SAS Act*, or a corresponding law (the corresponding laws are determined in accordance with Section 54G of the *SAS Act* and are contained in the appendices to these Standards)
  - (b) failed to comply with a compliance notice
  - (c) contravened a condition of the employer's registration
  - (d) it is otherwise in the public interest, or the interest of the apprentices or trainees employed by the employer, to vary, suspend, or cancel the employer's registration, it may do such of the following as it thinks fit:
    - i. vary or revoke a condition of the employer's registration
    - ii. impose a new condition on the registration
    - iii. suspend the registration for a specified period, or until further notice
    - iv. cancel the registration.
- 2.4.6 The Commission may exercise one or more of these powers irrespective of whether the contravention occurred in South Australia or not.
- 2.4.7 The Commission must give the employer at least 28 days written notice before taking action to vary (or revoke a variation), suspend, or cancel the registration.
- 2.4.8 However, the Commission may suspend an employer's registration without providing 28 days written notice if it believes on reasonable grounds that:
- (a) an apprentice or trainee employed by the employer is at imminent risk of harm
  - (b) it is reasonably necessary or appropriate to suspend the employer's registration without providing 28 days written notice, in order to manage that risk.
- 2.5 Substitution of an employer following the variation, suspension, or cancellation of registration (*SAS Act*, S54H)**
- 2.5.1 When an employer's registration is suspended or cancelled, or varied such that it is no longer, in the opinion of the Commission, appropriate for the employer to continue as the employer in relation to a Training Contract, the Commission may substitute the employer for another employer.
- 2.5.2 The Commission may do so on its own motion or on the application of a party to the Training Contract. A substitution may be permanent, or for a period specified by the Commission.
- 2.5.3 The proposed employer must:
- (a) not be a prohibited employer
  - (b) be registered (or have applied for registration)
  - (c) be complying with all the conditions of their registration
  - (d) consent to the substitution.
- 2.5.4 When an employer is substituted under Section 54H of the *SAS Act*, the employment of the apprentice or trainee continues with the new employer and the Training Contract continues in force. Any rights, obligations, and liabilities of the former employer in respect of the Training Contract are transferred to the new employer.
- 2.5.5 A party to a Training Contract affected by the variation, suspension, or cancellation of an employer's registration may apply to substitute another employer for the Training Contract.
- 2.5.6 Transfer fees will not apply to the substitution of an employer under Section 54H of the *SAS Act*.
- 2.6 Renewal of registration (*SAS Act*, S54F)**
- 2.6.1 The Commission may register an employer for a period of up to 5 years. To continue to enter into Training Contracts to train a person, the employer must renew their registration prior to the expiry of this period.
- 2.6.2 The Commission will notify an employer within 6 months of the expiry of their registration period, inviting them to apply for renewal of their registration for a further period of up to 5 years.
- 2.6.3 An application to renew registration must be made using the online Employer Registration Application Portal available at <https://atlas.skills.sa.gov.au/>
- 2.7 Other obligations (*SAS Act*, S54K, S54L)**
- 2.7.1 The employer is responsible for maintaining the accuracy and currency of their registration. An employer must notify the Commission if:
- (a) there is a material change in any information provided to the Commission regarding the registration
  - (b) the employer sells, or offers for sale, the business relating to the registration
  - (c) the employer, or the business relating to the registration, becomes insolvent or bankrupt
  - (d) the employer is convicted of an indictable offence or a summary offence for which a term of imprisonment may be imposed.
- 2.7.2 An employer must maintain appropriate records to demonstrate that the obligations in the *SAS Act*, *Regulations* and *Standard 14—Record Keeping*, have been met.
- 2.8 Offences relating to employer registration (*SAS Act*, S54I)**
- 2.8.1 A person must not falsely represent that they are a registered employer.
- 2.8.2 A registered employer must not falsely represent that the employer's registration is, or is not, subject to a specified condition, or a condition of a specified kind.

- 2.8.3 A person must not falsely represent that:
  - (a) another person is a registered employer
  - (b) the registration of another person is, or is not, subject to a specified condition, or a condition of a specified kind.
- 2.8.4 The maximum penalty for each of these offences is \$10,000.

## **2.9 Review of decisions by the South Australian Civil and Administrative Tribunal (SAS Act, S70F)**

- 2.9.1 The South Australian Civil and Administrative Tribunal (SACAT) has jurisdiction to review a decision of the Commission to refuse to register or renew a registration, to impose a condition on a registration, or to vary, suspend or cancel a registration under Part 4, Division 3A of the *SAS Act*.
- 2.9.2 An applicant must apply to the SACAT within 28 days of receiving notice of the relevant decision.
- 2.9.3 The SACAT may allow an extension of time to this application period if it is satisfied that:
  - (a) special circumstances exist
  - (b) another party will not be unreasonably disadvantaged because of the delay in commencing proceedings.
- 2.9.4 An application to the SACAT to review a decision must be made using the online form available at [www.sacat.sa.gov.au/application-form](http://www.sacat.sa.gov.au/application-form)
- 2.9.5 Fees apply for commencing a review in the SACAT. The SACAT can reduce or waive a fee in a particular case, or in relation to a particular class of applicant, based on financial hardship or where it is in the interests of justice to do so. An applicant may also apply for a partial waiver of the fee if they hold a valid concession card.

### *Standard 3—Prohibited Employers*

This Standard outlines the conditions under which an employer may be declared by the South Australian Skills Commission (the Commission) to be a prohibited employer and outlines the conditions under which a declaration may be revoked.

A prohibited employer is an employer that the Commission reasonably believes (and declares as such) is not suitable to employ an apprentice or trainee. Employers that are declared as prohibited by the Commission reserve the right to seek a review by the South Australian Civil Administrative Tribunal (SACAT).

This Standard applies to the Commission (including delegate(s) and employers (including prohibited employers and those utilising hosting arrangements).

Employers must comply with all other legislative requirements of an employer.

### **Governance Arrangements**

The decision to declare an employer prohibited and to revoke or vary a declaration rests with the Commission.

### **Compliance with the Standard**

#### **3.1 Declaring an employer prohibited (*South Australian Skills Act (SAS Act), S54B, S54G, S54H Regulation 8*)**

- 3.1.1 The Commission may, by notice in writing and in accordance with any requirements set out in the *South Australian Skills Regulations 2021* (the *Regulations*), declare an employer to be a prohibited employer if the Commission reasonably believes the employer is not a suitable person to employ an apprentice or trainee.
- 3.1.2 To assist the Commission in determining whether or not to declare an employer to be prohibited, more information may be required from or relating to the employer, including:
  - (a) the safety and wellbeing of apprentices and trainees employed by the employer
  - (b) whether the employer is able to provide, or arrange to provide, an apprentice or trainee with the facilities, range of work, supervision and training required under a Training Plan for the apprentice or trainee
  - (c) the employer's record in delivering training to apprentices or trainees
  - (d) whether the employer behaves, or permits their employees to behave, in an objectionable way towards apprentices or trainees
  - (e) whether the employer has contravened the *SAS Act*, or any other *Act* (whether of the State, another jurisdiction or the Commonwealth) relating to employment
  - (f) the criminal history of the employer
  - (g) whether the employer is a fit and proper person to employ an apprentice or trainee
  - (h) any other matter prescribed by the *Regulations*.
- 3.1.3 The Commission may seek and take into account more information than indicated in the above Clause 3.1.2 and may seek information from more than one person concerned in the ownership and/or management of the employer. The Commission may have regard to any other matter the Commission considers relevant to the decision whether to declare the employer to be a prohibited employer.
- 3.1.4 Before declaring an employer to be prohibited, the Commission must give notice in writing to the employer of the proposed declaration and allow a period of 14 days (or such longer period as the Commission may allow) to make submissions in writing to the Commission as to why the declaration should not be made.
- 3.1.5 The Commission may vary, suspend or cancel the registration of a registered employer without notice if it believes on reasonable grounds that an apprentice or trainee employed by the employer is at imminent risk of harm, and it is necessary or appropriate to vary, suspend or cancel the registration of an employer without giving notice, in order to manage the risk.
- 3.1.6 If the Commission declares an employer to be a prohibited employer, that employer's registration to employ an apprentice or trainee is cancelled from the date of the declaration.
- 3.1.7 Under Section 54B(3) of the *SAS Act*, a declaration may be conditional or unconditional and may be for a stated or indefinite period.
- 3.1.8 A notice declaring an employer to be prohibited must set out the following:
  - (a) the conditions (if any) that apply in relation to the declaration under Section 54B(3)(a) of the *SAS Act*
  - (b) if the declaration is for a period stated in the notice or an indefinite period in accordance with Section 54B(3)(b) of the *SAS Act*.

- 3.1.9 Prohibited employers will be listed on the South Australian Skills Register, including details of any conditions and the stated period of prohibition.

**3.2 Obligations for prohibited employers (*SAS Act*, S54D, S54E)**

- 3.2.1 A prohibited employer must not:
- (a) employ, or offer to employ, a person as an apprentice or trainee
  - (b) train or undertake to train a person in a trade
  - (c) train or undertake to train a person in a declared vocation under a Training Contract
  - (d) permit an apprentice or trainee to be placed with the prohibited employer under a host employment arrangement
  - (e) falsely represent that they are not a prohibited employer.
- 3.2.2 A prohibited employer who is the subject of a conditional declaration under Section 54B of the *SAS Act* must not falsely represent that the declaration is, or is not, subject to a specified condition, or a condition of a specified kind.
- 3.2.3 A person must not falsely represent that:
- (a) another person is not a prohibited employer
  - (b) a declaration under Section 54B of the *SAS Act* that another person is a prohibited employer is, or is not, subject to a specified condition, or a condition of a specified kind.
- 3.2.4 A breach of these obligations may result in a maximum penalty of \$10,000.

**3.3 Revocation of declaration (*SAS Act*, S54C)**

- 3.3.1 The Commission may, by notice in writing vary or revoke a declaration or a condition of a declaration if the Commission is satisfied that it is, in all circumstances, appropriate to do so.
- 3.3.2 An application to vary or revoke a declaration or a condition of a declaration by a prohibited employer must be made using the application form, available at [www.skills.sa.gov.au/business/forms](http://www.skills.sa.gov.au/business/forms) and include the following information:
- (a) name of the employer
  - (b) contact details of the parties to the application
  - (c) reasons for the request to vary or revoke a condition
  - (d) evidence to support the application.
- 3.3.3 If the Commission varies or revokes a declaration or a condition of a declaration the South Australian Skills Register must be updated to reflect the revocation or variation.

**3.4 Obligations for employers (*SAS Act*, S54J)**

- 3.4.1 An employer must not place, or permit the placement of, an apprentice or trainee under the Training Contract with a prohibited employer.
- 3.4.2 A list of prohibited employers will be available on the South Australian Skills Register, including details of any conditions and whether the declaration is for a specified or indefinite period.
- 3.4.3 If an employer places, or permits placement of, an apprentice or trainee under the Training Contract with a prohibited employer the Commission may do one or more of the following:
- (a) give the employer a written warning
  - (b) vary, suspend or cancel the employers registration under Section 54G(3) of the *SAS Act*
  - (c) issue a compliance notice under Section 63 of the *SAS Act*
  - (d) declare the employer to be a prohibited employer.

**3.5 Other conditions related to prohibited employers (*SAS Act*, S48, S54F, S54H)**

- 3.5.1 The Commission must refuse to approve an agreement as a Training Contract if the employer is a prohibited employer, and may refuse to approve a Training Contract if the Commission reasonably suspects that the employer has engaged in conduct that is likely to result in the employer being declared a prohibited employer.
- 3.5.2 The Commission must confirm that an employer is not prohibited prior to:
- (a) registering an employer
  - (b) substituting an employer in relation to a Training Contract.

**3.6 Review of decisions by the South Australian Civil and Administrative Tribunal (*SAS Act*, S70F)**

- 3.6.1 The South Australian Civil and Administrative Tribunal (SACAT) has jurisdiction to review a decision of the Commission to prohibit an employer.
- 3.6.2 An applicant must apply to the SACAT within 28 days of receiving notice of the relevant decision.
- 3.6.3 The SACAT may allow an extension of time to this application period if it is satisfied that:
- (a) special circumstances exist
  - (b) another party will not be unreasonably disadvantaged because of the delay in commencing proceedings.
- 3.6.4 An application to the SACAT to review a decision must be made using the online form available at [www.sacat.sa.gov.au/application-form](http://www.sacat.sa.gov.au/application-form)
- 3.6.5 Fees apply for commencing a review in the SACAT. The SACAT can reduce or waive a fee in a particular case, or in relation to a particular class of applicant, based on financial hardship or where it is in the interests of justice to do so. An applicant may also apply for a partial waiver of the fee if they hold a valid concession card.

*Standard 4—Host Employment Arrangements*

This Standard relates to the hosting of apprentices and trainees to a host employer (or employers) providing on the job training and experience. It supplements and should be read in conjunction with Standard 2—Employer Registration.

Host employment arrangements apply to the:

- employer, registered under the *South Australian Skills Act 2008* (the *SAS Act*), who is party to a Training Contract utilising hosting arrangements
- apprentice or trainee who is party to the Training Contract in question
- Nominated Training Organisation (NTO) for the Training Contract in question
- host employer or employers hosting the apprentice or trainee.

**Governance Arrangements**

Under the *SAS Act*, the South Australian Skills Commission (the Commission) (or its delegate) is responsible for the regulation of the apprenticeship and traineeship system.

**Compliance with the Standard****4.1 Registration of employers and host employment arrangements (*SAS Act*, S46)**

- 4.1.1 An employer must not enter into a Training Contract to train a person unless the employer is:
- (a) registered, however see paragraph 4.3.2, below, regarding the Commission's general authority to registered employers to host to unregistered employers.
  - (b) operating within the scope of their registration
  - (c) complying with any other conditions of the registration, including any provision to enter into host employment arrangements
- 4.1.2 However, an employer that does not wish to directly employ an apprentice or trainee may enter into a host employment arrangement with a registered employer, whereby:
- (a) the registered employer remains the legal employer of the apprentice or trainee in question
  - (b) the host employer trains the apprentice or trainee on-job and otherwise meets its responsibilities and obligations as outlined in a written agreement with the registered employer.

**4.2 Prohibited employer (*SAS Act*, S54B, S54D, Regulation 8)**

- 4.2.1 The Commission may declare an employer to be a prohibited employer in accordance with Standard 3—Prohibited Employers. Prohibited employers will be recorded on the South Australian Skills Register.
- 4.2.2 A prohibited employer must not permit an apprentice or trainee to be placed with the prohibited employer under a host employment arrangement. The maximum penalty for a breach of this requirement is \$10,000.
- 4.2.3 To ensure an apprentice or trainee is not unintentionally or inadvertently placed with a prohibited employer, registered employers seeking to place an apprentice or trainee with a host employer must refer to the South Australian Skills Register prior to entering into a host employment arrangement.

**4.3 Obligations for registered employers under a host employment arrangement (*SAS Act*, S54F, S54J)**

- 4.3.1 In addition to meeting any other obligation of their registration, registered employers seeking to enter into host employment arrangements are required to:
- (a) develop an upfront written agreement between the registered employer and the host employer regarding their respective roles and responsibilities with regard to the apprentice or trainee
  - (b) ensure apprentices/trainees are able to raise issues of concern with the registered employer at any time
  - (c) provide a timely, responsive service to their apprentices and trainees, and an immediate response where there is an alleged workplace health and safety risk to an apprentice or trainee, who has a genuine fear for their safety
  - (d) ensure the off-job training arrangements are meeting the needs of their apprentices and trainees in accordance with the Training Plans entered into with those apprentices and trainees
  - (e) rotate apprentices and trainees to alternative work sites, as necessary, to ensure that all work-based learning requirements are met
  - (f) provide pastoral care/monitoring support to the apprentice or trainee in line with the requirements described below
  - (g) provide the Commission with a list of the host employers utilised in all host employment arrangements, and the apprentices and trainees placed with each of those host employers on a 6 monthly basis
  - (h) notify the Commission in the event they believe a host employer is not suitable to either directly employ, or host apprentices or trainees under a host employment arrangement
  - (i) maintain appropriate records to demonstrate that the obligations in the *SAS Act*, *South Australian Skills Regulations 2021* (the *Regulations*) and Standard 14—Record Keeping have been met.
- 4.3.2 The registered employer must not, without authorisation of the Commission:
- (a) place, or permit the placement of, an apprentice or trainee under the Training Contract with an employer who is not a registered employer
  - (b) For the purposes of the above Clause 4.3.2 (a), and subject to the requirements of this Standard, the Commission provides a general authorisation for registered employers to place apprentices/trainees with unregistered host employers.

#### 4.4 Pastoral and monitoring support meetings

- 4.4.1 In addition to responding as required to any issues of concern raised by apprentices and trainees, registered employers must provide pastoral and monitoring support to individual apprentices and trainees at least every 8 weeks, in accordance with the following matrix:

Apprentice/Trainee Year	Minimum pastoral care meetings per year	Face-to-face pastoral care meetings per year
1 or 2	6	6 (3 of these must be at the worksite)
3 or more	6	3 (1 of these must be at the worksite)

- 4.4.2 For apprentices and trainees in the third or greater year of their apprenticeship/traineeship, communication methods such as phone, email or video calls may be used, where it is not practicable to hold a face-to-face meeting (either at the worksite or away from it).
- 4.4.3 In the event of exceptional or unforeseen circumstances (for example, restrictions caused by COVID-19 outbreaks), the Commission may determine that all face-to-face pastoral care meetings with apprentices and trainees at all year levels can be held using communication methods such as phone, email, or video calls. The Commission will publish any such determinations on its website, and include (where known) the duration for which the determination applies.
- 4.4.4 These meetings should confirm that the on-job training is commensurate with the level and stage of the apprenticeship or traineeship and the qualification.
- 4.4.5 A written record of these discussions must be kept.
- 4.4.6 Apprentices and trainees must be given the opportunity to speak with their legal employer in a confidential manner, irrespective of the method of communication. Some pastoral care meetings may also occur away from the worksite.

#### 4.5 Obligations for employers under a host employment arrangement

- 4.5.1 An employer, operating as a host employer, must comply with all obligations contained in a written agreement with the registered employer. In addition, employers operating as host employers must:
- provide suitable work to enable the apprentice or trainee to develop some or all of the required competencies, as outlined in the upfront written agreement, to the required standard
  - ensure the apprentice or trainee has access to a suitable range of equipment, tools, materials, personnel, and other resources to achieve some or all of the required competencies, as outlined in the upfront written agreement, to the required standard
  - provide supervision to the apprentice or trainee in accordance with the Standard 5—Supervision
  - support the apprentice or trainee to speak with the registered employer in a confidential manner and to raise any issues of concern both directly with the host employer and with the registered employer.

#### 4.6 Commission may require information from a prescribed person (SAS Act, S70C, Regulations, 17, 18)

- 4.6.1 For the purposes of Section 70C of the *SAS Act*, a prescribed person as stated in the *Regulations* includes:
- a host employer with whom an apprentice or trainee is or was placed
  - a supervisor of an apprentice or trainee under a Training Contract.
- 4.6.2 Employers (including both registered and host employers), supervisors and Apprenticeship Network Providers are required to provide information or documents related to the host employment arrangement or the apprentice or trainee to the Commission, if requested. The request must be in the form of a notice in writing and specify the nature of the information or documents required and the time in which they must be provided.
- 4.6.3 The maximum penalty for a breach of this requirement is \$10,000.
- 4.6.4 If a host employer that is a public sector agency refuses or fails to comply with a notice to provide information or documents, the Commission may, after consultation with the public sector agency:
- report the refusal or failure to the Minister for Education, Training and Skills (the Minister) and to the Minister responsible for the public sector agency (if any)
  - include details of the refusal or failure in the annual report of the Commission.

##### *Standard 5—Supervision*

This Standard relates to the requirements for the training and supervision of apprentices and trainees in the workplace in accordance with *South Australian Skills Act 2008* (the *SAS Act*).

The primary purpose of the Training Contract system is to ensure the provision of quality training for apprentices and trainees while they undertake employment relevant to the trade or declared vocation. Appropriate and effective supervision is a key element in achieving this purpose. It is intended to create minimum standards that all employers must meet, to develop apprentices' and trainees' skills, knowledge, and experience to a standard where they can work safely, confidently and effectively in their occupation, trade or declared vocation. This includes setting maximum supervision ratios and defining what types of supervision can be used.

#### Governance Arrangements

Under the *SAS Act*, the South Australian Skills Commission (the Commission) (or its delegate) is responsible for the regulation of the apprenticeship and traineeship system. To this end, it is empowered to:

- register an employer to train a person in a Training Contract for a period of up to 5 years
- renew an employer's registration for a period of up to 5 years
- vary, suspend, or cancel an employer's registration, at any time during the period the registration is in force.

**Compliance with the Standard****5.1 Supervision of apprentices and trainees**

- 5.1.1 Supervision is the oversight and coordination of on-job training provided to an apprentice or trainee learning a trade or declared vocation.
- 5.1.2 Employers are responsible for ensuring an apprentice or trainee:
- (a) is supervised
  - (b) receives on-job training by a skilled or qualified person in the competencies laid out in the agreed Training Plan
  - (c) is provided with work relevant and appropriate to the trade or declared vocation.
- 5.1.3 If an employer delegates or assigns the responsibility of supervising or providing on-job training to any staff member, or a contractor, the employer must make sure that the staff member or contractor understands these requirements and adheres to them.
- 5.1.4 Employers are responsible for ensuring that supervisors:
- (a) have not been convicted of an indictable offence under a law of the Commonwealth or any Australian state or territory, where these offences have been disclosed to the employer
  - (b) have an aptitude for and interest in training others
  - (c) have the relevant technical skill and qualifications and good understanding of the trade or declared vocation
  - (d) are competent and experienced in the activities in which they will be providing training and instruction
  - (e) do not supervise more apprentices or trainees than is permitted by the supervision ratios specified in this Standard
  - (f) use the correct supervision type in accordance with this Standard
  - (g) are not themselves an apprentice or trainee, unless Commission approval for this to occur has been obtained.

**5.2 Provision of on-job training**

- 5.2.1 The employer appointed to provide on-job training to an apprentice or trainee must meet specific quality standards of training.
- 5.2.2 While providing on-job training in a task to an apprentice or trainee, employers must ensure that they, or the nominated supervisor:
- (a) formally induct the apprentice(s) or trainee(s) into the workplace
  - (b) give clear instructions, and set clear expectations, about what the apprentice or trainee is being asked to complete, and to what standard
  - (c) explain how the task relates to other tasks undertaken in the trade/declared vocation
  - (d) discuss safety issues connected to the task before the apprentice or trainees commences the task
  - (e) break down the task into a step-by-step process
  - (f) demonstrate how the task is performed, and explain its steps while the apprentice or trainee observes
  - (g) observe the apprentice or trainee while they attempt the task
  - (h) provide opportunities for the apprentice or trainee to practice the task
  - (i) provide feedback about what they did well and what they need to do differently
  - (j) coach the apprentice or trainee to develop their confidence in performing the task
  - (k) routinely check the apprentice or trainee's subsequent work in that task
  - (l) provide positive constructive feedback that assists the apprentice or trainee to become proficient in the task.

**5.3 Supervision ratios**

- 5.3.1 Some apprentices or trainees need more supervision than others. To make sure that all apprentices or trainees are adequately supervised, employers must not exceed the supervision ratios that apply to them.
- 5.3.2 There are different supervision ratios, depending on the 'prescribed supervision level' for the trade or vocation which is published in the Traineeship and Apprenticeship Pathways (TAP) Schedule. Employers must refer to the schedule, to find the prescribed supervision level that applies to the apprentices or trainees they employ.
- 5.3.3 If an employer employs apprentices or trainees with different prescribed supervision levels, then they must use the supervision ratio for the highest of those levels.
- 5.3.4 The table below sets out the supervision ratios that employers must not exceed and is drawn from the Traineeship and Apprenticeship Pathways (TAP) Schedule.

SUPERVISION LEVEL RATING	MAXIMUM SUPERVISION RATIO
HIGH	<b>1:3</b> A single supervisor may not supervise any more than 3 apprentices or trainees at any one time.
MEDIUM	<b>1:6</b> A single supervisor may not supervise any more than 6 apprentices or trainees at any one time.
LOW	<b>1:10</b> A single supervisor may not supervise any more than 10 apprentices or trainees at any one time.



- 5.3.5 An employer must not exceed these supervision ratios unless they have applied for and received written approval from the Commission to do so (and they must also comply with any conditions set out in that written approval). Application form available at [www.skills.sa.gov.au/business/forms](http://www.skills.sa.gov.au/business/forms).

