



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ADELAIDE, THURSDAY, 30 JUNE 2022

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GOVERNOR'S INSTRUMENTS

APPOINTMENTS

Department of the Premier and Cabinet
Adelaide, 30 June 2022

Her Excellency the Governor 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 2022 until 30 June 2023

Anna-Maree Erica Hughes
Mark Andrew Twells
Christine Jackie Uncle

Chair: from 1 July 2022 until 30 June 2023

Anna-Maree Erica Hughes

By command,

SUSAN ELIZABETH CLOSE, MP
For Premier

T&F22/027CS

Department of the Premier and Cabinet
Adelaide, 30 June 2022

Her Excellency the Governor in Executive Council has been pleased to appoint Roger James Thomas to the position of Commissioner for Aboriginal Engagement for a period commencing on 1 July 2022 and expiring on 31 December 2022 - pursuant to section 68 of the Constitution Act 1934.

By command,

SUSAN ELIZABETH CLOSE, MP
For Premier

AGO0058-22CS

Department of the Premier and Cabinet
Adelaide, 30 June 2022

Her Excellency the Governor in Executive Council has been pleased to appoint Dale Wayne Agius, as Commissioner for First Nations' Voice, for a term commencing on 25 July 2022 and expiring on 30 June 2023 - pursuant to section 68 of the Constitution Act 1934.

By command,

SUSAN ELIZABETH CLOSE, MP
For Premier

AGO0059-22CS

Department of the Premier and Cabinet
Adelaide, 30 June 2022

Her Excellency the Governor in Executive Council has been pleased to appoint Nerissa Jayne Kilvert as the Small Business Commissioner for a term of three years commencing on 30 June 2022 and expiring on 29 June 2025 – pursuant to sections 4 and 7 of the Small Business Commissioner Act 2011.

By command,

SUSAN ELIZABETH CLOSE, MP
For Premier

SFB0001-22CS

Department of the Premier and Cabinet
Adelaide, 30 June 2022

Her Excellency the Governor in Executive Council has been pleased to appoint Lynne Susanna Williams as a part time Commissioner and Acting Chairperson of the Essential Services Commission of South Australia for a period of 18 months commencing on 1 July 2022 and expiring on 31 December 2023 - pursuant to sections 12, 13 and 14 of the Essential Services Commission Act 2002.

By command,

SUSAN ELIZABETH CLOSE, MP
For Premier

T&F22/029CS

Department of the Premier and Cabinet
Adelaide, 30 June 2022

Her Excellency the Governor in Executive Council has been pleased to appoint June Ruby Roache as a part-time Commissioner of the Essential Services Commission of South Australia for a period of 1 year commencing on 1 July 2022 and expiring on 30 June 2023 - pursuant to sections 12 and 13 of the Essential Services Commission Act 2002.

By command,

SUSAN ELIZABETH CLOSE, MP
For Premier

T&F22/029CS

Department of the Premier and Cabinet
Adelaide, 30 June 2022

Her Excellency the Governor in Executive Council has been pleased to appoint David Keith Round as a part-time Commissioner of the Essential Services Commission of South Australia for a period of 6 months commencing on 1 July 2022 and expiring on 31 December 2022 - pursuant to sections 12 and 13 of the Essential Services Commission Act 2002.

By command,

SUSAN ELIZABETH CLOSE, MP
For Premier

T&F22/029CS

Department of the Premier and Cabinet
Adelaide, 30 June 2022

Her Excellency the Governor in Executive Council has been pleased to appoint Rennie Gay to the position of Community Visitor for a period of 3 years commencing on 30 June 2022 and expiring on 29 June 2025 - pursuant to the provisions of the Mental Health Act 2009.

By command,

SUSAN ELIZABETH CLOSE, MP
For Premier

HEAC-2022-00024

Department of the Premier and Cabinet
Adelaide, 30 June 2022

Her Excellency the Governor in Executive Council has been pleased to appoint Frank Arnold Walsh to the position of Community Visitor for a period of 3 years commencing on 30 June 2022 and expiring on 29 June 2025 - pursuant to the provisions of the Mental Health Act 2009.

By command,

SUSAN ELIZABETH CLOSE, MP
For Premier

HEAC-2022-00024

EMERGENCY SERVICES FUNDING ACT 1998

South Australia

Emergency Services Funding (Declaration of Levy and Area and Land Use Factors) Notice 2022

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 2022*.

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 2022/2023 financial year comprises—

- (a) an amount of 0.1125 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 2022/2023 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 2022/2023 financial year are as follows:

- (a) commercial—1.158;
- (b) industrial—1.817;
- (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 2022/2023 financial year is 30 June 2022.

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 \$310.5 million needs to be raised by the levy on land under Part 3 Division 1 of the Act to fund emergency services in the 2022/2023 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 2022/2023 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 2022/2023 emergency services expenditure and projected 2022/2023 revenue from the levy under Part 