#### 5.4 Types of supervision

In determining the appropriate type of supervision, refer to Clause 5.5 of this Standard.

- 5.4.1 An apprentice or trainee's supervision may be:

- (a) direct
- (b) indirect; and/or
- (c) in some special circumstances, remote.

The default type of supervision is direct supervision, which must be provided until an employer can demonstrate that they have assessed the apprentice or trainee as being able to work under indirect supervision in relation to a task. Remote supervision cannot occur without the written approval of the Commission.

- 5.4.2 If an apprentice or trainee is carrying out work requiring a high-risk work licence under the *Work Health and Safety Regulations 2012* (SA), the:

- (a) apprentice must be enrolled in the applicable course to obtain that high-risk work licence
- (b) employer must make sure the apprentice is under the direct supervision of a person who holds a high-risk work licence of the same class, until the apprentice has successfully passed the high-risk work licence assessment.

##### Direct Supervision

- 5.4.4 Direct supervision means that the apprentice or trainee's supervisor (a person qualified or experienced in the apprentice or trainee's trade or declared vocation) is:

- (a) physically able to see and hear the apprentice or trainee; and
- (b) physically present in the workplace with them (i.e. they must not provide supervision electronically by phone, radio or webcam); and
- (c) working with them to provide training and instruction on a given task; and
- (d) accessible to them at all times on site and available to respond to their issues as they arise, or answer questions.

##### Indirect Supervision

- 5.4.5 An employer may provide indirect supervision for an apprentice or trainee performing a task if:

- (a) It is reasonable in the circumstances and has regard for any health and safety risks to the apprentice or trainee undertaking the task independently; and
- (b) before the task is undertaken, the employer can demonstrate that a supervisor has assessed the apprentice or trainee as having the required skills, technical knowledge and experience to safely, correctly, effectively and autonomously perform the task without risk to their safety or the safety of others.

- 5.4.5 Indirect supervision means that:

- (a) before the apprentice or trainee commences a work task under indirect supervision for the first time, the supervisor must discuss and plan that task with them in person; and
- (b) while the apprentice or trainee is performing a task:
  - i. the supervisor must intermittently observe the apprentice or trainee to ensure that the task is being completed safely and to a satisfactory standard; or
  - ii. if working separately from their supervisor intermittently or temporarily (for example, attending a job at a client's premises), the apprentice or trainee must be able to communicate with their supervisor via telephone, radio, webcam or other technology; and
- (c) if the supervisor leaves the worksite for any reason (for example, to take a lunch break), the apprentice or trainee is not engaged on a task for which direct supervision is required and/or that is a high-risk task.

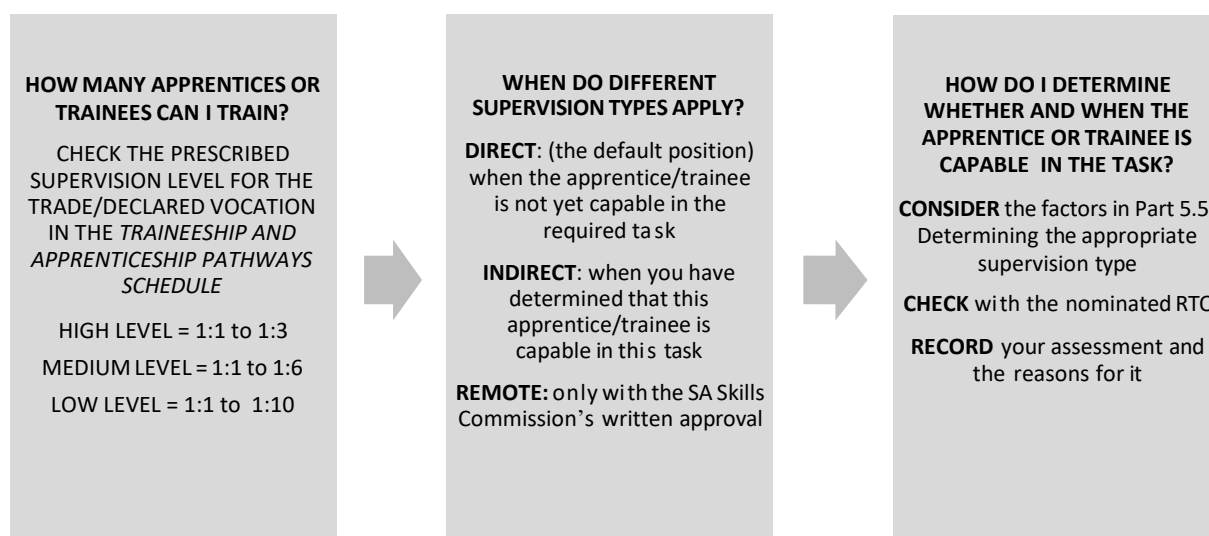
##### Remote Supervision

- 5.4.6 Remote supervision, where a supervisor is not present at the site where the apprentice or trainee is working, is prohibited unless the Commission has given its written approval. An application for remote supervision should only be made where:

- (a) the apprentice or trainee is geographically remote from their supervisor; and
- (b) the apprentice or trainee's separation from their supervisor is not intermittent or of a temporary nature (in this situation, indirect supervision may be appropriate); and
- (c) the apprentice or trainee is able to communicate with their supervisor via telephone, radio, webcam or other technology; and
- (d) the supervisor (or another suitably qualified supervisor) can attend the apprentice or trainee's physical location within a reasonable time if an issue arises.

- 5.4.7 An employer must record all periods of work that an apprentice or trainee undertakes under remote supervision and maintain appropriate records, to demonstrate obligations in the *SAS Act*, *South Australian Skills Regulations 2021* (the *Regulations*) and Standard 14, Record Keeping have been met.

Table 2—How to determine the type of supervision required



### 5.5 Determining whether direct or indirect supervision is the appropriate supervision type

- 5.5.1 Employers are required to use direct supervision until they have made an assessment about the task, and about the apprentice or trainee, which permits them to use indirect supervision.
- 5.5.2 The type of supervision provided at any given time must be consistent with the purpose of developing an apprentice's or trainee's skills, knowledge and experience such that, upon completion, they can work confidently, effectively and safely in the trade or vocation in which they are being trained according to their Training Contract.
- 5.5.3 Employers should start from the assumption that an apprentice or trainee has minimal or no capability or awareness of the work to be undertaken or the risks associated with it. They should only depart from that assumption if they can see (either from their work, or from some evidence of previous training) that the apprentice or trainee has some relevant prior knowledge or experience.
- 5.5.4 To avoid any uncertainty, in relation to tasks or activities undertaken, direct supervision must be provided where an apprentice or trainee is attempting or undertaking activities or tasks they have not previously performed.
- 5.5.5 For apprentices and trainees who commence an apprenticeship or traineeship while they are at school, or are otherwise under 18 years of age, a presumption should be made in favour of constant and direct supervision, unless a risk assessment determines otherwise. However, this presumption only applies for that part of the Training Contract served while the student is at school, or under 18 years of age, and not for the full duration of the Training Contract.
- 5.5.6 Indirect supervision by an employer is only permitted:
  - (a) where the task/activity is not inherently dangerous or hazardous
  - (b) where the apprentice or trainee has:
    - i. been provided with on-job training and instruction relevant to the task in the workplace
    - ii. been provided with training relevant to the task by the Nominated Training Organisation (NTO)
    - iii. routinely performed the task or activity proficiently and safely under supervision
    - iv. demonstrated the ability to understand when to seek guidance and support.
- 5.5.7 In determining whether supervision can progress from direct supervision to indirect supervision, employers must consider the tasks/activities the apprentice or trainee is to undertake, before considering the following factors, in consultation with the apprentice or trainee's NTO:
  - (a) any accepted industry supervision standards and Codes of Practice (for example, the National Electrical and Communications Association's *Guidelines for the Supervision of Apprentices/Trainees in the Electrical, Electricity Supply, Refrigeration, Instrumentation, Electronics, and Communications Declared Vocations*)
  - (b) the apprentice or trainee's age and maturity
  - (c) whether the apprentice or trainee is a new or existing worker
  - (d) the complexity of the task
  - (e) whether the task is new to the apprentice or trainee
  - (f) the apprentice or trainee's level of experience in performing the task
  - (g) the apprentice or trainee's level of skill in performing the task
  - (h) the apprentice or trainee's level of confidence in performing the task
  - (i) the apprentice or trainee's willingness to seek guidance and support when required
  - (j) the workplace, health and safety risks involved in performing the task
  - (k) the training risks associated with the worksite and the task arising from:
    - i. characteristics of people (for example, co-workers, clients, customers, patients) with whom they will be interacting
    - ii. the tools, machinery, equipment and materials to be used

- iii. characteristics of animals with which they will be working or may encounter
  - iv. the environment in which they are working.
  - (l) for apprentices or trainees with a disability, any additional supervision or other supports to ensure the apprentice or trainee can undertake their task/s effectively and safely.
  - 5.5.8 An employer must be able to demonstrate that they made their assessment of the apprentice or trainee, and the task, before permitting indirect supervision, and maintain appropriate records to demonstrate that the obligations in the *SAS Act, Regulations* and *Standard 14—Record Keeping* have been met.
  - 5.5.9 Some apprentices or trainees will be in greater need of direct supervision. A supervisor may find themselves with some apprentices or trainees who require direct supervision, and others who they have assessed as requiring indirect supervision. In such situations:
    - (a) the supervisor's supervision ratio remains unchanged, however
    - (b) the supervisor may simultaneously provide direct supervision of apprentices or trainees who require it, while at the same time permitting indirect supervision of those apprentices or trainees who have been assessed as capable of performing the relevant task under indirect supervision.
  - 5.5.10 The supervisor's duties for direct and indirect supervision will remain the same.
- 5.6 Approved exemptions and variations**
- 5.6.1 Employers may apply to the Commission for:
    - (a) approval to exceed the maximum supervision ratio applicable to them (Low, Medium or High)
    - (b) approval to provide remote supervision for an individual apprentice or trainee.
  - 5.6.2 Employers must make their application in writing, using the online application template.
  - 5.6.3 Employers applying for approval to exceed the maximum supervision ratio must:
    - (a) state their reasons for wishing to exceed the maximum supervision ratio (including the rationale for engaging additional apprentices or trainees instead of additional tradespersons or qualified persons)
    - (b) demonstrate how appropriate supervision will be maintained under an alternative ratio regime
    - (c) demonstrate how they would manage on-job training under an alternative ratio regime
    - (d) demonstrate how they would mitigate the risks associated with their type of work under an alternative ratio regime
    - (e) demonstrate that they have a good completion rate at or above the South Australian average for that trade or declared vocation
    - (f) provide evidence to substantiate their application.
  - 5.6.4 Industry sectors and Industry Skills Councils may apply in writing to the Commission for a variation, including a strengthening or relaxation, of existing supervision ratios for specific occupational areas. Each application will require evidence to support the proposed variation and will be considered on its merits by the Commission. If the Commission approves an application by an industry sector or Industry Skills Council, it will publish the decision (including any conditions attaching to the decision) on its website.

*Standard 6—Training Plan and Nominated Training Organisations*

This Standard relates to training organisations and their requirement to provide a workable framework for parties to Training Contracts and their Nominated Training Organisation (NTO). NTOs have requirements under the *South Australian Skills Act 2008* (the *SAS Act*) where they are nominated for an apprentice or trainee in relation to each Training Contract.

The NTO must be a:

- Registered Training Organisation (RTO)
- recognised higher education provider.

The NTO Standard applies to the:

- RTO or higher education provider nominated for an apprentice or trainee under each Training Contract to which the apprentice or trainee is a party
- employer who is party to the Training Contract
- apprentice or trainee who is party to the Training Contract.

**Governance Arrangements**

NTOs are providers and assessors of nationally recognised training that have been registered by the Australian Skills Quality Authority (ASQA) in the case of RTOs or the Tertiary Education Quality and Standards Agency (TEQSA) in the case of higher education providers. Only NTOs can issue nationally recognised qualifications.

The South Australian Skills Commission (the Commission) (or its delegate) regulates apprenticeships and traineeships in South Australia under the *SAS Act*. Obligations of NTOs under the *SAS Act* will be regulated by the Commission.

**Compliance with the Standard**

**6.1 Selection of a Nominated Training Organisation (SAS Act, S54P)**

- 6.1.1 As part of the process to establish a Training Contract, the employer and apprentice or trainee must agree on which RTO or higher education provider will be the NTO for the Training Contract.
- 6.1.2 Having agreed, the employer and apprentice or trainee must obtain the acceptance of the NTO in relation to the nomination.
- 6.1.3 The Apprenticeship Network Provider (ANP) facilitating the establishment of the Training Contract may assist the employer and apprentice or trainee to select the NTO and may obtain the proposed NTOs acceptance on their behalf.
- 6.1.4 The NTO must accept or decline their nomination in the online portal located at <https://atlas.skills.sa.gov.au>, within 30 calendar days of the data becoming available in the portal.
- 6.1.5 The NTO becomes responsible for their obligations when they accept the nomination.

**6.2 Training Plan (SAS Act, S54Q, S54R, Regulation 14)**

- 6.2.1 The NTO for a Training Contract must prepare (and obtain the necessary endorsement of) the Training Plan for that contract within 28 days of accepting a nomination.
- 6.2.2 If the NTO is unable to prepare a Training Plan within this timeframe, it must apply to the Commission for an extension via <https://providers.skills.sa.gov.au/file/tools/form-training-plan-extension> and in the prescribed manner, at least 7 days in advance of the 28 day deadline. Note: an extension to inform the Commission a training plan has been developed, if granted, will apply for a further period of 28 days only and not an indeterminate or other period of time.
- 6.2.3 The Training Plan must be presented on the form approved by the Commission and contain all the requested information. The Commission has approved a proforma Training Plan, available at <https://providers.skills.sa.gov.au/file/tools/form-training-plan>.
- 6.2.4 The Training Plan must contain the following information:
- (a) contact details of the apprentice or trainee, employer and NTO
  - (b) details of the school (for school-based apprenticeships or traineeships)
  - (c) details of the apprenticeship or traineeship being undertaken
  - (d) the Australian Qualification Framework (AQF) qualification to be undertaken and any other relevant pathway to a trade or declared vocation (including non-accredited training) that the Commission has aligned to the qualification as part of the trade vocational declaration process
  - (e) the units of competence/units of study and any other training (accredited/non-accredited) that will make up the AQF qualification (including elective units) and a timeline of when these units will be undertaken by the apprentice or trainee
  - (f) the mode of delivery of formal training (on-job or off-job)
  - (g) the developmental goals of the apprentice or trainee under the Training Plan
  - (h) the responsibilities of the apprentice or trainee, employer and NTO, with respect to training under the Training Contract
  - (i) any additional expectations of the apprentice or trainee, employer or NTO that are agreed to by the parties to the Training Contract.
- 6.2.5 When developing the Training Plan, the NTO must engage with the employer and the apprentice or trainee and discuss:
- (a) how, when and where the training will be delivered
  - (b) the units of competence/units of study that will be delivered
  - (c) who will assess the apprentice or trainee
  - (d) the type of assessments that will be conducted.
- 6.2.6 The Training Plan must be endorsed by the employer and the apprentice or trainee, as well as additional endorsement (as appropriate) from:
- (a) an apprentice's or trainee's parent or guardian, where the apprentice or trainee is under 18, and where the apprentice or trainee's parents are party to the Training Contract
  - (b) a school principal (or delegate of the principal), where the Training Plan is for a school-based Training Contract.
- 6.2.7 Once a Training Plan has been endorsed by all parties, the NTO must notify the Commission within 28 days.
- 6.2.8 The Training Plan comes into effect from any commencement date specified in the document.
- 6.2.9 The NTO must provide a copy of the Training Plan to the employer and the apprentice or trainee within 14 days of the Training Plan coming into effect.
- 6.2.10 The NTO is responsible for delivering training in accordance with the Training Plan and as agreed with the employer and the apprentice or trainee.
- 6.2.11 The NTO must maintain the currency and suitability of the Training Plan, and monitor the apprentice's or trainee's progress towards meeting the required training, over the life of the Training Contract, until all outcomes are achieved, or the Training Contract ceases.
- 6.2.12 The NTO must review the Training Plan as required, including:
- (a) if the training that is the subject of the Training Plan is modified
  - (b) upon request by the parties to the Training Contract
  - (c) at a minimum, every 6 months regardless.
- 6.2.13 A variation to the Training Plan must be endorsed by all the relevant parties and will come into effect from a date specified in the Training Plan.
- 6.2.14 The NTO must provide a copy of the revised Training Plan to the employer and the apprentice or trainee within 14 days of the revised Training Plan coming into effect, and must notify the Commission of the variation within 28 days.

**6.3 Substitution of a Nominated Training Organisation (SAS Act, S54T)**

- 6.3.1 The employer and the apprentice or trainee may substitute the NTO for a Training Contract, where:
- (a) the employer and apprentice or trainee agree on the new NTO
  - (b) the employer and apprentice or trainee seek acceptance of the new NTO in respect of the nomination
  - (c) the NTO accepts the nomination and agrees to be the NTO for the apprentice or trainee.
- 6.3.2 The nominated ANP for the Training Contract may assist the employer and apprentice or trainee to select a new NTO and may obtain the new NTO's acceptance on their behalf.
- 6.3.3 Substitution of the NTO triggers an automatic review of the Training Plan by the new NTO. Notwithstanding any revisions made necessary by this review, the Training Plan for the apprentice or trainee continues in force and any rights, obligations and liabilities of the former NTO are transferred to the new NTO.

- 6.3.4 Where the NTO ceases to be the NTO in relation to a Training Contract, it must make the Training Plan and progress towards agreed learning outcomes available to the new NTO and maintain records for the period of which it was the NTO in accordance with Section 54U of the *SAS Act*.
- 6.3.5 The new NTO must notify the Commission of its inclusion under the Training Contract within 14 days.
- 6.4 Obligations for Nominated Training Organisations (*SAS Act*, Division 3D, *Regulations 14, 15*)**
- 6.4.1 Where there are issues with an employer or with the apprentice or trainee, the NTO should engage with the employer and/or apprentice or trainee in the first instance. Where concerns are ongoing, the NTO should contact the Commission.
- 6.4.2 The NTO must notify the Commission where:
- (a) it becomes aware that an apprentice or trainee is not meeting the requirements of the Training Plan
  - (b) it becomes aware that an employer is not meeting its obligations under the Training Contract or Training Plan
  - (c) it becomes aware that the health or safety of an apprentice or trainee is at risk
  - (d) it becomes aware that it may not be able to comply with any obligations applicable to the NTO under the Training Plan
  - (e) it ceases to be the NTO under the Training Contract
  - (f) ASQA or TEQSA has made a decision in relation to the NTO that impacts its ability to fulfil its obligations under the Training Plan.
- 6.4.3 When notifying the Commission of any of the above matters, the NTO must include details of the:
- (a) name of the employer
  - (b) name of the apprentice or trainee
  - (c) name of the NTO
  - (d) relevant contact person's name, phone number and email address in the NTO
  - (e) progress achieved against the Training Plan at the date of the notice
  - (f) details of efforts made to engage the employer and apprentice or trainee, where the training goals are not being achieved.
- 6.4.4 The NTO for a Training Contract must keep such records in accordance with ASQA requirements for RTOs, TEQSA requirements for higher education providers and the *Standard 14, Record Keeping*. Records must be retained for at least 7 years after the completion, expiry or termination of the Training Contract to which the record relates.
- 6.4.5 The NTO must not refuse or fail to comply with the obligations outlined in Division 3D of the *SAS Act*.
- 6.4.6 The Commission may notify the Department of State Development (DSD), ASQA or TEQSA of any failure to comply with the obligations for NTOs set out in the *SAS Act*.
- 6.4.7 The maximum penalty for a breach of the requirement is \$5,000 and the expiation fee is \$315.
- 6.5 Obligations for employers (*SAS Act*, S54J)**
- 6.5.1 The employer must not prevent or obstruct apprentices or trainees from participating in training required to be delivered by the NTO under a Training Plan or prejudice the employment of the apprentice or trainee as a result of participating in, or attempting to participate in, such training.
- 6.5.2 The employer must not take any other steps to discourage the apprentice or trainee from participating in training as outlined in the Training Plan and must comply with any other obligations specified in the Training Contract or Training Plan that are applicable to the employer.
- 6.5.3 These conditions are taken to be a condition of the employer's registration. If the employer fails to comply with these obligations the Commission may do one or more of the following:
- (a) give the employer a written warning
  - (b) vary, suspend or cancel the employers registration under Section 54G(3) of the *SAS Act*
  - (c) issue a compliance notice under Section 63 of the *SAS Act*
  - (d) declare the employer to be a prohibited employer.
- 6.6 Obligations for apprentices and trainees (*SAS Act*, S54M)**
- 6.6.1 The apprentice or trainee must comply with obligations specified in the Training Contract or Training Plan that are applicable to them.
- 6.6.2 The apprentice or trainee must, participate in the development of their Training Plan as far as is reasonably practicable, attend training specified in the Training Plan, and contribute to the attainment of their development goals under the Training Contract or Training Plan.
- 6.6.3 If the apprentice or trainee fails to comply with these obligations the Commission may do one or more of the following:
- (a) give the apprentice or trainee a written warning
  - (b) require the parties to the Training Contract to attend a conciliation conference under Section 52 of the *SAS Act*
  - (c) suspend or terminate the Training Contract under Section 51 and 52B of the *SAS Act*.

*Standard 7—Training Contract Approval*

This Standard relates to the approval of Training Contracts to train apprentices and trainees in accordance with the *South Australian Skills Act 2008* (the *SAS Act*).

Training contracts are between an employer and an apprentice or trainee, through which the employer agrees to employ and train the apprentice or trainee in the qualification aligned to the trade or declared vocation. All Training Contracts are to be approved by the South Australian Skills Commission (the Commission).

**Governance Arrangements**

Under the *SAS Act*, the Commission (or its delegate) is responsible for the regulation of the apprenticeship and traineeship system. The Commission's powers include the authority to assess, approve or decline Training Contracts.

Australian Apprenticeship Support Network (AASN) and Australian Network Providers (ANP) are contracted by the Australian Government to deliver support services to the parties to the Training Contract, this may include lodgement of Training Contract applications with the Commission.

**Compliance with the Standard****7.1 Training under Training Contracts (*SAS Act*, S45A, S45B S46)**

- 7.1.1 Under the *SAS Act*, an employer must not undertake to train a person in a trade except under a Training Contract.
- 7.1.2 However, the above Clause 7.1.1 does not apply in relation to the further training or re-training of a person who has:
  - (a) already completed the training required under a Training Contract
  - (b) an equivalent qualification
  - (c) been certified by the Commission as competent in relation to the relevant trade.
- 7.1.3 An employer who wishes to train an employee in a declared vocation can choose whether to enter in a Training Contract or not.
- 7.1.4 An employer must not enter into a Training Contract to train a person unless the employer is:
  - (a) a registered employer
  - (b) operating within the scope of the employer's registration
  - (c) complying with any other condition of the registration.
- 7.1.5 The maximum penalty for a breach of this requirement is \$5,000, and the expiation fee is \$315.
- 7.1.6 Two or more employers may, with the approval of the Commission, enter into a Training Contract with the same apprentice or trainee.
- 7.1.7 The Commission provides a general authorisation for Registered Employers to place apprentices and trainees with unregistered host employers, in accordance with Standard 4, Host Employer Arrangements.

**7.2 Training contract applications (*SAS Act*, S46, S48)**

- 7.2.1 An employer must apply to the Commission for approval of an agreement as a Training Contract within 28 days after entering an agreement where:
  - (a) the employer is to train a person in a trade, or to otherwise train a person under a Training Contract
  - (b) it is intended to be a Training Contract.
- 7.2.2 The maximum penalty for a breach of this requirement is \$5,000, and the expiation fee is \$315.
- 7.2.3 A Training Contract application must utilise the relevant standard form contract and contain the following conditions:
  - (a) a condition that the apprentice or trainee will be employed by the employer party to the Training Contract in accordance with the applicable award or industrial agreement
  - (b) a condition specifying the probationary period for a Training Contract for the relevant trade or declared vocation
  - (c) the standard conditions for a Training Contract for the relevant trade or declared vocation
  - (d) a condition that the apprentice or trainee will be trained and assessed in accordance with the Training Plan (to be agreed between the parties and a Nominated Training Organisation (NTO) chosen jointly by the parties)
  - (e) any other conditions that have been agreed between the employer and the apprentice or trainee after consultation with the registered training provider.
- 7.2.4 A person under the age of 15 years must not enter into a Training Contract unless otherwise permitted by an industrial award, or the person has, on application, obtained written approval of the Commission.
- 7.2.5 An Apprenticeship Network Provider (ANP) may submit an application on behalf of a party to the Training Contract.
- 7.2.6 The Commission may, by notice in writing, require an employer to provide, within a specified period, such other specified information or documents as may be required by the Commission for the purposes of determining an application.

**7.3 Training contract approval (*SAS Act* S48, *SAS Regulation* 6)**

- 7.3.1 The Commission must, on determining an application for a Training Contract, notify the employer and apprentice or trainee of:
  - (a) the Commission's determination
  - (b) the date of the determination
  - (c) reasons for the refusal, if refused.
- 7.3.2 The Commission will refuse to approve an application for a Training Contract if:
  - (a) the employer is a prohibited employer
  - (b) the employer would commit an offence under Section 46(4) of the *SAS Act* by training a person under the proposed Training Contract
  - (c) the trade or vocation that is the subject of the Training Contract is not a declared trade or vocation under the *SAS Act*
  - (d) in the opinion of the Commission, the employer is not able to provide, or arrange to provide, an apprentice or trainee with the facilities, range of work, supervision and training required under a Training Plan for the apprentice or trainee.
- 7.3.3 The Commission may refuse to approve an agreement as a Training Contract for any other reason the Commission considers appropriate, including where:

- (a) the agreement does not utilise the relevant standard form contract
  - (b) the agreement does not otherwise comply with the *SAS Act*
  - (c) the qualification to which the agreement relates is, in the opinion of the Commission, an inappropriate qualification for a Training Contract
  - (d) the employer, or the apprentice or trainee, will, in the opinion of the Commission, be unable to fulfil their obligations under the proposed Training Contract
  - (e) the requirements under the *SAS Act* in relation to a Training Plan for the apprentice or trainee are unlikely to be satisfied
  - (f) a term of the proposed Training Contract is, in the opinion of the Commission, prejudicial to the interests of the apprentice or trainee
  - (g) the Commission reasonably suspects that the employer has engaged in conduct that is likely to result in the employer being declared a prohibited employer.
- 7.3.4 An employer who has made an application under this section that has been refused by the Commission must not, except with the written authority of the Commission, continue to train a person in a trade under the refused agreement.
- 7.3.5 The maximum penalty for a breach of this requirement is \$5,000, and the expiation fee is \$315.
- 7.4 Training contract obligations on the employer (*SAS Act* S54J, S54L, *Regulation 11*)**
- 7.4.1 The obligations of the employer who is a party to a Training Contract in this Standard are in addition to those contained in the Training Contract and are to:
- (a) employ and train the apprentice or trainee as agreed in the Training Contract and Training Plan
  - (b) provide the relevant wages and conditions to the apprentice or trainee employed to complete the Training Contract
  - (c) provide appropriate facilities and expertise to assist in the training of the apprentice or trainee in accordance with the requirements of the Training Plan
  - (d) ensure the apprentice and trainee receives on-job training and assessment in accordance with the requirements of the Training Plan
  - (e) release the apprentice or trainee from work and pay the appropriate wages to attend any training and assessment specified in the Training Plan
  - (f) provide supervision to the apprentice or trainee in accordance with Standard 5, Supervision
  - (g) work with an NTO and the apprentice or trainee to ensure that the Training Plan is complied with, training records are kept up to date, and progress is monitored, reviewed and supported, in accordance with Standard 6—Training Plan and Nominated Training Organisations
  - (h) notify the Commission of any material change to the Training Contract, in accordance with the *SAS Act*
  - (i) attempt to resolve a dispute between the parties to the Training Contract in the first instance, but if such attempts fail, apply to the Commission for consideration of the matter
  - (j) comply with any other obligation specified in the Training Contract or Training Plan that is applicable to the apprentice or trainee
  - (k) inform the Commission and the NTO within 5 working days, if the Training Contract has become jeopardised.
- 7.4.2 Additionally, an employer in relation to a Training Contract must comply with the following provisions, which will be taken to be a condition of the employer's registration:
- (a) the employer must comply with the Standards
  - (b) the employer must permit an apprentice or trainee under the Training Contract to carry out their obligations under the Training Contract
  - (c) the employer must comply with any other obligation specified in the Training Contract or Training Plan that is applicable to the employer.
- 7.4.3 The employer must not:
- (a) prevent or obstruct the apprentice or trainee from carrying out their obligations under a Training Plan
  - (b) prevent or obstruct the apprentice or trainee from participating in any training required to be delivered by the NTO under a Training Plan
  - (c) prejudice the employment of the apprentice or trainee, or place the apprentice or trainee at a disadvantage, because the apprentice or trainee participates or attempts to participate in such training
  - (d) take any other steps to discourage the apprentice or trainee from participating in such training
  - (e) place, or permit the placement of, an apprentice or trainee under the Training Contract with a prohibited employer
  - (f) without the authorisation of the Commission, place, or permit the placement of, an apprentice or trainee under the Training Contract with an employer who is not a registered employer.
- 7.4.4 The Commission may, in relation to an employer's failure to satisfy the employer's obligations under the Training Contract, do one or more of the following:
- (a) give the employer a written warning
  - (b) vary, suspend, or cancel the employer's registration
  - (c) issue a compliance notice
  - (d) declare the employer to be a prohibited employer.
- 7.4.5 An employer must maintain appropriate records to demonstrate that the obligations in the *SAS Act*, *South Australian Skills Regulations 2021* (the *Regulations*) and Standard 14, Record Keeping have been met.
- 7.4.6 The maximum penalty for a breach of this requirement is \$5,000, and the expiation fee is \$315.

**7.5 Training contract obligations on the apprentice or trainee (SAS Act S54M)**

- 7.5.1 An apprentice or trainee, in relation to a Training Contract, must:
- (a) comply with the Standards
  - (b) comply with any other obligation specified in the Training Contract or Training Plan that is applicable to the apprentice or trainee
  - (c) as far as is reasonably practicable:
    - i. participate in the development of their Training Plan
    - ii. contribute to the attainment of their development goals under the Training Contract and Training Plan.
- 7.5.2 The Commission may, in relation to an apprentice or trainee failing to comply with their obligations under a Training Contract, do one or more of the following:
- (a) give the apprentice or trainee a written warning
  - (b) require the parties to the Training Contract to attend a dispute resolution process
  - (c) suspend the Training Contract
  - (d) terminate the Training Contract.

**7.6 Review of decisions by the South Australian Civil and Administrative Tribunal (SAS Act, S70F)**

- 7.6.1 The South Australian Civil and Administrative Tribunal (SACAT) has jurisdiction to review a decision of the Commission to refuse an application by a person under 15 years of age to enter into a Training Contract under Section 46(7) of the *SAS Act*.
- 7.6.2 An applicant must apply to the SACAT within 28 days of receiving notice of the relevant decision.
- 7.6.3 The SACAT may allow an extension of time to this application period if it is satisfied that:
- (a) special circumstances exist
  - (b) another party will not be unreasonably disadvantaged because of the delay in commencing proceedings.
- 7.6.4 An application to the SACAT to review a decision must be made using the online form available at [www.sacat.sa.gov.au/application-form](http://www.sacat.sa.gov.au/application-form)
- 7.6.5 Fees apply for commencing a review in the SACAT. The SACAT can reduce or waive a fee in a particular case, or in relation to a particular class of applicant, based on financial hardship or where it is in the interests of justice to do so. An applicant may also apply for a partial waiver of the fee if they hold a valid concession card.

*Standard 8—Training Contract Conditions*

This Standard relates to the setting of Training Contract conditions, including the probationary period in accordance with the *South Australian Skills Act 2008* (the *SAS Act*). The South Australian Skills Commission (the Commission) is responsible for the regulation of the apprenticeship and traineeship system.

**Governance Arrangements**

The Commission, under Section 45(2) of the *SAS Act*, may determine ‘standard conditions’ for specified trades and declared vocations, through notice in the *South Australian Government Gazette* (the *Gazette*). These standard conditions, which form part of the standard form contract, include:

- the term (duration in months) of the Training Contract
- the qualifications available for a person in the trade or declared vocation
- any other condition considered necessary by the Commission
- the Commission has determined that parties to a (full-time or part-time) Training Contract may agree to average the hours worked under the Training Contract as a condition of the Training Contract.

Refer to [Standard 1—Declaration of Trades and Vocations](#) for more information on this Standard’s conditions.

**Compliance with the Standard****8.1 Gazettal of standard form Training Contract (SAS Act, S45, S46, S49A)**

- 8.1.1 Section 46(6) of the *Act* states that a standard form contract must be in the required form and contain the following additional terms and conditions:
- (a) that the apprentice or trainee will be employed by the employer who is party to the contract in accordance with the applicable award or industrial agreement
  - (b) the probationary period for the relevant trade or declared vocation
  - (c) the standard conditions for the relevant trade or declared vocation
  - (d) that the apprentice or trainee will be trained and assessed in accordance with the Training Plan (to be agreed between the employer, the apprentice or trainee and a nominated training organisation chosen jointly by the employer and the apprentice or trainee)
  - (e) any other conditions that have been agreed between the employer and the apprentice or trainee after consultation with the nominated training provider.
- 8.1.2 The Commission may determine a probationary period for a Training Contract for a specified trade or declared vocation, through notice in the *Gazette*. The Commission may also extend the probationary period for an individual Training Contract on application by a party to a Training Contract, or for a specified class of Training Contracts by notice in the *Gazette* with the approval of the Minister for Education, Training and Skills (the Minister).
- 8.1.3 The Commission may vary hours of training under a Training Contract to reflect a part-time or full-time training arrangement.
- 8.1.4 The Commission may also vary or revoke a previously gazetted condition under Section 45(3) of the *SAS Act*. Any revocation or variation will apply to all qualifications to which the gazetted notice relates.



**8.2 Contract variation to full-time and part-time training arrangements (SAS Act, S50)**

- 8.2.1 Employers and their apprentices and trainees must comply with the standard conditions of the Training Contract. They may seek to vary these in prescribed circumstances.
- 8.2.2 Parties to a Training Contract by agreement may apply, and the Commission may approve, a variation to a Training Contract:
- (a) from a part-time to a full-time training arrangement
  - (b) from a full-time to a part-time training arrangement provided the agreed working arrangement is permitted by the relevant award or industrial agreement under which the apprentice or trainee is employed.
- 8.2.3 An application must be made in the prescribed form and must contain any information required by the Commission to consider the application. The [application form](#) is available from the Commission's website.
- 8.2.4 The Commission on its own motion may vary the full-time or part-time training arrangement under a Training Contract if there are circumstances to justify the change. For example, if the Commission determines that an agreed full-time or part-time training arrangement is inconsistent with a relevant award or other industrial instrument under which the apprentice or trainee is employed.
- 8.2.5 Where the Commission makes a determination on its own motion, the Commission will provide any affected party an opportunity to provide its views on the proposed variation to the Training Contract.

**8.3 School-based apprenticeships or traineeships (SAS Act, S50)**

- 8.3.1 Parties to a school-based apprenticeship or traineeship, by agreement, must apply to the Commission for approval of a variation to the Training Contract:
- (a) from part-time to full-time training
  - (b) from full-time to part-time training commencing when the school-based apprentice or trainee completes school.
- 8.3.2 Alternatively, the Commission on its own motion may vary the full-time or part-time training arrangement under a school-based apprenticeship or traineeship when the apprentice or trainee finishes school, for example, when:
- (a) the agreed training arrangement is not conducive to the apprentice or trainee meeting their workplace-based training obligations under the Training Contract or Training Plan
  - (b) the Commission determines that the agreed full-time or part-time training arrangement is not consistent with a relevant award or other industrial agreement under which the apprentice or trainee is employed.

**8.4 Averaging of hours (SAS Act, S45)**

- 8.4.1 Parties to a (full-time or part-time) Training Contract may agree to average the hours worked under the Training Contract as a condition of the Training Contract.
- 8.4.2 Hours worked under a standard apprenticeship or traineeship may be averaged over a four-week cycle.
- 8.4.3 Hours worked under a school-based apprenticeship or traineeship may be averaged over a three-month cycle.
- 8.4.4 An agreement to average the training hours over a particular work cycle must be in advance of the training commencing and must include the rostered hours of employment and training for the period over which the averaging applies.
- 8.4.5 The agreed arrangement must:
- (a) provide a regular pattern of on and off-job training that enables both on-job and off-job structured training to be planned and implemented according to the Training Plan. For example, a full-time pattern of hours per week of 40, 40, 40 and 30 (average 38 hours) is appropriate. However, under a school-based apprenticeship or traineeship, a part-time pattern of hours per week of 20, 0, 12, 8 is unlikely to be appropriate, as the training pattern is not conducive to the student meeting their academic obligations.
  - (b) be consistent with (and not disrupt) the training objectives contained in the Training Contract and Training Plan
  - (c) in relation to school-based apprenticeships or traineeships, not interfere with the student's school commitments
  - (d) be consistent with the award, industrial agreement and national employment standards that apply to the employment of the apprentice or trainee, including any requirements relating to:
    - i. rostering
    - ii. consultation
    - iii. notice periods.
- 8.4.6 An employer must maintain records of an apprentice or trainee's attendance at the workplace and at training and maintain appropriate records to demonstrate that the obligations in the *SAS Act*, *South Australian Skills Regulations 2021* (the *Regulations*) and [Standard 14, Record Keeping](#) have been met.
- 8.4.7 These records should include any agreement to average hours and the hours recorded should reflect the pattern of work and training agreed by the employer and apprentice or trainee.
- 8.4.8 The maximum penalty for a breach of the requirements relating to the making and retention of records is \$5,000, and the expiation fee is \$315.

**8.5 Minimum hours under part-time Training Contracts (SAS Act, S46)**

- 8.5.1 As published by notice in the Gazette an apprenticeship or traineeship may be undertaken on a full or time-part basis but cannot be undertaken on a casual basis.
- 8.5.2 Parties to a part-time apprenticeship or traineeship may agree on the hours worked under the Training Contract, provided:
- (a) part-time minimum hours worked under a standard apprenticeship or traineeship are at least 15 hours per week
  - (b) part-time minimum hours worked under a school-based apprenticeship or traineeship are at least 7.5 hours per week.
- 8.5.3 The agreed arrangement must be consistent with the award or industrial agreement to which the apprenticeship or traineeship relates.

**8.6 Standard probationary periods under Training Contracts (SAS Act, S46)**

- 8.6.1 The Commission, by notice in the Gazette, has determined the standard probationary period for Training Contracts. The standard (or nominal) probationary period for a Training Contract:
- (a) up to and including 24 months duration is 60 days
  - (b) greater than 24 months duration is 90 days.
- 8.6.2 These standard probationary periods apply to full-time and part-time apprenticeships and traineeships.
- 8.6.3 The Commission by further gazetted notice may vary the above standard probationary periods.
- 8.6.4 The Commission has the discretion to approve probationary periods that differ from the standard probationary periods noted in Clause 8.6.1.

**8.7 Application to extend the standard probationary period for a Training Contract (SAS Act, S49A)**

- 8.7.1 A party to a Training Contract may apply to the Commission to vary the Training Contract to extend the probationary period for that Training Contract.
- 8.7.2 An application to extend the probationary period:
- (a) may be made by the employer, the apprentice or trainee, or both (Note: if the application is not a joint application by the employer and apprentice or trainee, the Commission must not decide an application unless it has sought the views of the other party to the Training Contract about whether or not the application should be granted)
  - (b) may not be for a period in excess of 6 months in total, or 25% of the term of the Training Contract, whichever is the lesser.
  - (c) must be submitted to the Commission no less than 14 days before the expiry of the nominal probationary period, unless the Commission is satisfied that:
    - i. good reasons exist to accept a shorter notice period; and
    - ii. the other party to the Training Contract will not be unreasonably disadvantaged
  - (d) if an application to extend the probationary period is not resolved within 14 days, the apprentice or trainee will continue to be employed on a probationary basis until such time as the application is resolved.
- 8.7.3 Upon assessing an application to extend the probationary period for a Training Contract, the Commission will advise the parties to the application of the outcome, in writing. The Commission will advise:
- (a) if the application is approved, the period for which the probationary period is extended
  - (b) if the application is declined, the reason(s) and process for review.

**8.8 Variation by the Commission of the probationary period for a class of Training Contracts (SAS Act, S49A(3))**

- 8.8.1 The Commission, with the approval of the Minister, may extend the probationary period for a specified class of Training Contracts. However, the probationary period, as extended, must not exceed 6 months in total or 25% of the term of the Training Contract, whichever is the lesser.
- 8.8.2 Before the Commission varies the probationary period for a specified class of Training Contracts, it must:
- (a) consult with apprentices or trainees who are a party (or likely to be party) to a Training Contract that is among the specified class of contract, or a body representing the interests of those apprentices or trainees
  - (b) consult with employers who are a party (or likely to be party) to a Training Contract that is among the specified class of contract, or a body representing the interests of those employers.

**8.9 Apprentice or trainee is under 18 years of age**

- 8.9.1 If an application to extend the probationary period under a Training Contract is made in relation to an apprentice or trainee under the age of 18, and provided the apprentice or trainee's parent(s) or guardian(s) are party to the Training Contract, the Commission must, if practicable, consult the apprentice or trainee's parent or guardian.

**8.10 Review of decisions by the South Australian Civil and Administrative Tribunal (SAS Act, S70F, Regulation 20)**

- 8.10.1 The South Australian Civil and Administrative Tribunal (SACAT) has jurisdiction to review a decision of the Commission to approve or refuse an application to extend the probationary period for a Training Contract under Section 49A of the *SAS Act*.
- 8.10.2 An applicant must apply to the SACAT within 28 days of receiving notice of the relevant decision.
- 8.10.3 The SACAT may allow an extension of time to this application period if it is satisfied that:
- (a) special circumstances exist
  - (b) another party will not be unreasonably disadvantaged because of the delay in commencing proceedings.
- 8.10.4 An application for the SACAT to review a decision must be made using the online form available at <https://www.sacat.sa.gov.au/apply-online-now2>
- 8.10.5 Fees apply for commencing a review in the SACAT. The SACAT can reduce or waive a fee in a particular case, or in relation to a particular class of applicant, based on financial hardship or where it is in the interests of justice to do so. An applicant may also apply for a partial waiver of the fee if they hold a valid concession card.

*Standard 9—Transfer of Training Contracts and Substitute Employer*

This Standard relates to the substitution of an employer of an apprentice or trainee and covers three broad situations in which the Training Contract is taken over by (or transferred to) another employer. Transfer of a Training Contract through the first two situations described below are subject to approval by the Commission. A change of business ownership requires the South Australian Skills Commission (the Commission) to be notified of the change of ownership.

A substitution or transfer of a Training Contract occurs where:

- an apprentice or trainee under a Training Contract established in another state or territory transfers to a South Australian-based employer
- an application is made to the Commission to substitute the current employer of an apprentice or trainee with a different employer

- the Commission determines, on its own motion, to substitute the current employer of an apprentice or trainee with a different employer
- there is a change in the ownership of the business under which an apprentice or trainee is employed.

This Standard applies to the Commission, employers and prospective employers of apprentices and trainees.

### **Governance Arrangements**

Decisions to approve the transfer of a Training Contract and substitution of an employer are decided by the Commission (or its delegate).

### **Compliance with the Standard**

#### **9.1 Transfer of Training Contracts between jurisdictions (*SAS Act, S45, S48A, Regulation 7*)**

- 9.1.1 In the event an apprentice or trainee under a Training Contract established in another state or territory relocates to South Australia, the *SAS Act* permits the Commission to:
- (a) recognise (with or without modification) the Training Contract (and associated Training Plan) as a Training Contract and Training Plan under the *SAS Act*
  - (b) substitute the employer under the Training Contract with a South Australian based employer
  - (c) recognise the previous employment and training completed in the jurisdiction
  - (d) make other appropriate arrangements.
- 9.1.2 The Commission must decline to recognise the Training Contract of a relocating apprentice or trainee if the proposed new employer is a prohibited employer.
- 9.1.3 The Commission may refuse recognition of the Training Contract if:
- (a) there is no nominated training organisation for the apprentice or trainee
  - (b) there is no Training Plan relating to the Training Contract
  - (c) the trade or vocation is not a declared trade or vocation under the *SAS Act* or does not have an equivalent under the *SAS Act*
  - (d) the proposed employer
    - i. is not registered or has not applied for registration
    - ii. is not operating within the scope of their registration
    - iii. has failed to comply with a condition of their registration.
- 9.1.4 A relocating apprentice or trainee seeking to have their Training Contract recognised and/or the proposed (South Australian-based) employer must notify the Commission as early as practicable (the Training Contract made in another jurisdiction will not be enforceable until the Commission recognises it).
- 9.1.5 Notification of the transfer, via a form determined by the Commission and available at <https://skillscommission.sa.gov.au/resources-and-publications/forms>, should include:
- (a) name and contact details of the apprentice or trainee and of the previous and proposed employer
  - (b) name and contact details of the training organisation under the Training Contract
  - (c) commencement date of employment with proposed employer
  - (d) a copy of the Training Contract and Training Plan
  - (e) name of the nominated training organisation (if not the training organisation under the Training Contract).
- 9.1.6 The Commission will consider this information in reaching a decision whether or not to recognise the transfer and will advise the applicant(s):
- (a) whether or not the Training Contract is recognised
  - (b) the date from which it is recognised
  - (c) the trade or vocation, or equivalent trade or vocation under the recognised Training Contract
  - (d) conditions (if any) under which the Training Contract is agreed to be recognised.
- 9.1.7 If the Commission has insufficient information to enable it to determine whether a Training Contract is recognised, it will notify the applicant(s) and request further information.

#### **9.2 Transfer due to a change of ownership of business (*SAS Act, S54 MA*)**

- 9.2.1 In the event an owner of a business who employs one or more apprentices or trainees transfers ownership of the business to another employer, the Training Contract continues with the new employer and the rights, obligations and liabilities of the former owner/employer transfer to the new owner/employer.
- 9.2.2 Rights, obligations, and liabilities include:
- (a) to provide training as required by the Training Contract and Training Plan
  - (b) to meet relevant occupational, health, safety and welfare requirements.
- 9.2.3 Both the former owner/employer and new owner/employer must notify the Commission and the NTO of the change of business ownership and consequent transfer of the Training Contract(s) within 21 days of it occurring. Notification is made via a form, determined by the Commission.
- 9.2.4 Notice to the Commission and the NTO should include:
- (a) date of the transfer of ownership of the business (note, an employer must also notify the Commission of an offer to sell the business to which the Training Plan(s) relates and in the event the business becomes insolvent or bankrupt)
  - (b) name and contact details of the apprentice or trainee
  - (c) name and contact details of the former owner/employer and new owner/employer
  - (d) a copy of the Training Contract and Training Plan
  - (e) name of the NTO

- (f) proof of registration by the new owner/employer, or that the employer has applied for registration.

**9.3 Substitution of an employer under Training Contract and transfer fees (*SAS Act*, S54N, S54O, Regulation 13)**

- 9.3.1 An application may be made to the Commission to substitute the employer of an apprentice or trainee and determination of the application may, unless waived or previously paid between the parties to the transfer, invoke a transfer fee payable by the proposed employer to the previous employer.
- 9.3.2 This application may be made by:
  - (a) the existing/previous employer (or person on their behalf)
  - (b) the proposed employer (or a person on their behalf)
  - (c) the apprentice or trainee (or a person on their behalf).
- 9.3.3 The application must contain the following information:
  - (a) contact details of the parties to the application
  - (b) reason(s) for the substitution
  - (c) the number of employees employed by the business to which the apprentice or trainee is being transferred
  - (d) evidence of the transfer fee transaction or of an agreement to pay the transfer fee, if a request to waive the transfer fee is not made to the Commission
  - (e) if the proposed employer is seeking to have the transfer fee waived (see below for grounds to waive the transfer fee) by the Commission, the ground(s) for waiving the fee
  - (f) if the previous/existing employer objects to the transfer, reasons for the objection.
- 9.3.4 The Commission may invite the existing employer to provide a written submission about whether the application to substitute the proposed employer should be granted or not, and may make any enquiries of any of the parties about whether the transfer of the apprentice or trainee to the new employer is appropriate in the circumstances.

**9.4 Application in relation to an apprentice or trainee under 18 years of age**

- 9.4.1 The Commission must be satisfied, in relation to an application to substitute an employer in relation to an apprentice under 18 years of age, that the application is in the best interests of the apprentice or trainee and where the parent(s) or guardian(s) are party to the Training Contract, may enquire about the merits of the application with the parent(s) or guardian(s) of the apprentice or trainee.

**9.5 Consideration of an application to substitute an employer by application**

- 9.5.1 For the purposes of Section 54N(3) of the *SAS Act*, the Commission must be satisfied that:
  - (a) if the proposed employer has consented to the substitution, there is evidence in writing of such consent
  - (b) the proposed employer is not a prohibited employer.
  - (c) the proposed employer is:
    - i. registered
    - ii. operating within scope of the registration
    - iii. complying with conditions of the registration.(requirement (i.) is suspended when the proposed employer has applied for registration, and the application has yet to be determined and the Commission is satisfied they are a fit and proper person to enter into a Training Contract. The Commission may inform itself of this question in any way it sees fit).
  - (d) The proposed employer has paid, or agreed to pay, any transfer fee payable under Section 54O, or that there are grounds for a waiver.(Note: The Commission may consider information, or a submission provided by the parties, or make any enquiries on its own initiative, on the appropriateness of the substitution. It may consider, for example, whether any coercion or inducement has been applied by any party against another party to agree to the substitution).

**9.6 Existing employer may provide a submission on the application**

- 9.6.1 Except where the existing employer is an applicant to substitute, the Commission should, where practicable, have regard to any submission of the existing employer in relation to the application. However, a submission by the existing employer will not be determinative of the outcome.

**9.7 Notice of the Commission's decision**

- 9.7.1 The Commission will notify the parties of its decision on the application and will advise whether the application is successful. If an application is successful, the Commission will advise the parties:
  - (a) the date the substitution is taken to have occurred
  - (b) the transfer fee payable by the proposed employer to the previous employer, unless waived or reduced
  - (c) a condition that confirmation of the substitution is subject to an application to register the proposed employer being approved, if applicable.
- 9.7.2 If the application is unsuccessful the Commission will advise the parties of this outcome and the reason(s) for the decision.

**9.8 Transfer fee**

- 9.8.1 The transfer fee payable upon confirmation of the substitution being approved outlined in the *South Australian Skills (Fees) Notice 2025* is as follows:

**Small business (20 or fewer employees)**

First year of Training Contract .....	\$1,816
Second year of Training Contract .....	\$3,633
Third year of Training Contract .....	\$5,450
Fourth year of Training Contract .....	\$7,264

**Medium to large business (21 or more employees)**

First year of Training Contract .....	\$2,271
Second year of Training Contract .....	\$4,541
Third year of Training Contract .....	\$6,811
Fourth year of Training Contract .....	\$9,083

- 9.8.2 For the purpose of Section 54O(6) of the *SAS Act*, the size of the business is to be calculated at the date of the proposed substitution and should include permanent, temporary, casual, part-time, managerial and executive employees in addition to employees on paid leave and workers' compensation.
- 9.8.3 Transfer fees are reviewed annually and increased in line with the standard indexation rate.

**9.9 Transacting the transfer fee (SAS Regulation 12(e))**

- 9.9.1 The transfer fee is paid directly by the proposed employer to the existing employer and a record of the transaction must be retained by both the previous and proposed employer.
- 9.9.2 A proposed employer must not seek compensation for payment of a transfer fee from the apprentice or trainee under the Training Contract to which the application relates.

**9.10 Disputes relating to an application to substitute an employer and payment of the transfer fee (SAS Act, S52, S54O(3))**

- 9.10.1 The Commission, before determining an application to substitute an employer, may direct the parties to the Training Contract to undertake dispute resolution of a specified kind. For more information, parties are referred to [Standard 12—Complaint Handling, Mediation and Advocacy](#).
- 9.10.2 If the proposed employer defaults on payment of the transfer fee, the previous employer may commence proceedings for recovery of the transfer fee from a court of competent jurisdiction. Independent legal advice should be obtained before commencing proceedings for recovery of the transfer fee and note, in this situation, the Commission does not have a role pursuing an unpaid fee on behalf of an employer.

**9.11 Waiver of the transfer fee (SAS Regulation 13)**

- 9.11.1 The transfer fee payable by a proposed employer to the existing employer may be waived or reduced in certain prescribed circumstances where:
- (a) the transfer is mutually agreed by the proposed employer and the existing employer
  - (b) it is unlikely that the existing employer will be able to provide employment to the apprentice or trainee for the duration of the Training Contract
  - (c) it is unlikely that the existing employer will be able to provide the scope of training or supervision necessary for the apprentice or trainee to complete the training required under the Training Contract
  - (d) it is appropriate to do so in the circumstances.
- 9.11.2 If a request to waive the transfer fee is not made at the same time as the application to substitute the employer, the proposed employer may apply to the Commission for a waiver of the transfer fee within 7 days of the application to substitute the employer.
- 9.11.3 Where a request to waive the transfer fee is made, the Commission may make enquiries of the existing and/or proposed employer to determine whether, in the circumstances, it is appropriate to grant a waiver.

**9.12 Review of decisions by the South Australian Civil and Administrative Tribunal (SAS Act, S70F, Regulation 20)**

- 9.12.1 The South Australian Civil and Administrative Tribunal (SACAT) has jurisdiction to review a decision of the Commission to approve or refuse a substitution of an employer under Section 54N of the *SAS Act*.
- 9.12.2 An applicant must apply to the SACAT within 28 days of receiving notice of the relevant decision.
- 9.12.3 The SACAT may allow an extension of time to this application period if it is satisfied that:
- (a) special circumstances exist; and
  - (b) another party will not be unreasonably disadvantaged because of the delay in commencing proceedings.
- 9.12.4 An application to the SACAT to review a decision must be made using the online form available at: [www.sacat.sa.gov.au/applications-and-hearings/how-to-apply-to-sacat](http://www.sacat.sa.gov.au/applications-and-hearings/how-to-apply-to-sacat)
- 9.12.5 Fees apply for commencing a review in the SACAT. The SACAT can reduce or waive a fee in a particular case, or in relation to a particular class of applicant, based on financial hardship or where it is in the interests of justice to do so. An applicant may also apply for a partial waiver of the fee if they hold a valid concession card.

*Standard 10—Training Contract Suspension*

This Standard relates to Training Contract suspension in accordance with the *South Australian Skills Act 2008* (the *SAS Act*). The South Australian Skills Commission (the Commission) may, on an application or on its own motion, suspend a Training Contract.

**Governance Arrangements**

Under the *SAS Act*, the Commission (or its delegate) is responsible for the regulation of the apprenticeship and traineeship system. To this end, its powers include the authority to:

- assess and approve (or decline) applications for Training Contract suspension
- suspend a Training Contract, on its own motion.

**Compliance with the Standard****10.1 Training contract suspension (*SAS Act*, S51)**

- 10.1.1 The Commission may, on an application under Section 51 of the *SAS Act*, or on its own motion, suspend a Training Contract.
- 10.1.2 An application for Training Contract suspension:
- (a) may be made by a party to a Training Contract
  - (b) must be made in the prescribed form, available at <https://skillscommission.sa.gov.au/resources-and-publications/forms>
  - (c) must be accompanied by such information or documents as required by the Commission to consider the application.
- 10.1.3 A suspension:
- (a) must be by notice in writing
  - (b) may be conditional or unconditional.
- 10.1.4 Additionally, the Commission may, by notice in writing, vary or revoke a condition of a suspension.
- 10.1.5 A suspension commences on the day specified by the Commission and remains in force for the period specified in the notice, or until further notice by the Commission (as the case requires).

**10.2 Training contract suspension criteria (*SAS Act* S51, S70G)**

- 10.2.1 Parties may make an application for Training Contract suspension for consideration by the Commission. An application for Training Contract suspension that is not mutually agreed by the parties may require dispute resolution at the discretion of the Commission.
- 10.2.2 A person must not exert undue influence or pressure on, or use unfair tactics against, another person in relation to any matter relating to or arising out of, a Training Contract, including suspension.
- 10.2.3 The maximum penalty for breach of the above Clause 10.2.2 in this Standard is \$10,000.
- 10.2.4 A suspension is for a period of time agreed between the parties to the Training Contract or determined by the Commission. This should not be for more than 30 days, although the Commission may apply its discretion to suspend for a longer period in appropriate circumstances.
- 10.2.5 A suspension is based upon a commitment by the parties to resume the Training Contract after the period of suspension.
- 10.2.6 During the period of suspension, the parties and the employer are required to keep in contact about resuming the Training Contract.
- 10.2.7 The period of suspension is not recognised as part of the nominal term of the Training Contract. Upon resumption of the Training Contract, the nominal term of the Training Contract will be extended to cover the period of suspension.
- 10.2.8 The Training Contract resumes at the end of the period of suspension. However, if the parties agree, and the Commission is advised in writing, the Training Contract can resume prior to the end date of the suspension. Above Clause 10.1.5 indicates the Commission's role to determine a period of suspension and notify the parties as the case requires.
- 10.2.9 If a suspension commences during the probationary period of the Training Contract, the probationary period is to be extended by the amount of the probationary period lost through suspension of the Training Contract.
- 10.2.10 Where the parties agree, the apprentice or trainee may continue with their off-job training during the period of suspension. Where the parties agree, time spent at off-job training will be credited towards the Training Contract and an adjustment made to the nominal term of the contract and suspension duration. The apprentice or trainee should continue to be paid for the time they are engaged in their off-job training as per the award under the Training Contract.

**10.3 Training contract suspension for business-related reasons (*SAS Act* S51)**

- 10.3.1 An application for Training Contract suspension may be made to the Commission for business related reasons such as re-structuring or re-location of the business.
- 10.3.2 Suspension must be a last resort. Evidence must be provided to the Commission that the Training Contract suspension is required due to all other options having been exhausted.
- 10.3.3 Other options that may first be considered before an application for Training Contract suspension are:
- (a) completing outstanding off-job training or bringing forward future off-job training
  - (b) placing the apprentice or trainee with an alternative registered employer, host employer or group training organisation
  - (c) taking of any accrued leave, for example, annual leave, rostered days off
  - (d) rotating the apprentice or trainee with another apprentice or trainee who is due to attend off-job training or due to take leave, where both are employed by the same group training organisation or employer
  - (e) negotiating a reduction in hours if possible, under the industrial award/agreement and varying the Training Contract accordingly.
- 10.3.4 After 30 days, the Commission may review and extend a suspension upon consideration of the circumstances, including ongoing action taken to exhaust other options by the parties during the period of suspension.
- 10.3.5 Other options as stated in the above Clause 10.3.3 of this Standard must continue to be considered during the suspension period before any further application for suspension are applied for.

**10.4 Training contract suspension for non-business-related reasons (*SAS Act* S51)**

- 10.4.1 The Commission may consider an application for Training Contract suspension for non-business-related reasons where the application is mutually agreed and meets the criteria in this Standard.



- 10.4.2 Any accrued leave, including sick leave where appropriate, should be taken prior to seeking a non-business-related suspension.
- 10.4.3 Non-business-related suspension reasons include:
- (a) pregnancy
  - (b) maternity/paternity leave
  - (c) a non-work-related injury or illness affecting the apprentice or trainee's ability to undertake work and training (where sick leave has been exhausted)
  - (d) higher level work or duties with the employer
  - (e) personal reasons or commitments.
- 10.4.4 Consistent with Clause 10.2.4 the maximum suspension for non-business related reasons is 30 days. The Commission may exercise its discretion to consider longer term suspensions, for example, for reasons of pregnancy, medical reasons, natural disaster or pandemic.
- 10.5 Training contract suspension related to a declared emergency (SAS Act S51)**
- 10.5.1 The Commission may consider a special circumstances application for Training Contract suspension for reasons relating to a declared emergency or disaster.
- 10.5.2 A declared emergency is defined as: An active Major Emergency or Disaster, per Division 3 of the *Emergency Management Act 2004* (Act).
- 10.5.3 The maximum suspension for reasons relating to a declared emergency is 90 days, unless the State Co-ordinator revokes a declaration as defined in Division 3 of Act. The Commission may exercise its discretion to consider longer term suspensions following an application by a party to the Training Contract, or on the Commission's own motion.
- 10.5.4 For applications made with the consent of a single party to the Training Contract, the Commission will allow 14 days to seek representations from the other parties to the Training Contract.
- 10.6 Dispute resolution in relation to a Training Contract suspension (SAS Act, S52)**
- 10.6.1 If either party to the Training Contract does not agree to the suspension, the party may dispute the suspension in writing to the Commission.
- 10.6.2 The Commission may, before determining an application for suspension of a Training Contract, require the parties to the Training Contract to undertake dispute resolution of a specified kind.
- 10.6.3 Refer to [Standard 12—Complaints Handling, Mediation and Advocacy](#) for detailed information regarding dispute resolution.
- 10.7 Employer may suspend apprentice or trainee for wilful and serious misconduct (SAS Act, S64)**
- 10.7.1 If an employer has reasonable grounds to believe that an apprentice or trainee employed by the employer is guilty of wilful and serious misconduct, the employer may (without first obtaining the approval of the Commission) suspend the apprentice's or trainee's employment.
- 10.7.2 If an employer suspends an apprentice's or trainee's employment under the above Clause 10.6.1, the employer must, in accordance with any requirement set out in the Standards, as soon as reasonably practicable:
- (a) refer the matter to the Commission for mediation
  - (b) notify the South Australian Employment Tribunal (SAET) that the matter has been so referred
  - (c) notify the apprentice or trainee that the matter has been so referred
  - (d) comply with any other reasonable requirement of the Commission in relation to the mediation.
- 10.7.3 The maximum penalty for a breach of this requirement is \$5,000 and the expiation fee is \$315.
- 10.7.4 If a matter is not resolved by mediation, the employer must, as soon as reasonably practicable after the conclusion of the mediation (but in any event, within 3 days) refer the matter to the SAET for consideration.
- 10.7.5 The maximum penalty for a breach of this requirement is \$5,000 and the expiation fee is \$315.
- 10.7.6 The above Clause 10.6.1 applies, except where:
- (a) the employer and the trainee or apprentice agree to a longer suspension (whether during mediation or otherwise)
  - (b) the Commission extends the suspension for a specified period (not being more than 3 days after the conclusion of the mediation)
  - (c) the SAET confirms or extends the suspension under Section 65 of the *SAS Act*.
- 10.7.7 A suspension under Section 64 of the *SAS Act* and the above Clause 10.6.1 in this Standard will cease after 7 working days, unless cancelled sooner.
- 10.8 South Australian Employment Tribunal may suspend employment of apprentice or trainee (SAS Act, S65)**
- 10.8.1 If a dispute arises between parties to a Training Contract or a party to a Training Contract is aggrieved by the conduct of another party, a party to the contract may apply to the SAET for consideration of the matter.
- 10.8.2 The SAET may, if it thinks fit, suspend the employment of an apprentice or trainee commencing on a date specified in the order.
- 10.8.3 The SAET may confirm, extend (for a period not exceeding four weeks), or revoke a suspension imposed by an employer under Section 64 of the *Act* and in the event of revocation:
- (a) order the employer to pay any remuneration, or compensation for any non-monetary benefit, to which the apprentice or trainee would, but for the suspension, have been entitled
  - (b) order the employer to treat the period of suspension as service for specified purposes.
- 10.9 Offence to suspend Training Contract (SAS Act, S51C)**
- 10.9.1 A person who, without being authorised to do so under the *SAS Act*, suspends or purports to suspend a Training Contract, is guilty of an offence.

10.9.2 The maximum penalty for a breach of this requirement is \$5,000 and the expiation fee is \$315.

#### **10.10 False or misleading information (SAS Act, S75)**

10.10.1 A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided under the *Act*.

10.10.2 The maximum penalty for a breach of this requirement is \$10,000.

#### *Standard 11—Training Contract Completion*

This Standard relates to the completion of Training Contracts in accordance with the *South Australian Skills Act 2008* (the *SAS Act*). It is the responsibility of each party to a Training Contract to take appropriate action to support completion of the apprenticeship or traineeship.

#### **Governance Arrangements**

Under the *SAS Act*, the South Australian Skills Commission (the Commission (or its delegate) is responsible for the regulation of the apprenticeship and traineeship system. To this end, its powers include the authority to assess, approve or decline applications for Training Contract completion.

#### **Compliance with the Standard**

##### **11.1 Means to complete Training Contracts (SAS Act, S49)**

11.1.1 A Training Contract may be considered complete when:

- (a) there is agreement from the employer and the apprentice or trainee that the apprentice or trainee has achieved competency in the workplace
- (b) a Nominated Training Organisation (NTO) has certified that the qualification specified in the Training Contract has been completed by the apprentice or trainee.

11.1.2 A party to a Training Contract must notify the Commission, before the nominal completion date for the contract is reached, if the contract will not be completed by that date.

11.1.3 An application to extend the term of a Training Contract must be made prior to the expiry of the training contract, using the prescribed form available at <https://skillscommission.sa.gov.au/resources-and-publications/forms>.

11.1.4 The Commission may consider whether a Training Contract is completed in the following circumstances:

- (a) a party to a Training Contract may apply to the Commission to complete a traineeship or apprenticeship
- (b) the Commission may certify on its own motion that the apprentice or trainee is to be considered to have completed the training required under the contract, without an application from one or both of the parties.

11.1.5 Applications under above Clause 11.1.4 a) must:

- (a) be made in the prescribed form, available at <https://skillscommission.sa.gov.au/resources-and-publications/forms>.
- (b) be accompanied by such information or documents as required by the Commission to consider the application, including evidence of successful completion of the qualification specified in the Training Contract.

11.1.6 Where the contractual parties are in dispute, and the employer or apprentice or trainee does not accept the apprentice or trainee is competent, or the employer cannot be found, the Commission may obtain independent industry advice in regard to the competency of the apprentice or trainee.

11.1.7 The Commission will notify the parties to a Training Contract of the result of the application, and if successful certify that the apprentice or trainee is to be taken to have completed the training required under the contract.

11.1.8 If the Commission certifies that the (current or former) apprentice or trainee has completed the training required under the contract, the Commission may:

- (a) if the contract is still in operation, finalise the contract and relieve the parties of their obligations under the contract; and
- (b) certify that the apprentice or trainee has completed the training required under the contract for the relevant trade or declared vocation.

##### **11.2 Dispute resolution (SAS Act, S65)**

11.2.1 Where the contractual parties are in dispute about whether:

- (a) the apprentice or trainee has achieved competency in the workplace
- (b) there is evidence that the apprentice or trainee has successfully completed the qualification specified in the Training Contract a party to the Training Contract may apply to the South Australian Employment Tribunal (SAET) for consideration of the matter.

11.2.2 As per Section 65(2)(a) of the *SAS Act*, the SAET may make recommendations to the Commission about the assessment of the skills of an apprentice or trainee and, if appropriate, the granting of an appropriate qualification under the Australian Qualifications Framework (AQF).

11.2.3 Applications to the SAET under the *SAS Act* must be during the term of the relevant Training Contract or within 6 months after the expiry, termination, or cancellation of the relevant Training Contract. The SAET may extend the time within which any such application may be made.

11.2.4 Under Section 66 of the *SAS Act* and as described in Section 43 of the *SAET Act 2014*, parties are required to attend a compulsory conciliation conference, if directed to do so. This applies to both the employer and the apprentice or trainee.

11.2.5 If a conflict occurs between a determination of the Commission about the completion of a Training Contract and a determination of the SAET, the determination of the SAET prevails.

11.2.6 The SAET has powers to exercise an order under the *SAS Act*. Parties must not contravene an order of the SAET, with the maximum penalty for non-compliance being \$5,000.

##### **11.3 False or misleading information (SAS Act, S75)**

11.3.1 A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided under the *SAS Act*.



11.3.2 The maximum penalty for a breach of this requirement is \$10,000.

*Standard 12—Complaint Handling, Mediation and Advocacy*

This Standard details a range of complaint handling, mediation, and advocacy services in accordance with the *South Australian Skills Act 2008* (the *SAS Act*) and the South Australian Skills Commission (the Commission). The services are provided free of charge and are confidential and impartial.

The services of complaint handling, mediation and advocacy may relate to the resolution of disputes in respect of apprenticeships and traineeships, vocational education and training, higher education, and international education.

Stakeholders to whom this Standard applies include apprentices, trainees, employers, students, international students and training and education providers. Stakeholders may also include a parent or guardian, where applicable.

**Governance Arrangements**

The Standard on Complaint Handling, Mediation and Advocacy is governed by the Commission. Complaints raised with other agencies can be referred to the Commission where appropriate.

**Compliance with the Standard**

**12.1 Scope of functions (SAS Act, S19, S52)**

- 12.1.1 The functions of the Commission under the *SAS Act* are to undertake complaint handling and provide, where appropriate, mediation and advocacy services in disputes relating to apprenticeships and traineeships, vocational education and training, higher education or international education, and to otherwise assist in the resolution of such disputes including by providing advocacy services for parties in proceedings before the South Australian Employment Tribunal (SAET).
- 12.1.2 The following party/parties may raise a complaint or dispute with the Commission:
  - (a) apprentices/trainees
  - (b) parents/guardians of apprentices and trainees
  - (c) employers
  - (d) Nominated Training Organisations (NTOs)
  - (e) students
  - (f) international students
  - (g) the delegated regulator of the apprenticeship and traineeship system, where issues are identified through the course of regulating the system (including under Section 52).

**12.2 Expectations of the parties**

- 12.2.1 All parties accessing services of the Commission through complaint handling, mediation, advocacy, or dispute resolution are expected to:
  - (a) attempt to resolve the matter with the other party verbally or in writing
  - (b) provide full contact details including physical address, mobile number and email
  - (c) provide copies of relevant correspondence, documentation, and evidence to the Commission
  - (d) maintain appropriate contact with the Commission
  - (e) maintain confidentiality
  - (f) not disseminate information or advice provided by the Commission
  - (g) not misuse confidential information
  - (h) make and attend appointments, as required
  - (i) follow all reasonable instructions
  - (j) comply with any other reasonable requirement of the Commission in relation to the dispute resolution.
- 12.2.2 Parties may raise complaints confidentially, however, the Commission will be limited in what action it can take in these circumstances.

**12.3 Complaint handling**

- 12.3.1 The Commission will provide an independent complaint handling service and investigate complaints relating to the provision of apprenticeships and traineeships, vocational education and training, higher education or international education.
- 12.3.2 The independent complaint handling process may include:
  - (a) the investigation of a complaint
  - (b) the negotiation and mediation of matters arising out of a complaint
  - (c) making recommendations in relation to complaints
  - (d) notifying the parties of the outcome of the complaint within a reasonable timeframe.

**12.4 Advocacy**

- 12.4.1 The Commission may speak for and negotiate on behalf of:
  - (a) education and training providers and clients of education and training providers, in the resolution of any matters arising out of the delivery of education and training
  - (b) an employer, an apprentice/ trainee and/or an NTO in the resolution of any matters arising in relation to a Training Contract with the other party/parties to the Training Contract
  - (c) an employer or an apprentice/ trainee in the resolution of any matters arising in relation to a Training Contract, including by providing advocacy services for parties in proceedings before the SAET.

**12.5 Mediation (SAS Act, S54N, S54O, s64, Regulation 13)**

- 12.5.1 The Commission may provide mediation between parties to a Training Contract or between previous and proposed employers, in the case of transfer. Mediation aims to resolve disputes in a timely manner and the parties are encouraged to act in good faith during discussions or negotiations to reach an outcome that is satisfactory for all parties.
- 12.5.2 The Commission may provide mediation services in the following instances:
- (a) arising from a complaint as outlined above
  - (b) referral of a matter by an employer where an apprentice or trainee has been suspended for serious misconduct
  - (c) where there is disagreement between the parties in relation to the transfer fee under Section 54O of the *SAS Act* and *Regulation 12*
  - (d) any other instances where the Commission sees fit.
- 12.5.3 An explicit settlement agreement made between the parties as a result of a mediation (facilitated by the Commission) is legally enforceable.
- 12.5.4 If a matter related to wilful and serious misconduct is unable to be resolved by mediation, the employer must as soon as is reasonably practicable after the conclusion of the mediation (but in any event within 3 days), refer the matter to the SAET for consideration.

**12.6 Dispute resolution (SAS Act, S52)**

- 12.6.1 Parties who wish to vary a Training Contract must mutually agree to do so via application to the Commission. An exception to this is a withdrawal from a Training Contract during a probationary period, where mutual agreement is not required and either party can apply individually to the Commission.
- 12.6.2 Under the *SAS Act*, the Commission may, before determining an application for termination, suspension, or substitution of an employer in relation to a Training Contract, require the parties to the Training Contract to undertake dispute resolution of a specified kind.
- 12.6.3 For the purposes of Section 52 of the *SAS Act*, dispute resolution may be undertaken by the Commission in accordance with the approach to mediation outlined in Clause 12.5. In addition, or as an alternative, the Commission may use direct negotiation when attempting to resolve disputes. Each dispute will be individually assessed.

**12.7 Suspension for wilful and serious misconduct (SAS Act, S64, s65)**

- 12.7.1 An employer may suspend an apprentice or trainee for serious misconduct if the employer has reasonable grounds to believe that an apprentice or trainee employed by the employer is guilty of wilful and serious misconduct.
- 12.7.2 The employer may, without first obtaining the approval of the Commission, suspend the apprentice or trainee from employment under the *SAS Act*.
- 12.7.3 A suspension under this Section will cease after 7 working days, unless cancelled sooner, except where:
- (a) the employer and the trainee or apprentice agree to a longer suspension (whether in the course of mediation or otherwise)
  - (b) the Commission extends the suspension for a specified period (not being more than 3 business days after the conclusion of the mediation)
  - (c) the South Australian Employment Tribunal (SAET) confirms or extends the suspension under Section 65.
- 12.7.4 A referral to the SAET under this Section will be dealt with under Part 3 Division 1 of the *South Australian Employment Tribunal Act 2014*.
- 12.7.5 If an employer suspends an apprentice or trainee from employment for wilful and serious misconduct, in accordance with the requirements set out in this Standard, the employer must, as soon as reasonably practicable:
- (a) refer the matter to the Commission for mediation
  - (b) notify the SAET that the matter has been so referred
  - (c) notify the apprentice or trainee that the matter has been so referred
  - (d) comply with any reasonable requirements of the Commission in relation to the mediation.
- 12.7.6 If a matter is unable to be resolved by mediation the employer must, as soon as is reasonably practicable after the conclusion of the mediation (but in any event within 3 business days), refer the matter to the SAET for consideration.
- 12.7.7 Where directed, the employer and apprentice or trainee must undertake dispute resolution of a specified kind determined by the Commission.
- 12.7.8 The employer and/or apprentice or trainee must not contravene an order of the SAET.

**12.8 Services for parties in proceedings before the South Australian Employment Tribunal**

- 12.8.1 The South Australian Employment Tribunal (SAET) considers disputes between employers and apprentices and trainees related to their Training Contracts or working conditions. Either party to a Training Contract can make an application to SAET for consideration if there is a dispute between the parties, or one of the parties has a grievance.
- 12.8.2 The SAET deals with:
- (a) disputes between parties to a Training Contract
  - (b) a grievance by one party to the Training Contract about the conduct of the other party
  - (c) suspension of an apprentice or trainee on reasonable grounds of serious and wilful misconduct.
- 12.8.3 Applications to the SAET under the *SAS Act* must be during the term of the relevant Training Contract or within 6 months after the expiry, termination, or cancellation of the relevant Training Contract, the SAET may extend the time within which any such application may be made.
- 12.8.4 Under Section 66 of the *SAS Act* and as described in Section 43 of the *South Australian Employment Tribunal Act 2014*, parties are required to attend a Compulsory Conciliation Conference. This applies to both employer and apprentice or trainee.

12.8.5 Under Section 65 of the *SAS Act*, the SAET has powers to make orders binding on parties to Training Contracts; and the Commission, without further inquiry, may accept and act on any recommendation of the SAET.

12.8.6 Parties must not contravene an order of the SAET. A maximum penalty for a breach of this requirement is \$5,000.

*Standard 13—Recognition of Other Qualifications and Experience in Trades and Declared Vocations*

This Standard relates to the assessment and certification of a person's qualifications and/or experience in relation to a particular trade or declared vocation, where the person has:

- Not completed an apprenticeship or traineeship but developed the skills and knowledge for a trade or declared vocation through employment and training in an occupation listed on the Traineeship and Apprenticeship Pathways Schedule.
- Gained a trade or declared vocation-related qualification overseas.

This Standard is in accordance with the requirements contained in the *South Australian Skills Act 2008* (the *Act*).

Recognition arrangements outlined in this Standard may be used in support of, but does not guarantee, the receipt of an Australian visa. Individuals should seek information on visa application processes from the Australian Government Department of Home Affairs.

The Commission provides certification arrangements for trades and declared vocations that acknowledge employment-based skills outcomes, and also provide recognition for:

- obtaining non-conditional occupational licenses (if a license is required for the purpose of employment in South Australia)
- accessing trade or declared vocation-level remuneration under awards or other industrial agreements
- further career progression and up-skilling
- recognising overseas-qualified applicants.

The Commission does not award qualifications under the Australian Qualifications Framework (AQF), or occupational licenses. Individuals are responsible for acquiring these if required.

**Governance Arrangements**

Under Section 70A of the *Act*, a person may apply to the Commission for recognition of the person's qualifications or experience in relation to a particular trade or declared vocation (not being qualifications obtained under a Training Contract).

Under Section 70B of the *Act*, the Commission, if it is satisfied that an applicant for recognition of qualifications or experience in a particular trade or declared vocation has acquired the competencies of the trade or declared vocation, may:

- Determine that the applicant is adequately trained to pursue that vocation; and
- Certify to that effect.

Where the Commission determines that an individual competency assessment is required, the Commission will utilise any appropriate skilled or experienced person or body to undertake the competency assessment of applications, and may engage with appropriately skilled or experienced persons or bodies to provide any other advice to the Commission in relation to applications for the recognition of qualifications or experience.

This Standard is limited to the recognition of qualifications or experience in the trades and vocations declared by the South Australian Skills Commission as listed on the Traineeship and Apprenticeship Pathways Schedule excluding higher education apprenticeships and traineeships.

**Compliance with the Standard**

**13.1 Criteria for certification**

13.1.1 The assessment arrangements for an application for an Occupational Certificate must have regard to:

- (a) the need to maintain a satisfactory level of equivalence to the standards and outcomes of the relevant nationally endorsed qualification
- (b) the breadth, depth and currency of employment experience required for trade or declared vocation recognition.

13.1.2 In the case of an overseas qualification, the assessment arrangements must establish a satisfactory level of equivalence between the overseas qualification and requirements for trade or declared vocation recognition in Australia. The assessment may lead to a recommendation that an overseas qualification is equivalent, contingent upon the satisfactory attainment of specified units of competence from an AQF qualification.

**13.2 Application process**

13.2.1 A person may apply to the Commission for recognition of their qualifications (not being obtained under a Training Contract) and/or experience in relation to a particular trade or declared vocation.

13.2.2 An individual may have acquired the skills and knowledge for a particular trade or declared vocation through any combination of:

- (a) employment
- (b) training in a qualification aligned to a particular trade or declared vocation in South Australia, or
- (c) other training that allowed the person to develop skills related to the trade or declared vocation in question.

13.2.3 An application must be made using the application form and must be accompanied by:

- (a) such supporting information and documents as are stipulated in the application form
- (b) the prescribed fee.

**13.3 Assessment of applications (SAS Act, S70A)**

13.3.1 To determine whether the applicant has acquired the competencies of the relevant trade or declared vocation, the Commission may require the applicant to:

- (a) Undertake an examination or test; or
- (b) Undergo an independent competency assessment of a kind specified by the Commission.

- 13.3.2 The Commission may, in determining the application, seek advice from any person or body who, in the Commission's opinion, has special knowledge of, and experience in, the relevant trade or declared vocation.
- 13.3.3 In determining whether a person has acquired the competencies of the trade or declared vocation the Commission must have regard to:
- (a) The length of time the applicant has been working in the relevant trade or declared vocation
  - (b) The nature and duration of any instruction or training received by the applicant in the relevant trade or declared vocation
  - (c) The nature of any qualifications held by the applicant in relation to the relevant trade or declared vocation
  - (d) Any advice received from a person or body under Section 13.3.2 of this Standard.
- 13.3.4 If the Commission, or delegate, determines that the applicant requires further training to acquire the competencies of the relevant trade or declared vocation, it may refuse to make a determination until it is satisfied that the applicant has satisfactorily completed such training.
- 13.3.5 Any training undertaken to acquire the competencies of the relevant trade or declared vocation will be at the individual's expense.
- 13.4 Issuance of an Occupational Certificate (SAS Act, S70B)**
- 13.4.1 The Commission will determine whether it is satisfied the applicant has acquired the competencies of the relevant trade or declared vocation and, if satisfied, certify to that effect.
- 13.4.2 The certification issued by the Commission (or appropriate delegate) will take the form of an Occupational Certificate.
- 13.5 Prescribed fees (SAS Act, S70A, South Australian Skills (Fees) Notice 2025, Schedule 1, cl. 1)**
- 13.5.1 Prescribed fees are published in the South Australian Skills (Fees) Notice 2025.
- 13.5.2 The mechanism for paying the prescribed fee is contained in the application form.
- 13.5.3 The prescribed fees payable for recognition of qualifications and/or experience in relation to a particular trade or declared vocation are:
- (a) \$567 for a first or initial assessment
  - (b) \$1,135 for a competency assessment or examination or test
  - (c) \$227 for a second or subsequent assessment.
- 13.5.4 Under the *South Australian Skills Regulations 2021* (the *Regulations*), the Commission has the ability to:
- (a) waive the prescribed fee in full, or
  - (b) charge 80 per cent of the fees specified in Clause 13.5.3 (in effect, a 20 per cent reduction in the fees).
- 13.5.5 Application fees are reviewed annually and increased in line with the standard indexation rate.
- 13.6 Review of decisions by the South Australian Civil and Administrative Tribunal (SAS Act, S70F)**
- 13.6.1 The South Australian Civil and Administrative Tribunal (SACAT) has jurisdiction to review a decision of the Commission to refuse an application for recognition of a person's qualifications or experience under Section 70B of the *Act*.
- 13.6.2 An applicant must apply to the SACAT within 28 days of receiving notice of the relevant decision.
- 13.6.3 The SACAT may allow an extension of time to this application period if it is satisfied that:
- (a) special circumstances exist
  - (b) another party will not be unreasonably disadvantaged because of the delay in commencing proceedings.
- 13.6.4 An application to the SACAT to review a decision must be made using the online form available at:  
<https://www.sacat.sa.gov.au/apply-online-now2>
- 13.6.5 Fees apply for commencing a review in the SACAT. The SACAT can reduce or waive a fee in a particular case, or in relation to a particular class of applicant, based on financial hardship or where it is in the interests of justice to do so. An applicant may also apply for a partial waiver of the fee if they hold a valid concession card.

*Standard 14—Record Keeping*

This Standard relates to the records that employers and Nominated Training Organisations (NTOs) must keep in accordance with the *South Australian Skills Act 2008* (SAS Act).

The primary purpose of the Training Contract system is to ensure the provision of quality training for apprentices and trainees while they undertake employment relevant to the trade or vocation.

Record keeping requirements assist with this process by ensuring that a comprehensive record is available for regulatory purposes.

To avoid duplication, where records are required to be kept for other reasons (for example, to meet workplace health and safety obligations under the *Workplace Health and Safety Act 2012*), these records can be utilised for the purposes of meeting this Standard.

**Governance Arrangements**

Under the SAS Act, the Commission (or its delegate) is responsible for the regulation of the apprenticeship and traineeship system.

**Compliance with the Standard**

**14.1 General record keeping requirements (SAS Act, S54L, S54U, Regulations 12 and 16)**

- 14.1.1 An employer in relation to a Training Contract and an NTO under a Training Contract must keep such records as required by the *South Australian Skills Regulations 2021* (the *Regulations*). NTOs that were, but are no longer, the NTO under a Training Contract are also bound by the requirements contained in this Standard.
- 14.1.2 To avoid doubt, all record keeping requirements contained in the *Regulations* are consistent with this Standard.
- 14.1.3 An employer and an NTO must retain their records for at least 7 years after the completion, expiry, or termination (as the case requires) of the Training Contract to which the record relates.

- 14.1.4 Where an NTO has entered into a Funded Activity Agreement (FAA) with the Department of State Development (DSD), any additional record keeping requirements contained in the FAA remain in force.
- 14.1.5 The maximum penalty for refusing or failing to comply with the record keeping requirements is \$5,000, with an expiation fee of \$315.

**14.2 Employer-related record keeping requirements (*SAS Act*, S46, S54F, S54K, S54O, Regulation 12)**

- 14.2.1 An employer must keep a copy of the Employer Registration Declaration, and evidence to support the declarations made as part of the employer registration process (for example, evidence of suitable equipment and safe methods to be used in training, evidence of supervisor suitability, and evidence of the employer's ability to deliver adequate scope of work to allow the apprentice or trainee to develop the skills and competencies required by the trade or vocation).
- 14.2.2 An employer, in relation to their registration, must keep records, including all correspondence to and from the Commission, regarding:
- (a) the scope of the employer's registration
  - (b) any conditions placed on the employer's registration by the Commission
  - (c) any variation, suspension, or cancellation of the employer's registration
  - (d) the prohibition, or revocation of the prohibition, of the employer's registration
  - (e) the substitution of an employer following the variation, suspension, or cancellation of registration
  - (f) the renewal of the employer's registration
  - (g) any other notifications or correspondence to and from the Commission regarding the employer's registration.
- 14.2.3 An employer in relation to a Training Contract is required to keep the following records:
- (a) the Training Contract and Training Plan
  - (b) a letter of appointment (where required under the relevant industrial arrangement)
  - (c) induction records (for example, documented safe working practices and expectations of behaviour in the workplace which have been communicated to the apprentice or trainee)
  - (d) on-job training and competency assessments
  - (e) records that identify the type of work performed by the apprentice or trainee. Examples include certificates of compliance in relation to work performed by apprentices under supervision (in electrical, plumbing, gas fitting or any other trade where a certificate of compliance is required to be issued for work done), e-profiling records, job log books, or job journals
  - (f) attendance and time records for each apprentice or trainee for each day while at work or training (both on-job and off-job training), including start and finish work/training times, meal or other break times, and the location of any training (whether at the workplace or another specified location)
  - (g) disciplinary records
  - (h) where the employer and apprentice or trainee have agreed to average the hours of employment and training, or change a part-time working arrangement to full-time, or vice-versa, records of the agreements, which specify the pattern of employment and training, and are signed and dated by both parties
  - (i) costs incurred by the employer and the apprentice or trainee for training identified in, or associated with, their Training Contract
  - (j) records relating to the pay for apprentices and trainees as outlined in *Fair Work Act 2009* (Cth) or the *Fair Work Act 1994* (SA), whichever applied to the apprentice or trainee employed. The records should include:
    - i. the rate of remuneration paid to the apprentice or trainee
    - ii. the gross and net amounts paid to the apprentice or trainee
    - iii. any deductions made from the gross amount paid to the apprentice or trainee
    - iv. any incentive-based payment, bonus, loading, penalty rate, monetary allowance or separately identifiable entitlement paid to the apprentice or trainee.
  - (k) records of each payment of a transfer fee under Section 54O of the *SAS Act*
  - (l) leave records for the apprentice or trainee, including leave taken and the balance of any outstanding leave (if any). This includes annual leave, personal/carer's and compassionate leave, parental leave, and community service leave
  - (m) supervision-related records (for more detail see [Standard 5—Supervision](#)) including:
    - i. a record of the type of supervision the apprentice or trainee is under at any given time in their apprenticeship or traineeship
    - ii. records showing how the employer determined the appropriate supervision type
    - iii. any requests to, and correspondence from, the Commission to operate outside the specified supervision ratio or to provide remote supervision for the apprentice or trainee
    - iv. qualifications and/or evidence of relevant experience and skills in relation to the person(s) who supervise, or who are to supervise, the apprentice or trainee
    - v. a time record for the person(s) responsible for supervising each apprentice or trainee for each day while at work, while supervising the apprentice or trainee.
  - (n) where host employment arrangements are utilised, host employment arrangement-related records (for more detail refer to [Standard 4—Host Employment Arrangements](#))
  - (o) appropriate business licenses and/or worker registrations, such as a building work contractor's licence, a plumbing contractor's licence, or an electrical worker's registration
  - (p) records that confirm compliance with orders of the South Australian Employment Tribunal, where orders have been made

- (q) copies of any notifications the employer submits to the Commission in relation to Section 54K of the *SAS Act*, and any correspondence received from the Commission in return. Under Section 54K, an employer in relation to a Training Contract must notify the Commission if any of the following occurs:
  - i. there is a material change in any information provided to the Commission in relation to the employer's application for registration
  - ii. the employer sells, or offers for sale, the business to which the employer's registration relates
  - iii. the employer, or the business to which the employer's registration relates, becomes insolvent or bankrupt
  - iv. the employer is convicted of an indictable offence or a summary offence for which a term of imprisonment may be imposed
  - v. the failure of an apprentice or trainee in relation to a Training Contract to:
    - comply with the Standards
    - comply with any other obligation specified in the Training Contract or Training Plan that is applicable to the apprentice or trainee
    - as far as is reasonably practicable, participate in the development of their Training Plan, and contribute to the attainment of their development goals under the Training Contract and Training Plan.

#### 14.3 Nominated Training Organisation-related record keeping requirements (*SAS Act*, S54U, Regulation 16)

14.3.1 An NTO under a Training Contract is required to keep the following records:

- (a) records of the NTO's acceptance of its nomination for each Training Contract for which they are the NTO
- (b) for NTOs utilising third party arrangements, records of these arrangements
- (c) records of discussions with the employer and the apprentice or trainee regarding the development of the Training Plan for a Training Contract, including any discussions on:
  - i. how, when and where the training will be delivered
  - ii. the units of competence or units of study that will be delivered
  - iii. who will assess the apprentice or trainee
  - iv. the types of assessments that will be conducted.
- (d) all iterations of a Training Plan for any apprentice and trainee for whom they are the NTO
- (e) the names and contact details of all apprentices, trainees, and employers under each Training Contract for which they are the NTO
- (f) records of meetings with apprentices, trainees, and employers under each Training Contract for which they are the NTO, and records of outcomes of those meetings, including:
  - i. records of any reviews of the Training Plan, including details of the revisions made as a result of the review
  - ii. the progress or lack of progress in training by an apprentice or trainee
  - iii. any agreed remedial action to address lack of progress in training by an apprentice or trainee
  - iv. supports provided by an employer to assist the apprentice or trainee to meet their training goals as set out in the Training Plan.
- (g) copies of any notifications the NTO submits to the Commission in relation to Section 54S of the *SAS Act*, and any correspondence received from the Commission in return. Under Section 54S, an NTO under a Training Contract must notify the Commission if any of the following occurs:
  - i. the NTO becomes aware that an apprentice or trainee under a Training Plan is not meeting the goals (however described) set out in the Training Plan
  - ii. the NTO becomes aware that an employer is not meeting its obligations under the Training Contract or Training Plan
  - iii. the NTO becomes aware that it may not be able to comply with any obligations applicable to the NTO under the Training Plan for an apprentice or trainee
  - iv. the NTO ceases to be the NTO under the Training Contract
  - v. if ASQA or TEQSA has made a decision in relation to the NTO:
    - suspending or cancelling their registration or recognition
    - cancelling a qualification or statement of attainment
    - rejecting an application for renewal of a registration or recognition.
  - vi. if, in relation to a qualification under a Training Contract in respect of which the NTO, ASQA or TEQSA has made a decision:
    - amending the NTO's scope of training
    - imposing a condition of the NTO's registration or recognition
    - allowing the NTO to enter into an enforceable undertaking.
- (h) records of the qualifications or statements of attainment issued for each Training Contract for which they are the NTO.

#### *Definitions and Terminology*

#### **Advocacy**

Speaking for and negotiating on behalf of education and training providers and students (and prospective students) of education and training providers in the resolution of any matters arising out of the delivery of education and training. Speaking for, and negotiating on behalf of, an employer or an apprentice or trainee in the resolution of any matters arising as defined by the *South Australian Skills Act 2008* (*SAS Act*).

**Applicant (Trade or Vocation Declaration process)**

The sponsor or initiator of an application for the declaration of a trade or declared vocation.

**Apprentice**

A person who has entered into a legally binding arrangement to work and undertake training in a trade (a Training Contract) that has been approved by the Commission. Note that apprentice plumbers, gasfitters and electricians are required to have an in-training licence with Consumer and Business Services.

**Apprenticeship**

Training provided under a declared trade that meets the standard conditions for that trade as specified in the declaration, and as published by notice in the Gazette. An apprenticeship is undertaken through a Training Contract, which is underpinned by bona fide industrial arrangements.

**Apprenticeship Network Provider (ANP)**

An organisation contracted by the Australian Government to deliver essential administrative support, payment processing, and other services to the parties to a Training Contract.

**Australian Apprenticeship Support Network (AASN)**

The AASN delivers support services to the parties to the Training Contract. This may include lodgement of Training Contract applications with the Commission.

**Australian Apprenticeships Training Information Services (AATIS)**

AATIS provides information for people considering training options, employers looking at recruitment and those providing support and advice.

**Declared vocation**

An occupation declared under Section 6 of the *SAS Act* to be a declared vocation for the purposes of the *SAS Act*.

**Delegate**

Under Section 8 of the *SAS Act*, the Minister may delegate a function or power of the Minister under the *SAS Act* to the:

- (a) Commission or any other particular person or body
- (b) person for the time being occupying a particular office or position.

Under Section 20 of the *SAS Act*, the Commission may, with the approval of the Minister, delegate any of its functions or powers under the *SAS Act* to a specified person or body.

A function or power delegated under Section 8 or Section 20 may, if the instrument of delegation so provides, be further delegated.

**Direct supervision**

Direct supervision means that a person qualified or experienced in the trade or declared vocation is physically present in the workplace and within eyesight and earshot of the apprentice or trainee, working with them to provide training and instruction on any given task, and available to respond to their needs in accordance with the supervision ratios. Direct supervision cannot be provided by electronic means, including but not limited to, telephones, radios and webcams.

**Dispute**

An argument or disagreement between people or groups relating to apprenticeships and traineeships, vocational education and training and international education.

**Education and training provider**

An education and training services provider that is registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) to deliver to overseas students, or an organization that is registered on CRICOS and delivers English Language Intensive Courses for Overseas Students (ELICOS), or a higher education provider, or a school.

**Employer**

The employer, usually an individual person, sole trader, a company, incorporated association, group training organisation or government agency, is the legal entity that has entered into a legally binding Training Contract that has been approved by the Commission.

**Funded Activity Agreement (FAA)**

An agreement between a training provider and the South Australian Government wherein the training provider is subsidised to deliver training.

**Former owner**

In relation to a change of owner of a business under Section 54M of the *SAS Act*, the person who owned the business before the change of ownership occurs.

**Host employment arrangement**

An arrangement under a written agreement in which the employer of an apprentice or trainee places the apprentice or trainee with another person or body for particular training required under a Training Contract or the Training Plan.

**Host employer**

An organisation that hosts, under a written agreement, an apprentice or trainee employed at that time by an employer.

**Indirect supervision**

Indirect supervision occurs where an apprentice or trainee is undertaking a task that may reasonably be undertaken independently or for which the apprentice or trainee has demonstrated a level of competence. The supervisor/on-job trainer will be readily available in the work area for the majority of the time and/or be readily available to communicate directly or by electronic means (i.e. telephone, radio, webcam) with the apprentice or trainee when required.

**International student**

Classified as a person holding a visa type (categorised by the Department of Home Affairs (DHA) that is recognised by the *Education Services for Overseas Students (ESOS) Act 2000 (Cth)*.

**Junior**

An apprentice or trainee under the age of 18.

**Jurisdictions**

The states and territories of Australia that make up the regional governments in Australia, distinct from the federal government and local governments.

**Mediation**

A structured negotiation process in which an independent person, known as a mediator, assists the parties to identify and assess options and negotiate an agreement to resolve their dispute.

**New owner**

In relation to a change of ownership of a business under Section 54MA of the *SAS Act*, the person who owns the business after the change of ownership occurs.

**Nominated Training Organisation (NTO)**

Is a registered training organisation or registered higher education provider that accepts a nomination by an apprentice or trainee and an employer in relation to a Training Contract, to:

- deliver training to the apprentice or trainee in accordance with the Training Plan
- meet such other obligations as are required of it under the *SAS Act*.

**Off-Job training**

Off-job training is the education and training in a nationally recognised qualification, delivered in a course provided by a Registered Training Organisation.

How and where off-job training is delivered is negotiated between the employer, the apprentice or trainee, and the Registered Training Organisation. Off-job training may be delivered in a variety of places and modes, including but not limited to:

- Face-to-face in the Registered Training Organisation's premises
- Face-to face in the employer's workplace
- Online.

No matter how and where it happens, employers must make sure that apprentices or trainees are withdrawn or released from their work duties to undertake off-job training.

**On-Job training**

On-job training is the instruction, training and transfer of skills and knowledge to a person learning a trade/declared vocation in a workplace. On-job training must meet the requirements set out in these Standards.

**Pastoral and monitoring support meetings**

Is a purposeful meeting with person to person contact between the employer of the trainee/apprentice or their delegate, and the trainee/apprentice, where the employer/delegate:

- determines competency-based training and wage progression
- ascertains any concerns and issues relating to the Training Contract or the safety, health and welfare of the apprentice or trainee
- addresses and resolves those concerns and issues
- provides encouragement, guidance and support to facilitate the successful completion of the Training Contract.

**Parent/Guardian**

Where a person under the age of 18 years at the commencement of training enters into an apprenticeship or traineeship, a parent/guardian will usually sign and be a party to the Training Contract. Under a Training Contract, a parent/guardian is legally obliged to uphold the responsibilities for the apprentice or trainee until they are 18 years of age. The Training Plan must also be negotiated and agreed between the employer and the apprentice or trainee, and their parent/guardian where they are under the age of 18 years, in consultation with the NTO.

**Prescribed person**

For the purposes of issuing compliance notices, under Section 63(5) of the *SAS Act*, a prescribed person is:

- (a) an employer in relation to a Training Contract
- (b) an NTO for an apprentice or trainee
- (c) a host employer with whom an apprentice or trainees is or was placed:
- (d) a supervisor of an apprentice or trainee under a Training Contract.

For the purposes of the Commission requiring production of information, under Section 70C of the *SAS Act*, a prescribed person is:

- (a) a public sector agency (within the meaning of the *Public Sector Act 2009*)
- (b) a registered employer, or an applicant for such registration
- (c) a Nominated Training Organisation (NTO)
- (d) a host employer with whom an apprentice or trainee is or was placed
- (e) a former registered employer
- (f) a supervisor of an apprentice or trainee under a Training Contract
- (g) the ANP for the apprentice or trainee

**Prohibited employer**

Is an employer with respect to whom a declaration is in force under Section 54B of the *SAS Act*.



**Proposed employer**

In relation to the substitution of an employer under Sections 54H, 54N and 54O of the *SAS Act*, the employer proposed to be substituted for the current or existing employer of the apprentice or trainee.

**Qualification**

Qualification means an Australian Qualifications Framework (AQF) qualification, achieved by completion of an accredited learning program, leading to formal certification that a graduate has achieved learning outcomes.

**Recognised higher education provider**

Is a body established and recognised as a higher education provider by or under the law of the State, or of the Commonwealth, or another state or territory.

**Registered employer**

An employer registered by the Commission under Section 54F of the *SAS Act*.

**Registered Training Organisation (RTO)**

The registered training organisation within the meaning of the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth.

**Regulations**

The *South Australian Skills Regulations 2021*.

**Remote supervision**

The supervisor is not on site at which the apprentice or trainee is working but must be readily available to communicate directly or by electronic means (i.e. telephone, radio, webcam) with the apprentice or trainee when required. The supervisor must be within such a distance as to be able to attend to the apprentice or trainee within a reasonable time if an issue arises.

**SAS Act**

The *South Australian Skills Act 2008*.

**Scope of the registration**

The declared trades or vocations in relation to which the employer may enter into a Training Contract, as determined by the conditions imposed on the registration.

**Serious and wilful misconduct**

Where an employer reasonably believes an employee is deliberately behaving in a way that is inconsistent with continuing their employment, including causing serious and imminent risk:

- to the health and safety of another person
- to the reputation or profits of their employer's business (theft, fraud or assault)
- by refusing to carry out a lawful and reasonable instruction that is part of their job.

**South Australian Government Gazette (Gazette)**

The Gazette is the South Australia Government's official publication of weekly record of proceedings by the State and Local Government authorities.

**South Australian Civil and Administrative Tribunal (SACAT)**

The SACAT is a state tribunal that helps South Australians resolve issues within specific areas of law, either through agreement at a conference, conciliation or mediation, or through a decision of the Tribunal at hearing. SACAT conducts reviews of Government decisions.

**South Australian Employment Tribunal (SAET)**

The SAET is the South Australian forum for resolving workplace-related disputes and issues. SAET is a statutory independent tribunal that:

- hears and resolves return to work disputes
- hears and resolves employment and industrial disputes
- regulates South Australian industrial awards, agreements and registers
- hears and determines work, health and safety related prosecutions
- conducts hearings in relation to dust disease matters.

**South Australian Skills Standards (Standards)**

The Standards as prepared under Section 26 of the *SAS Act*, as in force from time to time.

**Student**

A person undertaking studies (either full-time or part-time) who is not classified as an international student or an apprentice or trainee.

**Supervision**

Supervision is the oversight and coordination of work, safety, and on and off -job training provided to an apprentice or trainee. Employers must ensure every apprentice or trainee is supervised and receives on-job training by a skilled or qualified person in accordance with these Standards.

**Supervisor**

Depending on the size and structure of the business or organisation, the supervisor may be:

- the employer
- a person employed by the employer
- an independent contractor engaged in work for the employer, or
- another employer who hosts the apprentice or trainee.

A supervisor is a person with the required skills, knowledge, qualifications and experience to train and instruct an apprentice or trainee in their chosen trade or declared vocation.

**Tertiary Education Quality and Standards Agency (TEQSA)**

The agency established under the *Tertiary Education Quality and Standards Agency Act 2011* of the Commonwealth.

**Trade**

Certain trades (for instance, automotive mechanic, cabinetmaker, cook, hairdresser, electrician, and plumber) declared by the Minister as trades governed by the *SAS Act*. To acquire the skills required to work in such trades, people must complete an apprenticeship. Apprenticeships generally take up to 4 years to complete. Upon successful completion of an apprenticeship in such trades, apprentices become qualified tradespersons.

**Trade and Vocation Recognition Assessment Panels**

Panels established to assess applications for recognition and certification of a person's qualifications and experience in relation to a particular trade or declared vocation under Section 70A of the *SAS Act* and whose membership and operating procedures are endorsed by the Commission.

**Trainee**

A person who has entered into a legally binding arrangement to work and undertake training in a declared vocation under a Training Contract that has been approved by the Commission.

**Traineeship**

Training provided under a declared vocation that meets the standard conditions for that declared vocation as specified in the declaration, and as published by notice in the *Gazette*. Traineeships undertaken through a Training Contract must be underpinned by bona fide industrial arrangements.

**Traineeship and Apprenticeship Pathways (TAP) Schedule**

The Traineeship and Apprenticeship Pathways (TAP) Schedule lists all apprenticeships and traineeships available in South Australia.

**Training Contract**

Is an agreement:

- approved under Section 48 of the *SAS Act* between an employer and an apprentice or trainee, through which the employer agrees to employ and train the apprentice or trainee in the qualification aligned to the trade or declared vocation; or
- a Training Contract transferred from another jurisdiction and recognised by the Commission as a Training Contract under Section 48A of the *SAS Act*.

**Training Plan**

Is the plan that describes the content and delivery of training to be provided to an apprentice or trainee, as prepared and endorsed under Section 54Q of the *SAS Act*.

**Transfer fee**

The fee payable by a proposed employer to the existing (current) employer under Section 54O of the *SAS Act*. The fee is determined according to the number of years served under the Training Contract and the business size.

**Vocational Education Training (VET)**

VET is education and training that focuses on providing skills for work. Designed to deliver workplace-specific skills and knowledge, VET covers a wide range of careers and industries, including trade and office work, retail, hospitality and technology.

**VET National Register**

Is the official national register of information on VET in Australia.

*Corresponding Laws*

Corresponding law means a law of the Commonwealth, or of another state or territory, declared by the *Regulations* to be a corresponding law for the purposes of Section 54G(7) of the *SAS Act*.

**Commonwealth Government**

- *National Vocational Education and Training Regulator Act 2011*

**State and Territories**

- *Apprenticeship and Traineeship Act 2001* No 80 (NSW)
  - *Education and Training Reform Act 2006* (VIC)
  - *Further Education and Training Act 2014* (QLD)
  - *Training and Skills Development Act 2016* (NT)
  - *Training and Tertiary Education Act 2003* (ACT)
  - *Training and Workforce Development Act 2013* (TAS)
  - *Vocational Education and Training Act 1996* (WA)
-

## SUPREME COURT ACT 1935

South Australia

## Supreme Court (Fees) Notice 2025 (No 2)

under the *Supreme Court Act 1935*

### 1—Short title

This notice may be cited as the *Supreme Court (Fees) Notice 2025 (No 2)*

**Note—**

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

### 2—Commencement

This notice has effect on 1 July 2025.

### 3—Interpretation

In this notice, unless the contrary intention appears—

*Act* means the *Supreme Court Act 1935*;

*corporation* has the same meaning as in the *Corporations Act 2001* of the Commonwealth;

*not-for-profit organisation* means a corporation that is not for the purpose of trading or securing a pecuniary profit for its members from its transactions;

*prescribed corporation* means a corporation other than—

- (a) a small business; or
- (b) a not-for-profit organisation;

*small business* means a corporation that—

- (a) has less than 20 full-time equivalent employees; and
- (b) is not a subsidiary of a corporation that has 20 or more full-time employees;

*subsidiary* has the same meaning as in the *Corporations Act 2001* of the Commonwealth.

### 4—Fees

The fees set out in Schedule 1 are prescribed for the purposes of the Act and are payable to the Court in relation to—

- (a) in the case of Part 1 of that Schedule—proceedings in the general jurisdiction
- (b) in the case of Part 2 of that Schedule—proceedings in the probate jurisdiction.

## Schedule 1—Fees

### Part 1—Fees in general jurisdiction

#### 1—General

1 On filing a final notice of claim—

- (a) in the case of a notice of claim filed using the Electronic System

\$26.75

	(b) in any other case	\$64.50
2	On filing an application for discovery of documents before the commencement of a proceeding—	
	(a) for a prescribed corporation	\$752.00
	(b) for any other person	\$532.00
3	On filing a document to commence a proceeding in the Supreme Court—	
	(a) in the case where a fee has previously been paid for filing an application for discovery of documents relating to the subject-matter of the proceeding—	
	(i) for a prescribed corporation	\$3,661.00
	(ii) for any other person	\$2,593.00
	(b) in any other case—	
	(i) for a prescribed corporation	\$4,413.00
	(ii) for any other person	\$3,125.00
4	On filing a cross action in the nature of a counter claim or third party claim—	
	(a) for a prescribed corporation	\$4,413.00
	(b) for any other person	\$3,125.00
5	On transferring a proceeding commenced in another court to the Supreme Court—	
	(a) in the case of a prescribed corporation	\$4,413.00 less the file commencement fees already paid in respect of the proceeding in the other court
	(b) in any other case	\$3,125.00 less the file commencement fees already paid in respect of the proceeding in the other court
6	On filing a notice of appeal or notice of cross appeal for which permission to appeal is required—	
	(a) for a prescribed corporation	\$751.00
	(b) for any other person	\$530.00
7	On the Court granting permission to appeal or cross appeal—	
	(a) for a prescribed corporation	\$3,661.00
	(b) for any other person	\$2,593.00
8	On filing a notice of appeal or notice of cross appeal in respect of an appeal as of right—	
	(a) for a prescribed corporation	\$4,413.00
	(b) for any other person	\$3,125.00
9	On filing a notice of appeal to the Supreme Court against a decision of the Magistrates Court pursuant to Section 42 of the <i>Magistrates Court Act 1991</i>	\$294.00

- 10 On transferring a cross action in the nature of a counter claim or third party claim commenced in another court to the Supreme Court—
- (a) in the case of a prescribed corporation \$4,413.00 less the fees already paid in respect of the cross action in the other court
  - (b) in any other case \$3,125.00 less the fees already paid in respect of the cross action in the other court
- 11 On setting a date for trial—
- (a) for a prescribed corporation \$4,413.00
  - (b) for any other person \$3,125.00
- 12 On—
- (a) filing or lodging an application, notice or other document that does not relate to a proceeding for which a fee has been paid under any of the previous clauses \$93.50
  - (b) sealing a certificate \$93.50
  - (c) certifying under seal that a document is a true copy \$93.50
- 13 For each request to search and/or inspect a record of the Court, other than a Divorce or Matrimonial Causes record \$29.75
- 14 For an unsealed copy of the record of the Court \$29.75
- 15 For a sealed copy of the record of the Court \$93.50
- Note—**
- No fee is payable under Clauses 13, 14 or 15 for a request made in respect of a record relating to criminal proceedings by or on behalf of the defendant or the victim of the offence that is the subject of those proceedings.
- 16 For a copy of evidence—
- (a) per page in electronic form \$10.10
  - (b) per page in hard-copy form \$12.90
- 17 For a copy of the reasons for judgment—per page \$10.10
- Note—**
- 1 copy will be supplied to a party to the proceeding free of charge.
- 18 For a copy of a document (other than a copy of evidence)—per page \$6.00
- 19 For production of transcript at request of a party where the Court does not require the transcript—per page \$20.30
- 20 Trial fee—for each day or part of a day on which the trial is heard by the Court—
- (a) for a prescribed corporation \$4,413.00
  - (b) for any other person \$3,125.00
- 21 Suitors' Fund—on interest collected on funds in Court or credited to an account, payable from time to time or prior to the payment or transfer of interest out of any fund or money in Court—
- (a) if the interest is \$10.00 or less no fee

(b) in any other case	3% of amount of interest
22 Taxation of costs—	
(a) on filing a claim for costs in an existing proceeding	\$93.50
(b) on filing an originating application for taxation of legal costs	\$93.50
(c) for taxing an itemised claim for costs	5% of amount allowed on taxation (to nearest dollar)
23 For opening the Registry (or the Registry remaining open) after hours for urgent execution of process—for each hour or part of an hour	\$480.00
24 For opening the Court (or the Court remaining open) after hours for urgent hearing—for each hour or part of an hour	\$1,445.00
<b>2—Fees payable under rules regulating admission of practitioners</b>	
25 On application for admission or re-admission as a practitioner	\$741.00
<b>3—Fees to be taken in marshal's office</b>	
26 Receiving and entering a writ of summons, warrant of release, decree, order, commission or other instrument under the seal of the Court	\$77.50
27 For—	
(a) service of a writ of summons	\$63.50
(b) execution of a warrant of arrest—for each person	\$132.00
but, if a writ is served and a warrant executed on a person at the same time	\$172.00
28 For execution of a warrant for the seizure of a ship, cargo or other goods	\$132.00
29 For the release of any ship, goods or person from seizure or arrest	\$63.50
30 For the execution of a commission of appraisement or sale	\$132.00
31 For the execution of any decree, order, commission or instrument other than 1 otherwise specified in this Part	\$132.00
32 For delivery of a ship or goods to a purchaser	\$132.00
33 For attending the discharge of cargo or removal of a ship or goods—payable per day or part of a day	\$132.00
34 For opening office (or office remaining open) after hours for urgent execution of process—payable per hour or part of an hour	\$480.00
35 On the gross proceeds of any ship or goods sold—	
(a) for every \$200 or part of \$200, up to \$20 000	\$26.25
(b) for each additional \$200 or part of \$200	\$16.10
36 For retaining possession of a ship (with or without cargo) or of a ship's cargo—for each day or part of a day	\$77.50

**Note—**

No fee is payable under this Part for the custody and possession of property seized if it consists of money with an ADI, or goods stored in a bonded warehouse, or if it is in the custody of a customs officer or other authorised person.

## Part 2—Fees in probate jurisdiction

- 1 On lodging an application for a grant of probate or administration in respect of a deceased estate the gross value of which—
  - (a) is \$200 000 or less \$987.00
  - (b) is more than \$200 000 but less than or equal to \$500 000 \$1,973.00
  - (c) is more than \$500 000 but less than or equal to \$1 million \$2,628.00
  - (d) is more than \$1 million \$3,945.00
- 2 On lodging an application for the registering or sealing of a grant under Section 57 of the *Succession Act 2023* (SA) in respect of a deceased estate the gross value of which—
  - (a) is \$200 000 or less \$987.00
  - (b) is more than \$200 000 but less than or equal to \$500 000 \$1,973.00
  - (c) is more than \$500 000 but less than or equal to \$1 million \$2,628.00
  - (d) is more than \$1 million \$3,945.00
- 3 On lodging an application for an order under Section 9 of the *Public Trustee Act 1995* (SA) in respect of a deceased estate the gross value of which—
  - (a) is \$200 000 or less \$987.00
  - (b) is more than \$200 000 but less than or equal to \$500 000 \$1,973.00
  - (c) is more than \$500 000 but less than or equal to \$1 million \$2,628.00
  - (d) is more than \$1 million \$3,945.00

### Note—

The fees under the preceding clauses cover—

- (a) photocopies required of the will or other document (if any) for the grant and record or other purposes; and
  - (b) preparing and sealing any probate or letters of administration, with or without the will annexed, and any order to the Public Trustee to administer; and
  - (c) registering or sealing any probate or letters of administration, with or without the will annexed, exemplification or other document under Section 57 of the *Succession Act 2023*.
- 4 For the entry or withdrawal of a caveat, or for issuing a warning to a caveat \$44.25
  - 5 On entering an appearance—for 1 or more persons \$77.50
  - 6 For issuing a citation \$44.25
  - 7 Filing a renunciation of probate and/or administration \$44.25
  - 8 For depositing the will or codicil of a living person for safe custody in the Registry under Section 45 of the *Succession Act 2023* (SA) (inclusive fee) \$147.00
  - 9 On filing an originating application \$373.00
  - 10 On lodging an application, notice or other document that is subsequent and related to a proceeding for which a fee under Clause 1, 2, 3 or 10 has been paid \$72.00
  - 11 For an unsealed copy of the record of the Court \$29.75
  - 12 For a sealed copy of the record of the Court (including an exemplification of a grant) \$93.50

## Made by the Attorney-General

On 23 June 2025

## VALUATION OF LAND ACT 1971

South Australia

# Valuation of Land (Fees) Notice 2025 (No. 2)

under the *Valuation of Land Act 1971*

## 1—Short title

This notice may be cited as the *Valuation of Land (Fees) Notice 2025 (No. 2)*.

**Note—**

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

## 2—Commencement

This notice has effect on 1 July 2025.

## 3—Interpretation

In this notice, unless the contrary intention appears—

*Act* means the *Valuation of Land Act 1971*.

## 4—Fees

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

# Schedule 1—Fees and allowances

## 1—Interpretation

In this Schedule—

*residential land* means—

- (a) land designated on the valuation roll as being subject to residential land use; or
- (b) other vacant land (not exceeding 5,000 square metres) zoned for residential purposes under a Development Plan under the *Development Act 1993* or the Planning and Design Code under the *Planning, Development and Infrastructure Act 2016*.

## 2—Fees

- |   |            |
|---|------------|
| (1) For a copy of the valuation roll (Section 21 of Act)—for each \$10,000 of capital value of the land comprised in the roll for the immediate preceding general valuation calculated as at the day it came into force | 9.17 cents |
| (2) On an application for a review of a valuation (Section 25B of Act)—   |            |
| (a) of land used by the applicant solely as his or her principal place of residence   | \$132.00   |
| (b) of any other land   | \$328.00   |
| (3) For a certified copy of, or extract from, any entry in a valuation roll (Section 32 of Act)   | \$50.50    |

## 3—Allowances for review of valuation under *Valuation of Land Act 1971* (Section 25A(8)) or *Local Government Act 1999*

- |   |          |
|---|----------|
| (1) Review not completed—if the panel member has received a copy of the application for review and submissions of the applicant and Valuer-General but the review is not completed because the review involves a question of law, the application for review is withdrawn or for some other reason approved by the Valuer-General | \$111.00 |
|---|----------|



- (2) Completed review—residential land
- |                                 |            |
|---------------------------------|------------|
| (a) ordinary review             | \$534.00   |
| (b) review of medium complexity | \$712.00   |
| (c) review of high complexity   | \$1,001.00 |
- (3) Completed review—land other than residential land
- |                                 |            |
|---------------------------------|------------|
| (a) basic review                | \$712.00   |
| (b) review of low complexity    | \$1,068.00 |
| (c) review of medium complexity | \$1,424.00 |
| (d) review of high complexity   | \$1,781.00 |
- (4) The complexity, or level of complexity, of a review will be determined having regard to the following:
- (a) the nature and scale of the review (including the number of hours reasonably required to conduct the review);
- (b) the need for consultation by the valuer with an engineer, planner, surveyor or other expert.
- (5) Other allowances
- |  |   |
|--|---|
| (a) Freedom of Information Discovery                                 | 30% of allowance  |
| (b) Attendance at South Australian Civil and Administrative Tribunal | \$278 per hour<br>(capped at \$1,000)   |
| (c) Attendance at Supreme Court                                      | \$333 per hour<br>(capped at \$2,000)   |
| (d) Other  | Pre-negotiation Fee –<br>on an exceptions<br>basis only (where the<br>property does not<br>conform to the above<br>classification) as<br>agreed and by<br>negotiation prior to<br>appointment only. |

## Signed by the Minister for Planning

On 24 June 2025

### WATER INDUSTRY ACT 2012

#### *Designation of Irrigation Services*

Pursuant to Section 5(2)(c) of the *Water Industry Act 2012* (the Act), I, Susan Close, Minister for Climate, Environment and Water, to whom administration of the Act is committed, hereby designate the following persons for the purposes of Section 5(2)(c) of the Act:

LouWater Pty Ltd (ACN 687 273 043)

This notice has effect from the date of publication of this notice in the *South Australian Government Gazette*.

This notice has no effect on the designation of irrigation services published in the *South Australian Government Gazette* No.6 on page 340, dated 4 February 2016.

Dated: 25 June 2025

HON SUSAN CLOSE MP  
Minister for Climate, Environment and Water

WATER INDUSTRY ACT 2012  
SOUTH AUSTRALIAN WATER CORPORATION  
*Fees and Charges Schedule—Rates and Sales*

Pursuant to Section 36 of the *Water Industry Act 2012* the following charges for water, sewerage and associated services apply. These charges are fixed for the period 1 July 2025 to 30 June 2026.

Pursuant to the *Water Industry Regulations 2012* (Regulation 38) and Government Gazette 6 June 2013, SA Water may levy an availability charge despite the fact that the land is not connected to SA Water's infrastructure. All charges for sewerage services and the availability charge for water applying to some commercial properties are based on the property valuation of the land. Property values are set annually by the Valuer-General for the next financial year.

WATER FEES AND CHARGES  
*Residential and Vacant Land (excludes country lands)*

Description	Charge
Availability Charge (Fixed Charge)	\$82.30 per quarter
Water Use Charges (determined by the timing of quarterly meter readings) as per schedule.	
Residential and vacant land properties having the following land use codes (if not otherwise specified in this Gazette):	
(a) Houses with the land use codes 1100, 1101, 1118, 1119 and 1912;	
(b) Units, maisonettes, townhouses and row houses (various categories) with land use codes in the range 1200 to 1399;	
(c) Shacks with the land use codes 1920 and 1921:	
(i) for each kilolitre supplied up to, and including, 0.3836 kilolitres per day	\$2.357 per kilolitre
(ii) for each kilolitre supplied over 0.3836 kilolitres per day up to, and including, 1.4247 kilolitres per day	\$3.365 per kilolitre
(iii) for each kilolitre supplied over 1.4247 kilolitres per day	\$3.646 per kilolitre
Residential and vacant land properties with land use codes other than the above (if not otherwise specified in this Gazette):	
(i) for each kilolitre supplied up to, and including, 0.3836 kilolitres per day	\$2.357 per kilolitre
(ii) for each kilolitre supplied over 0.3836 kilolitres per day	\$3.365 per kilolitre

*Commercial Land Charges (excludes country lands)*

Commercial properties, excluding country lands, include wholesale and retail trade in goods and the provision of a service of any kind (if not otherwise specified in this Gazette).

The commercial Availability Charge (Supply Charge) is a standard charge plus a property-based charge for the portion of the capital value greater than \$10 million.

Description	Property Scale and Charge	Class of Land Affected
Availability Charge (Fixed Charge)		
Property Charge (per \$1,000 of capital value)— Applied only to the portion of capital value greater than \$10 million.	\$0.12950 per \$1,000 of capital value per quarter	All commercial land valued above \$10 million
Availability Charge (Standard Charge)	\$82.30 per quarter	Commercial land other than strata/community titled parking spaces under land use code 6532
Availability Charge (Standard Charge)	\$41.15 per quarter	Commercial land classified as strata/community titled parking spaces under land use code 6532
Water use charge		
Water Use Charge (determined by the timing of quarterly meter readings)	\$3.365 per kilolitre	

*Non-residential Land Charges (includes country lands)*

Non-residential properties are properties not specified under residential or commercial land in this Gazette.

Description	Charge
Availability Charge (Fixed Charge)	\$82.30 per quarter
Water Use Charge (determined by the timing of quarterly meter readings)	\$3.365 per kilolitre

*Community Concession Water Charges*

Availability Charge (Supply Fixed) applied to all lands subject to concessional charges—\$82.30 per quarter

Water use charges (determined by the timing of quarterly meter readings):

Class of Land Affected	Charged Determined According to the Volume of Water Supplied
All land that has been acquired or is used exclusively for charitable purposes or for public worship and all land that has been acquired or is used for the purpose of a Children's Services Centre with the meaning of the <i>Education and Children's Services Act 2019</i> .	(i) for each kilolitre supplied up to, and including, 0.3836 kilolitres per day
	(ii) for each kilolitre supplied over 0.3836 kilolitres per day
	\$1.768 per kilolitre
	\$2.524 per kilolitre

Class of Land Affected	Charged Determined According to the Volume of Water Supplied
Community Swimming Pools	(a) Water use up to 13 fills of pool(s) \$0.311 per kilolitre (b) Water use over 13 fills of pool(s) \$3.365 per kilolitre This concession price should only apply to water used to fill the pool, toilet and shower block used directly in connection with the pool.
Soldiers Memorial Gardens	\$0.696 per kilolitre

*Special Characteristics*

Charges payable in respect to land whereby the Corporation has entered into a standard contract with special characteristics with the owner or occupier of the land to supply water by measure, subject to charges (as set out below) and terms and conditions determined by the Corporation.

Description	Charge
Charges for Supply by Measure: (if not otherwise specified in this Gazette)	
Availability Charge (Fixed Charge)	\$82.30 per quarter
Water use charges payable in respect to land, as determined by the timing of quarterly meter readings, and having the following land use codes:	
(a) Houses with the land use codes 1100, 1101, 1118, 1119 and 1912;	
(b) Units, maisonettes, townhouses and row houses (various categories) with land use codes in the range 1200 to 1399;	
(c) Shacks with the land use codes 1920 and 1921:	
(i) for each kilolitre supplied up to, and including, 0.3836 kilolitres per day	\$2.357 per kilolitre
(ii) for each kilolitre supplied over 0.3836 kilolitres per day up to, and including, 1.4247 kilolitres per day	\$3.365 per kilolitre
(iii) for each kilolitre supplied over 1.4247 kilolitres per day	\$3.646 per kilolitre
Water use charges payable in respect to land with land use codes other than the above or for which the Corporation does not have a land use code (as determined by the timing of quarterly meter readings):	
(i) for each kilolitre supplied up to, and including, 0.3836 kilolitres per day	\$2.357 per kilolitre
(ii) for each kilolitre supplied over 0.3836 kilolitres per day	\$3.365 per kilolitre

*Clare Valley Water Supply Scheme Area*

Description	Charge
Availability Charge (Fixed Charge)	\$82.30 per quarter
Water use charge	\$3.365 per kilolitre
Water use charge for water other than contract quantity supplied from the pipeline during the notice period to land located in the Clare Valley Water Supply Scheme Area in accordance with an Irrigation Agreement	\$3.365 per kilolitre
Water use charge for water taken from the pipeline during the notice period other than in accordance with an agreement with the Corporation	\$3.365 per kilolitre

*Marree/Oodnadatta Water Supply Area*

Description	Charge
Availability Charge (Fixed Charge)	\$82.30 per quarter
Water use charges payable in respect to residential and vacant land in the Marree/Oodnadatta water supply area for water supplied having the following land use codes (as determined by the timing of quarterly meter readings):	
(a) Houses with the land use codes 1100, 1101, 1118, 1119 and 1912;	
(b) Units, maisonettes, townhouses and row houses (various categories) with land use codes in the range 1200 to 1399;	
(c) Shacks with the land use codes 1920 and 1921:	
(i) for each kilolitre supplied up to, and including, 0.7233 kilolitres per day	\$0.000 per kilolitre
(ii) for each kilolitre supplied over 0.7233 kilolitres per day up to, and including, 1.1068 kilolitres per day	\$2.357 per kilolitre
(iii) for each kilolitre supplied over 1.1068 kilolitres per day up to, and including, 2.1479 kilolitres per day	\$3.365 per kilolitre
(iv) for each kilolitre supplied over 2.1479 kilolitres per day	\$3.646 per kilolitre
Residential and vacant land properties with land use codes other than the above (if not otherwise specified in this Gazette):	
(i) for each kilolitre supplied up to, and including, 0.7233 kilolitres per day	\$0.000 per kilolitre
(ii) for each kilolitre supplied over 0.7233 kilolitres per day up to, and including, 1.1068 kilolitres per day	\$2.357 per kilolitre
(iii) for each kilolitre supplied over 1.1068 kilolitres per day	\$3.365 per kilolitre
Water use charges payable in respect to each and every supply in the Marree/Oodnadatta water supply area for water with land use codes other than above or for which the Corporation does not have land use codes (as determined by the timing of quarterly meter readings):	
(i) for each kilolitre supplied up to, and including, 0.7233 kilolitres per day	\$0.000 per kilolitre

Description	Charge
(ii) for each kilolitre supplied over 0.7233 kilolitres per day	\$3.365 per kilolitre

*Cape Jaffa Water Supply Area*

Description	Charge
Availability Charge (Fixed Charge)	\$104.45 per quarter
Water use charge	\$3.288 per kilolitre

*Hydrants*

Water supplied through Hydrants—Charges

Description	Charge
Water use	\$3.365 per kilolitre

*Service Rent*

An annual charge where additional services are provided (e.g. additional meters) excluding country lands and recycled water to the Mawson Lakes, Lochiel Park and Seaford Meadows recycled water supply areas.

Description	Charge
Fixed charge for each additional service	\$329.20 per annum
<b>Country Lands</b>	
A fixed charge applies where additional services are provided (e.g. additional meters)	
Fixed charge for each additional service per every 250 hectares of contiguous land	\$329.20 per annum

## SEWERAGE AVAILABILITY CHARGES

*Scales for Calculation of Sewerage Charge*

Quarterly sewerage charges (fixed charges) are based on the greater of the minimum charge or property-based charge (if not otherwise specified in this Gazette).

Property Based Charge—Scale	Minimum Quarterly Fixed Charge	Land Affected
\$0.147500 per \$1,000 of capital value	\$94.00	All residential land in the Adelaide and Aldinga drainage areas.
\$0.073750 per \$1,000 of capital value	\$94.00	All residential land in the Adelaide and Aldinga drainage areas with an indirect sewer connection.
\$0.228250 per \$1,000 of capital value	\$94.00	All non-residential land in the Adelaide and Aldinga drainage areas except strata/community titled parking spaces under land use code 6532.
\$0.114125 per \$1,000 of capital value	\$94.00	All non-residential land in the Adelaide and Aldinga drainage areas except strata/community titled parking spaces under land use code 6532 with an indirect sewer connection.
\$0.228250 per \$1,000 of capital value	\$23.50	All non-residential land in the Adelaide and Aldinga drainage areas classified as strata/community titled parking spaces under land use code 6532.
\$0.228000 per \$1,000 of capital value	\$94.00	All residential land in other drainage areas.
\$0.114000 per \$1,000 of capital value	\$94.00	All residential land in other drainage areas with an indirect sewer connection.
\$0.353250 per \$1,000 of capital value	\$94.00	All non-residential land in other drainage areas except strata/community titled parking spaces under land use code 6532.
\$0.176625 per \$1,000 of capital value	\$94.00	All non-residential land in other drainage areas except strata/community titled parking spaces under land use code 6532 with an indirect sewer connection.
\$0.353250 per \$1,000 of capital value	\$23.50	All non-residential land in other drainage areas classified as strata/community titled parking spaces under land use code 6532.
\$0.376250 per \$1,000 of capital value	\$172.85	All land in Cape Jaffa drainage area.

*Community Concession Sewerage Charges*

Quarterly sewerage availability charge (fixed charge) calculated based on three key steps:

- (1) the quarterly property value charge and minimum quarterly fixed charge are first determined;
- (2) the greater of these is compared to the quarterly water closet charge (i.e. the number of water closets multiplied by the water closet fee);
- (3) the lesser of Step 2 is charged on the property.

Description	Land Affected
Charge determined according to number of water closets draining into the sewerage system	
\$26.05 per water closet draining into the sewerage system	All land that has been acquired or is used exclusively for charitable, public worship or a municipal corporation exclusively for the purposes of the Corporation.
\$35.80 per water closet draining into the sewerage system	All other concessional land.

*Recycled Water*

Description	Charge
Dual residential reticulated recycled water use	\$2.121 per kilolitre
Non-residential agreements (subject to commercial agreement)	

## FEES AND CHARGES SCHEDULE

The following fees and charges are fixed for the period 1 July 2025 to 30 June 2026.

All persons who receive development approval between 1 July 2025 and 30 June 2026 for an additional allotment, new connection or a variation to an existing connection with multiple new premises that connect to SA Water's water and/or sewerage infrastructure in the Greater Adelaide Region will be charged an augmentation charge in respect of each connection or new allotment.

Augmentation charges will still be imposed in addition to any requirement to fund the augmentation of SA Water's infrastructure to service a greenfield or infill development and avoid impacting services to SA Water's customers.

An augmentation fee will be payable in addition to any other applicable fees or charges (including a connection fee) per SA Water's general fees and charges.

Fee Name—Water Augmentation Charges <sup>(b)(i)(j)</sup>	Fee 2025-26
GAR Greenfield Augmentation Charge Water	\$5,120.00
GAR Infill Augmentation Charge Water	\$2,560.00

Fee Name—Wastewater (Sewer) Augmentation Charges <sup>(b)(i)(j)</sup>	Fee 2025-26
GAR Greenfield Augmentation Charge Wastewater	\$5,120.00
GAR Infill Augmentation Charge Wastewater	\$2,560.00

Fee Name—Access to SA Water Land Fees <sup>(d)</sup>	Fee 2025-26
Event/Activity low impact up to 4 hrs	Estimated cost to deliver service
Event/Activity high impact up to 4 hrs	Estimated cost to deliver service
Event/Activity low impact per day	Estimated cost to deliver service
Event/Activity high impact per day	Estimated cost to deliver service
Staff assistance (hourly)	Estimated cost to deliver service
Staff assistance (after hours/public holiday/weekend loading—hourly)	Estimated cost to deliver service
Environmental impact bond (required for periods longer than 5 days, refundable after impact assessment)	Estimated cost to deliver service

Fee Name—Other Fees and Charges	Fee 2025-26
Re-invoicing fee	\$14.70
Application lodgement fee	\$151.00
Property lease preparation fee for non-commercial agreements	Estimated cost quoted by Corporation within lease agreement
Easement extinguishment/variation administration fee—investigation and advice	\$655.00
Network analysis	\$829.00
Hourly service fee	\$84.50 per hr
Recycled water—on property audit fee—per audit	\$123.00 per audit
External AquaMap access fee—per annum	\$241.00 per annum
Account Manager consultancy fee	\$122.00
Learning centre hire—per hour	\$65.00 per hr
Clip and meter lock fee—large	\$65.50
Standard water flow test—fire plug	\$306.00
Additional fire plug—water flow test—same day, same site	\$109.00
Simultaneous flow test (non-standard flow tests)	Estimated cost to deliver service
Special meter reading fee	\$15.40
Certificate and encumbrance fee <sup>(c)</sup>	\$5.50
Certification of Land Services SA Documents	Estimated cost to deliver service
Clare—availability charge (per ML)	\$3,160.00 per ML
Beekeeping licence	\$392.00
Dishonoured payment made to pay a charge or other amount under regulations	\$13.20
Overdue payment fee	\$10.20
Charge for visit in relation to the non-payment of a charge	\$44.50
Recharge for collection of overdue accounts	Based on cost incurred by Corporation
Copies of historical accounts (> 4 yrs) per bill	\$5.45
Extension of main	Estimated cost to deliver service
Connection off extension of main	Estimated cost to deliver service
Additional Investigation	Estimated cost to deliver service
Disposal of contaminated Spoil	Estimated cost to deliver service

Meter Upgrade	Estimated cost to deliver service
Fee Name—Reservoir Fishing Permits <sup>(a)</sup>	Fee 2025-26
3 day permit (per angler)	\$11.50
3 day permit (per angler)—concession card holder price	\$9.15
10 day permit (per angler)	\$22.90
10 day permit (per angler)—concession card holder price	\$18.30
Annual permit (per angler)	\$38.00
Annual permit (per angler)—concession card holder price	\$30.50
Fee Name—Smart Meter Fees	Fee 2025-26
Smart meter battery replacement	\$382.00
Smart meter annual fee—per meter	\$136.00
Smart meter annual fee—non-standard	Estimated cost to deliver service
Smart meter installations	Estimated cost to deliver service
Smart irrigation set up fee	Estimated cost to deliver service
Smart irrigation annual fee	Estimated cost to deliver service
Fee Name—Water/Recycled Water	Fee 2025-26
Installation of connection (includes installation of meter)	
20mm connection up to 12m <sup>(b)</sup>	\$4,057.00
20mm connection, per metre rate more than 12m up to 25m <sup>(b)</sup>	\$188.00
25mm connection up to 12m <sup>(b)</sup>	\$4,409.00
25mm connection, per metre rate more than 12m up to 25m <sup>(b)</sup>	\$188.00
40mm connection up to 12m <sup>(b)</sup>	\$5,929.00
40mm connection, per metre rate more than 12m up to 25m <sup>(b)</sup>	\$237.00
50mm connection up to 12m <sup>(b)</sup>	\$7,522.00
50mm connection, per metre rate more than 12m up to 25m <sup>(b)</sup>	\$296.00
Larger than 50mm connection	Estimated cost to deliver service
Installation of a meter	
20mm meter	\$413.00
25mm meter	\$573.00
40mm meter	\$1,175.00
50mm meter	\$3,019.00
20mm water meter activation fee	\$190.00
20mm meter on 1-4 or 1-12 meter manifold—per meter	\$832.00 per meter
25mm meter on 1-5 meter manifold—per meter	\$1,161.00 per meter
Alteration of manifold meters	Estimated cost to deliver service
Installation of water connections and isolating valves for firefighting purposes	
100mm, 150mm or larger than 150mm fire connections	Estimated cost to deliver service
100mm, 150mm, 200mm or larger than 200mm isolating valves for fire connections	Estimated cost to deliver service
Permanent overhead standpipe and meter	Estimated cost to deliver service
Disconnect connections	
Disconnect fire connection	Estimated cost to deliver service
Disconnect up to 50mm water connection <sup>(b)</sup>	\$908.00
Disconnect larger than 50mm water connection	Estimated cost to deliver service
Miscellaneous connection fees	
Restoration fee—at meter	Estimated cost to deliver service
Restoration fee—at main pipe	Estimated cost to deliver service
Rotate 20mm/25mm meter	\$482.00
Rotate 40mm meter	\$924.00
Alter connections (relocate, raise/lower, shorten/lengthen)	
Alter 20mm or 25mm connection (up to 0.5m)	\$1,161.00
Alter 20mm or 25mm connection (more than 0.5m and up to 2.0m)	\$1,212.00
Alter 20mm or 25mm connection (more than 2.0m and up to 4.0m)	\$1,526.00
Alter connections (raise/lower, shorten/lengthen)	
Alter 32mm—50mm connection (up to 0.5m)	\$1,649.00
Alter 32mm—50mm connection (more than 0.5m and up to 2.0m)	\$1,728.00
Alter 32mm—50mm connection (more than 2.0m and up to 4.0m)	\$1,894.00
Alter larger than 50mm connection	Estimated cost to deliver service
Alter connections into a box (relocate, raise/lower, shorten/lengthen)	

Fee Name—Water/Recycled Water	Fee 2025-26
Alter 20mm connection into box (up to 0.5m)	\$2,035.00
Alter 20mm connection into box (more than 0.5m and up to 2.0m)	\$2,087.00
Alter 20mm connection into box (more than 2.0m and up to 4.0m)	\$2,387.00
Alter 25mm connection into box (up to 0.5m)	\$2,727.00
Alter 25mm connection into box (more than 0.5m and up to 2.0m)	\$2,802.00
Alter 25mm connection into box (more than 2.0m and up to 4.0m)	\$3,636.00
Fee Name—Water/Recycled Water	Fee 2025-26
Alter unmetered connections (relocate, raise/lower, shorten/lengthen,) and install water meter <sup>(g)</sup>	
Alter 20mm unmetered water connection (up to 0.5m)	\$1,291.00
Alter 20mm unmetered water connection (more than 0.5m and up to 2m)	\$1,340.00
Alter 20mm unmetered water connection (more than 2m and up to 4m)	\$1,639.00
Alter 25mm unmetered water connection (up to 0.5m)	\$1,508.00
Alter 25mm unmetered water connection (more than 0.5m and up to 2m)	\$1,560.00
Alter 25mm unmetered water connection (more than 2m and up to 4m)	\$1,863.00
Provide and install metal underground box to cover meter	
Underground box for 20mm meter	\$1,040.00
Underground box for 25-50mm meter	\$2,755.00
Meter testing	
Meter test fee—20mm-25mm on site meter flow test	\$220.00
Meter test fee—20mm-25mm meters	\$834.00
Meter test fee—32mm-40mm meters	\$1,472.00
Meter test fee—50mm meters	\$3,093.00
Meter test fee—80mm meters	\$4,934.00
Meter test fee—100mm meters	\$5,173.00
Meter test fee—150mm meters	\$9,359.00
Meter repair/replacement fees	
Meter repair/replacement—15mm, 20mm and 25mm	\$297.00
Meter repair/replacement—32mm and 40mm	\$515.00
Meter repair/replacement—50mm	\$825.00
Meter repair/replacement—larger than 50mm	Estimated cost to deliver service
Administration fee	
Administration fee for link-up (water)	\$350.00
SA Water Construction—Water Supply	
Design and administration charge—non-standard connections	\$418.00
Design and administration charge—extensions	\$1,406.00
Third Party Access—Water/Recycled Water	
Third party access—water/recycled water—request for further information	\$6,511.00
Hydrants	
Hire of portable metered hydrant—for each period of 3 months or part	\$147.00
The Metered Hydrant Early Termination Fee	Estimated cost to deliver service
Charge for additional administrative cost in relation to breach of terms and conditions of hire of hydrant	\$243.00
Metered hydrant deposit—50mm	\$1,582.00
Short term hire of metered hydrant—50mm	\$1,134.00
Smart/metered hydrant application fee	\$398.00
Smart hydrant deposit	\$3,535.00
Smart hydrant service fee (per quarter)	\$351.00
Short term hire of smart hydrant	\$568.00
Fee Name—Sewer	Fee 2025-26
Installation of connection (includes installation of meter)	
100mm sewerage connection up to 12m <sup>(b)(e)</sup>	\$7,448.00
100mm per metre rate more than 12m up to 30m <sup>(b)(e)</sup>	\$434.00
100mm sewerage spur connection <sup>(b)(e)</sup>	\$4,213.00
150mm sewerage connection up to 12m <sup>(b)(e)</sup>	\$8,235.00
150mm per metre rate more than 12m up to 30m <sup>(b)(e)</sup>	\$485.00
Larger than 150mm sewerage connections (including spur connections)	Estimated cost to deliver service
Disconnection charge	
Disconnect 100/150mm sewerage connection <sup>(b)(e)</sup>	\$1,473.00

Fee Name—Sewer	Fee 2025-26
Disconnect larger than 150mm sewerage connection	Estimated cost to deliver service
Sewerage pre-laid activation fee	
Sewerage pre-laid activation fee 100/150mm	\$9.35
Sewerage pre-laid activation fee larger than 150mm	Estimated cost to deliver service
Administration fee	
Administration fee for link-up (sewer)	\$140.00
SA Water construction—sewerage	
Design and administration charge—non-standard connections	\$418.00
Design and administration charge—extensions	\$1,406.00
Third party access—sewerage	
Third party access—sewer—request for further information	\$5,327.00
Insert inspection point	
Insert inspection point 100mm and 150mm	Estimated cost to deliver service
Fee Name—Trade Waste Fees	Fee 2025-26
Trade waste discharge application, audit and subscription fees	
Trade waste discharge application fee	\$219.00
Trade waste audit fee (per inspection)	\$177.00
Trade Waste Subscription Fee—Minimal Risk (per quarter)	\$6.10
Trade Waste Subscription Fee—Minor Risk (per quarter)	\$15.30
Trade Waste Subscription Fee—Low Risk (per quarter)	\$34.75
Trade Waste Subscription Fee—Medium Risk (per quarter)	\$84.00
Trade Waste Subscription Fee—High Risk (per quarter)	\$177.00
Trade waste volume and load based	
Trade waste VLB—volume (per kL)	\$0.286 per kL
Trade waste VLB—biochemical oxygen demand (per kg) up to 1000mg/L	\$0.468 per kg
Trade waste VLB—biochemical oxygen demand (per kg) more than 1000mg/L	\$0.633 per kg
Trade waste VLB—suspended solids (per kg)	\$0.415 per kg
Trade waste VLB—nitrogen (per kg)	\$0.733 per kg
Trade waste VLB—phosphorus (per kg)	\$3.568 per kg
Trade waste—cost reflective volume and load based	
Trade waste cost reflective VLB—volume (per kL) <sup>(f)</sup>	\$0.821 per kL
Trade waste cost reflective VLB—biochemical oxygen demand (per kg) <sup>(f)</sup>	\$0.633 per kg
Trade waste cost reflective VLB—suspended solids (per kg) <sup>(f)</sup>	\$0.647 per kg
Trade waste cost reflective VLB—nitrogen (per kg) <sup>(f)</sup>	\$2.859 per kg
Trade waste cost reflective VLB—phosphorus (per kg) <sup>(f)</sup>	\$18.772 per kg
Trade waste non-compliance charges	
Failure to service grease arrestor/settling pit fee (up to 2,400L, every four weeks)	\$193.00
Failure to service grease arrestor/settling pit fee (2,400L and above, every four weeks)	\$387.00
Failure to install/upgrade/repair pre-treatment fee (every four weeks)	\$554.00
Other trade waste charges	
Sampling and monitoring charges	Estimated cost to deliver service
Trade waste administration charges	\$81.50
Non-domestic hauled waste charges—volume (per kL)	\$0.821 per kL
Non-domestic hauled waste charges—biochemical oxygen demand (per kg)	\$0.633 per kg
Non-domestic hauled waste charges—suspended solids (per kg)	\$0.647 per kg
Non-domestic hauled waste charges—nitrogen (per kg)	\$2.859 per kg
Non-domestic hauled waste charges—phosphorus (per kg)	\$18.772 per kg
Holding tank and septic waste charges (per kL)	\$10.70 per kL
Liquid hauled waste—replacement of station swipe card	\$178.00
Waste macerator discharge (per macerator)	\$616.00 per unit
Storm water to sewer—per sq. metre	\$14.20 per sq metre
Grease solids profile fee	\$184.00
Grease Arrestor Maintenance Application (GAMA) tag replacement	\$97.50
Common effluent	
DC of Barossa	\$97.50
DC of Grant	\$97.50
Other areas	\$147.00



Rebates	Rebate 2025-26
Rebates	
The electricity rebate for customers in the City of Tea Tree Gully	\$34.00

**Notes:**

GST—Where GST applies, the fee is stated inclusive of GST

Prices are capped to the maximum of cost recovery.

- (a) Concession card holder price available for persons holding a valid full time Australian secondary or tertiary student card, Commonwealth Pensioner Concession card, Health Care Card, Commonwealth Senior Health Card, South Australian State Concession Card or Seniors Card.
- (b) Charge for standard connections only, refer to connections policy for non standard connections. All 50mm recycled water connections fees are estimated.
- (c) Land and Business Sale Regulations 16(3)(a) prescribes a fee for applications made for land and business sales enquiries and Water Industry Regulations 11(5) and 12 reference a prescribed fee for application for information (noting that SA Water cannot double-charge that fee per 12(2)(b)). SA Water has determined that it will charge the fee stated in this notice for both categories of application.
- (d) All third-party access to SA Water land requires a valid permit. Commercial activities and/or other events/activities may attract these fees. The application of these fees will be at SA Water discretion and assessed on a case-by-case basis.
- (e) All sewer connections provided are subject to approval and design standards.
- (f) These fees apply to customers who exceed their trade waste authorisation discharge limits.
- (g) Meter fees may be required for unmetered connections.
- (h) Charges for 100% only, refer to Augmentation charges schedule for multipliers applicable to properties that are commercial/ industrial, and reserves.
- (i) An augmentation charge is not payable in relation to:
  - a like-for-like replacement of an existing connection; or
  - a connection to premises being built by or on behalf of a community housing provider, or a not-for-profit entity that is registered with the Australian Charities and Not-for-profit Commission; or
  - an apartment
- (j) Definitions:
  - “Greenfield” are locations within the Greater Adelaide region that come within the definition of “greenfield” in Table 1 of the [Land Supply Report for Greater Adelaide](#) (July 2023).
  - “Greater Adelaide Region” means the planning region of that name proclaimed by the Governor under Section 5 of the *Planning, Development and Infrastructure Act 2015* on 19 March 2020, a map of which is available in Figure 1 of the [Land Supply Report for Greater Adelaide](#) (July 2023)
  - A “Residential Allotment” is a property classified with the use of land for detached dwelling, group dwelling, multiple dwelling, residential flat building, or dwelling or semi-detached dwelling for the purposes of the *Planning, Development and Infrastructure Act 2015*.
  - “Premises” is a dwelling, house or building together with its land.

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

Dated: 24 June 2025

D. RYAN  
Chief Executive  
South Australian Water Corporation

# LOCAL GOVERNMENT INSTRUMENTS

## CITY OF WHYALLA

### *Adoption of Valuations and Declaration of Rates 2025-2026*

Notice is given that the City of Whyalla at a meeting of Council held on 16 June 2025, resolved for the financial year ending 30 June 2026 as follows:

#### *Adoption of Valuations*

To adopt the valuations, as at 13 June 2025, of the capital value made by the Valuer-General for rating purposes for the year ending 30 June 2026 with a total area aggregate of \$3,442,733,780 of which \$3,240,613,000 is the valuation of rateable land.

#### *Declaration of Rates*

To declare differential General Rates according to the locality of the land in various zones defined in the Planning and Design Code, established pursuant to the *Planning, Development and Infrastructure Act 2016*, and according to the use of the land, pursuant to Regulation 14(1) of the *Local Government (General) Regulations 2013*, as follows:

#### (a) Locality and use of differentiating factors:

- (i) In respect of all rateable land situated in the Rural Living, Rural Shack Settlement and Rural Settlement zones, a differential general rate of 0.2295 cents in the dollar, excluding any land categorised as Commercial-Shop, Commercial-Office, Commercial-Other, Industry-Light and Industry-Other and for which the general differential rate is declared in paragraph (b) hereunder;
- (ii) In respect of all rateable land situated in the Significant Industry zone, a differential general rate of 6.8110 cents in the dollar, excluding any land categorised as Commercial-Other, Primary Production and Vacant Land and for which the general differential rate is declared in paragraph (b) hereunder;
- (iii) In respect of all rateable land situated in the Visitor Experience zone, a differential general rate of 6.8110 cents in the dollar, excluding any land categorised as Commercial-Other, Vacant Land and Other and for which the general differential rate is declared in paragraph (b) hereunder;
- (iv) In respect of all rateable land situated in the Strategic Employment zone, a differential general rate of 6.8110 cents in the dollar, excluding any land categorised as Commercial-Other, Industry-Light, Industry-Other and Vacant Land and for which the general differential rate is declared in paragraph (b) hereunder;

#### (b) Land use as a differentiating factor in respect of all land not otherwise falling within paragraph (a) above, as follows:

- (i) Residential—a differential general rate of 0.3278 cents in the dollar;
- (ii) Commercial-Shop—a differential general rate of 0.9016 cents in the dollar;
- (iii) Commercial-Office—a differential general rate of 0.9016 cents in the dollar;
- (iv) Commercial-Other—a differential general rate of 0.9016 cents in the dollar;
- (v) Industry-Light—a differential general rate of 1.2130 cents in the dollar;
- (vi) Industry-Other—differential general rate of 1.2130 cents in the dollar;
- (vii) Primary Production—a differential general rate of 0.0328 cents in the dollar;
- (viii) Vacant Land—a differential general rate of 1.2130 cents in the dollar;
- (ix) Other—a differential general rate of 0.9016 cents in the dollar.

#### *Fixed Charge*

To impose a fixed charge of \$825.00 payable by way of General Rates on rateable land within the area of the Council.

#### *Declaration of Separate Rates—Regional Landscape Levy*

To declare a separate rate based on a fixed charge and differentiated according to land use on all rateable land within its area and within the area of the Eyre Peninsula Landscape Board for the purpose of the Regional Landscape Levy.

Residential.....	\$94.66
Commercial.....	\$141.99
Industrial .....	\$141.99
Primary Producer .....	\$189.32
Other/Vacant .....	\$94.66

Note: The Regional Landscape Levy is collected on behalf of, and funds the operations of, the Eyre Peninsula Landscape Board.

#### *Declaration of Service Charges*

To impose an annual service charge of \$425.00 on rateable land within its area for the provision of the prescribed service of collection, treatment and disposal of hard waste where such a service is provided.

Dated: 26 June 2025

J. COMMONS  
Chief Executive Officer

## THE BAROSSA COUNCIL

### *Naming of Roads*

Notice is hereby given that pursuant to Section 219 of the *Local Government Act 1999*, The Barossa Council on 17 June 2025 resolved that the road within the land division at 128-134 Calton Road, Kalbeeba be named Rose Hill Grove.

Dated: 17 June 2025

MARTIN MCCARTHY  
Chief Executive Officer

## REGIONAL COUNCIL OF GOYDER

*Adoption of Valuation and Declaration of Rates*

Notice is hereby given that at a meeting of the Council held on Tuesday, 17 June 2025, the Council resolved as follows for the year ending 30 June 2026:

1. Adopted for rating purposes, the most recent valuations of the Valuer-General of the Capital Value of land within the area of the Council and specifies that the total of the values that are to apply within the area is \$2,715,006,340 of which \$2,673,798,572 is rateable.
2. Declared differential rates on rateable land within its area, based upon the capital value of the land and varying according to land use as follows:
  - (a) 0.3304 cents in the dollar for all rateable land within the area with a land use of Residential;
  - (b) 0.3440 cents in the dollar for all rateable land within the area with a land use of Commercial—Shop;
  - (c) 0.3482 cents in the dollar for all rateable land within the area with a land use of Commercial—Office;
  - (d) 0.3287 cents in the dollar for all rateable land within the area with a land use of Commercial—Other;
  - (e) 0.2875 cents in the dollar for all rateable land within the area with a land use of Industry—Light;
  - (f) 0.3979 cents in the dollar for all rateable land within the area with a land use of Industry—Other;
  - (g) 0.1666 cents in the dollar for all rateable land within the area with a land use of Primary Production;
  - (h) 0.1979 cents in the dollar for all rateable land within the area with a land use of Vacant Land; and
  - (i) 0.4666 cents in the dollar for all rateable land within the area with a land use of Other.
3. Declared a fixed charge of \$200.00 against each separate piece of rateable land within the Council area.
4. Imposed an annual service charge based on the level of usage of the service and varying according to whether the land is vacant or occupied on all land to which Council provides or makes available the prescribed service of Community Wastewater Management Systems:
  - 4.1 in respect of all land in the area serviced by the Burra CWMS, an annual service charge of:
    - (a) \$456.00 per property unit on occupied rateable and non-rateable land; and
    - (b) \$344.00 per property unit on assessments of vacant rateable and non-rateable land.
  - 4.2 in respect of all land in the area serviced by the Eudunda CWMS, an annual service charge of:
    - (a) \$663.00 per property unit on occupied rateable and non-rateable land; and
    - (b) \$508.00 per property unit on assessments of vacant rateable and non-rateable land.
5. Imposed an annual service charge of \$266.00 on all land in the townships of Terowie, Whyte Yarcowie, Hallett, Mt Bryan, Burra, Robertstown, Point Pass, Eudunda, Farrell Flat and Booborowie to which it provides or makes available the prescribed service of waste collection.
6. For the purpose of reimbursing Council the amount contributed to the Northern and Yorke Landscape Region Board, adopted a rate in the dollar of \$0.0000998 for all rateable land (based on capital value) within the area of Council and the Northern and Yorke Landscape Region Board.

Dated: 26 June 2025

DAVID J. STEVENSON  
Chief Executive Officer

## DISTRICT COUNCIL OF GRANT

*Adoption of Valuation and Declaration of Rates*

Notice is hereby given that at its meeting held on 16 June 2025 in relation to the financial year ending 30 June 2026, the District Council of Grant, made the following resolutions:

1. Adopted for rating purposes, the capital valuations of land within the Council area made by the Valuer-General, being the most recent valuations available to the Council, totalling \$5,467,911,940 comprising \$5,352,185,862 in respect of rateable land and \$115,726,078 in respect of non-rateable land before alteration.
2. Declared differential general rates of:
  - (i) 0.22159 cents in the dollar for land use codes of residential, commercial shop, commercial office, commercial other, industry light, industry other, vacant land and other, and
  - (ii) 0.19968 cents in the dollar for land use codes of primary production
3. Fixed a minimum amount of \$700.00 payable by way of general rates on rateable land within its area.
4. Declared a separate rate of a fixed amount of \$1,613 per assessment, in respect to assessments A1493, A1494, A1543, A1544 and A1545 to reimburse the Council for the costs of construction for the Cape Douglas Community Wastewater Management Scheme.
5. Imposed an annual service charge, based on the nature of the service, of \$315.00 for the prescribed service of collection, treatment and disposal (including recycling) of waste (Mobile Garbage Bins) on all land to which it provides or makes available the service.
6. Imposed an annual service charge based on the nature of the service and varying according to whether the land is vacant or occupied on all land to which the Council provides or makes available the Community Wastewater Management Schemes being prescribed services for the collection, treatment and disposal of waste in the townships of, Port MacDonnell, Tarpeena, Allendale East, Cape Douglas, Donovans and Pelican Point as follows:
 

Occupied Land .....	\$755.00
Vacant Land .....	\$645.00
7. Declared a separate rate (Regional Landscape Levy) on all rateable land within the region of the Board and within the Council area in order to reimburse the Council for amounts contributed to the Limestone Coast Landscape Board, based on a fixed charge and differentiated according to land use on all rateable land as follows:
 

Residential, Vacant and Other .....	\$96.00 per rateable property
Commercial (Shop, Office and Other) .....	\$142.00 per rateable property
Industry (Light and Other) .....	\$228.00 per rateable property
Primary Production .....	\$417.00 per rateable property

Dated: 17 June 2025

DARRYL WHICKER  
Chief Executive Officer

## DISTRICT COUNCIL OF KIMBA

*Adoption of Valuations and Declaration of Rates 2025-26*

Notice is hereby given that the District Council of Kimba at its meeting held on 11 June 2025 for the financial year ending 30 June 2026:

1. Adopted capital valuations to apply in its area for rating purposes supplied by the Valuer-General, being the most recent valuations available to the Council totalling \$658,945,880.
2. Declared differential general rates varying according to its land use and locality as follows:
  - (a) Locality and Land Use differentiating factors:
    - (i) 0.88067 cents in the dollar in respect of rateable land with a Commercial—Other Land Use which is located in the Employment (Bulk Handling) Zone;
  - (b) Land uses in respect of all other rateable land not falling within paragraph (a) above, as follows:
    - (i) 0.37661 cents in the dollar in respect of rateable land with a Residential Land Use;
    - (ii) 0.37661 cents in the dollar in respect of rateable land with a Commercial—Other Land Use that is not located in the Employment (Bulk Handling) Zone;
    - (iii) 0.37661 cents in the dollar in respect of Commercial-Shop or Commercial-Office Land use
    - (iv) 0.37661 cents in the dollar in respect of rateable land with an Industrial Land Use;
    - (v) 1.88304 cents in the dollar in respect of rateable land with a Vacant Land Use;
    - (vi) 0.37661 cents in the dollar in respect of rateable land with a Other Land Use;
    - (vii) 0.30129 cents in the dollar in respect of rateable land with a Primary Land Use;
3. Declared that the minimum amount payable by way of general rates in respect of all rateable land within the Council area is \$612.
4. Imposed an annual service charge on all land to which the Council provides or makes available its Community Wastewater Management System of \$318.
5. Imposed an annual service charge of \$264 on all land to which the Council provides its Waste Management Service with land use categories (i) Residential, (ii) Commercial-Other not located in Employment (Bulk Handling) Zone (iii) Commercial-Shop or Commercial-Office (iv) Industrial and (vi) Other.
6. Declared a separate rate based on a fixed charge of \$94.66 per assessment for residential, other and vacant land uses and \$141.99 per assessment for commercial and industrial land uses and \$189.32 per assessment for primary production land use in respect of all rateable land in the area of the Eyre Peninsula Landscape Board.

Dated: 26 June 2025

DEB LARWOOD  
Chief Executive Officer

## KINGSTON DISTRICT COUNCIL

*Adoption of Valuation and Declaration of Rates 2025/2026*

Notice is given that at the meeting held on 20 June 2025, the Council for the financial year ending 30 June 2026 resolved:

1. To adopt the capital values made by the Valuer General totaling \$2,831,648,660.
2. To declare the following differential general rates:
  - A rate of 0.171335 cents in the dollar in land use category (a) (Residential); (b) (Commercial—Shop), (c) (Commercial—Office) (d) (Commercial—Other); (e) (Industrial—Light) (f) (Industrial—Other); (g) (Primary Production); (h) (Vacant Land); (i) (Other); and (j) (Marina Berth).
3. To impose a fixed charge of \$905 in respect of all rateable land.
4. To declare a differential separate rate based upon a fixed charge upon the use of the land (to reimburse itself the contribution to the Limestone Coast Landscape Board) as:
  - \$95.50 on rateable land of Category (a) (Residential), Category (h) (Vacant), Category (i) (Other) and Category (j) (Marina Berth) Land Use;
  - \$143.00 on rateable land of Category (b) (Commercial—Shop), Category (c) (Commercial—Office) and Category (d) (Commercial—Other) Land Use;
  - \$228.00 on rateable land of Category (e) (Industrial—Light) and Category (f) (Industrial—Other) Land Use; and
  - \$412.50 on rateable land of Category (g) (Primary Production) Land Use.
5. To impose an annual service charge on all land to which it provides or makes available the prescribed service known as the Kingston Community Wastewater Management System (CWMS) of:
  - \$624.00 per unit on each occupied allotment
  - \$253.00 per unit on each vacant allotment
6. To impose an annual service charge on all land to which it provides or makes available the prescribed service of Mobile Garbage Bin Collection and Disposal of:
  - \$284.30 per mobile garbage bin service collected from each allotment
 based upon the level of usage of the service and being charged in accordance with Council's Mobile Garbage Bin Collection and Disposal Policy.

IAN HART  
Chief Executive Officer

LIGHT REGIONAL COUNCIL  
LOCAL GOVERNMENT (ELECTIONS) ACT 1999  
*Supplementary Election—Nominations Received*

At the close of nominations at 12 noon on Thursday, 12 June 2025, the following people have been accepted as candidates and are listed below in the order in which they will appear on the ballot paper.

**Mayor—1 vacancy**

CLOSE, Bill  
ZELLER, Simon  
PHILLIPS-RYDER, Michael Arthur  
CHAMPION, Linda

**Campaign Disclosure Returns**

Candidates must lodge the following returns with the Electoral Commissioner:

- Campaign donation return
  - Return no. 1—lodgement from Thursday, 19 June to Thursday, 26 June 2025
  - Return no. 2—within 30 days of the conclusion of the election
- Large gift return
  - Return lodgement within 5 days after receipt, only required for gifts in excess of \$2,500

Detailed information about candidate disclosure return requirements can be found at [www.ecsa.sa.gov.au](http://www.ecsa.sa.gov.au)

**Voting conducted by post**

The election is conducted entirely by post and no polling booths will be open for voting. Ballot papers and reply-paid envelopes are mailed out between Tuesday, 1 July and Monday, 7 July 2025 to every person, body corporate and group listed on the voters roll at the close of rolls on 5pm, Wednesday, 30 April. Voting is voluntary.

A person who has not received voting material by Thursday, 10 July 2025, and believes they are entitled to vote, should contact the deputy returning officer on 1300 655 232 before 5pm, Monday, 21 July 2025.

Completed voting material must be sent to reach the returning officer no later than 12 noon on polling day Monday, 28 July 2025.

**Assisted voting**

Prescribed electors under Section 41A(8) of the *Local Government (Elections) Act 1999*, may vote via the telephone assisted voting method by calling the Electoral Commission SA on:

- 1300 655 232 within South Australia only
- 08 7424 7400 from interstate
- +61 8 7424 7400 from overseas

The Telephone Assisted Voting Centre will operate for the following times and days:

- 9am—5pm, Thursday, 24 July and Friday, 25 July 2025
- 9am—12 noon, Monday, 28 July 2025 (close of voting)

**Vote counting location**

The scrutiny and count will take place from 9:30am on Tuesday, 29 July 2025 at the following location:

- Electoral Commission SA Central Processing Centre
  - 81-95 Waymouth Street, Adelaide

A provisional declaration will be made at the conclusion of the election count.

Dated: 26 June 2025

MICK SHERRY  
Returning Officer

REMARK PARINGA COUNCIL  
LOCAL GOVERNMENT ACT 1999  
*Naming of Road*

Notice is hereby given that pursuant to Section 219 of the *Local Government Act 1999*, the Renmark Paringa Council on 22 April 2025 resolved that the unnamed roads as part of the Paringa Cliffs land division being Allotment 221 in D132923 and Allotment 211 in D128583 be named as follows:

Paringa Cliffs Road, Sunset Drive and Kingfisher Crescent.

Dated: 1 May 2025

T. SIVIOUR  
Chief Executive Officer

## PUBLIC NOTICES

### MAGNOLIA TRUSTS

#### *Notice of Final Distribution*

This notice is given by Shaun Matthews and Barry Wight of Cor Cordis of Level 29, 360 Collins Street, Melbourne, Victoria 3000 in their capacity as the joint and several receivers (**Receivers**) of the assets of the Magnolia Trusts. The Receivers are intending to distribute the assets of the Magnolia Trusts. Any creditor or other person having a claim in respect of the Magnolia Trusts is required by the Receivers to send particulars of any such claim or claims to the Receivers at their address by no later than **2 September 2025** after which date the Receivers may convey or distribute the assets of the Magnolia Trusts having regard only to the claims of which the Receivers then have notice.

Magnolia Capital Opportunities Fund II  
Magnolia Capital Emerging Companies Microcap Fund I  
Magnolia Capital Emerging Companies Real Estate Fund I  
Magnolia Capital Balancing Investment Pooled Mortgage Series I  
Magnolia Capital Special Opportunities Fund II  
Magnolia Capital Emerging Companies Investor Directed Holding Trust  
Magnolia Capital Balancing Investment Investor Directed Holding Trust  
Magnolia Capital Venture Capital Investor Directed Holding Trust  
Magnolia Capital Emerging Companies Pooled Holding Trust  
Magnolia Capital Balancing Investment Pooled Holding Trust

(together, the **Magnolia Trusts**)

Dated: 26 June 2025

Shaun Matthews and Barry Wight  
Receivers  
Cor Cordis  
Tel: (03) 8320 5655  
Email: [cthompson@corcordis.com.au](mailto:cthompson@corcordis.com.au)

### NATIONAL ELECTRICITY LAW

#### *Notice of Initiation*

#### *Notice of Extension*

#### *Notice of Draft Determination*

#### *Notice of Final Rule and Final Determination*

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

Under s 95, Energy Consumers Australia has requested the *Integrated distribution system planning* (Ref. ERC0410) proposal. The proposal seeks to improve the distribution planning process to make it better informed, more comprehensive and more proactive, so that distribution networks are more likely to maximise consumer benefits and minimise costs. Submissions must be received by **24 July 2025**.

Under s 107, the time for making the draft determination on the *Integrated distribution system planning* (Ref. ERC0410) proposal has been extended to **19 March 2026**.

Under s 99, the making of a draft determination on the *Efficient provision of inertia* proposal (Ref. ERC0339). Requests for a pre-determination hearing must be received by **3 July 2025**. Submissions must be received by **7 August 2025**.

Under ss 102, 102A and 103, the making of the *National Electricity Amendment (Allowing AEMO to accept cash as credit support) Rule 2025 No. 8* (Ref. ERC0403) and related final determination. Provisions commence as follows, Schedule 1 on **1 November 2026** and Schedule 2 on **3 July 2025**.

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

Written requests should be sent to [submissions@aemc.gov.au](mailto:submissions@aemc.gov.au) and cite the reference in the title. Before sending a request, please review the AEMC's privacy statement on its website.

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

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

Dated: 26 June 2025

### NATIONAL GAS LAW

#### *Notice of Draft Determination*

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

Under s 308, the making of a draft determination and related draft rule on the *ECGS Notice of closure for gas infrastructure* (Ref. GRC0074) proposal. Requests for a pre-determination hearing must be received by **3 July 2025**. Submissions must be received by **7 August 2025**.

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

Written requests should be sent to [submissions@aemc.gov.au](mailto:submissions@aemc.gov.au) and cite the reference in the title. Before sending a request, please review the AEMC's privacy statement on its website.

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

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

Dated: 26 June 2025

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#### TRUSTEE ACT 1936

##### PUBLIC TRUSTEE

##### *Estates of Deceased Persons*

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

DUKE Laurence Peter late of 209 The Golden Way Golden Grove Retired Senior Lecturer who died 9 December 2024  
HALL Stanley Anthony Lukas otherwise Stanley Anthony HALL late of 12 Catalina Road Elizabeth East Retired Storeman who died 27 February 2025  
HOUSTON Jeffrey late of 302a Goodwood Road Clarence Park of no occupation who died 10 June 2024  
LEE Glenda Mary late of 38 Aroona Road West Croydon Advocate who died 23 February 2025  
LORD Valda Catherine late of 6 Hammond Street Clarence Park of no occupation who died 6 April 2022  
RAYMOND Ronald Austin late of 12-16 King George Avenue North Brighton of no occupation who died 20 June 2024  
SCHUBERT Suzanne June late of 58 High Street Grange Retired Retail Worker who died 6 July 2024  
THOMPSON Shirley Ann late of 7 Raymond Grove Glenelg of no occupation who died 14 April 2022  
WAGNER Guenther Friedrich late of Lot 1661 Clarks Road Coober Pedy Opal Miner who died 14 July 2023  
WHALL Valerie Nina late of 50 Gulfview Road Christies Beach Retired Typist who died 1 October 2024

Notice is hereby given pursuant to the *Trustee Act 1936* (SA), the *Succession Act 2023* (SA) and the *Family Relationships Act 1975* (SA) that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the office of Public Trustee at GPO Box 1338, Adelaide 5001, full particulars and proof of such claims, on or before the 25 July 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: 26 June 2025

T. BRUMFIELD  
Public Trustee

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#### UNCLAIMED GOODS ACT 1987

##### *Notice of Intention to Sell*

Manheim Pty Ltd of 16-18 Windsor Avenue, Port Lincoln, SA 5606 intends to sell the following vehicles under the Disposal of *Unclaimed Goods Act 1987*. Owners of the vehicles have been sent notices that state that they are ready for collection. If said owners do not make arrangements for payment within 28 days from now they will be disposed of to settle any outstanding debt.

Make	Model Description	Registration No.	VIN
Holden	Captiva	S676CEX	KL3CD2669GB515256
Mazda	3 BL NEO	S407AKU	JM0BL10F100220585

Dated: 26 June 2025

REBECCA BARRY  
Cox Automotive Australia & New Zealand  
Ph: 1800 326 243

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#### UNCLAIMED GOODS ACT 1987

##### *Notice of Intention to Sell*

Manheim Pty Ltd of 7 Ramsay Avenue, Mount Gambier, SA 5290 intends to sell the following vehicles under the Disposal of *Unclaimed Goods Act 1987*. Owners of the vehicles have been sent notices that state that they are ready for collection. If said owners do not make arrangements for payment within 28 days from now they will be disposed of to settle any outstanding debt.

Make	Model Description	Registration No.	VIN
Hyundai	Terracan Highlander	S433BUP	KMHNM81XR5U175403

Dated: 26 June 2025

REBECCA BARRY  
Cox Automotive Australia & New Zealand  
Ph: 1800 326 243

# NOTICE SUBMISSION

The South Australian Government Gazette is published each Thursday afternoon.

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

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

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

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

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

## **Please provide the following information in your email:**

- Date of intended publication
- Contact details of the person responsible for the notice content
- Name and organisation to be charged for the publication—Local Council and Public notices only
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WEBSITE: [www.governmentgazette.sa.gov.au](http://www.governmentgazette.sa.gov.au)

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

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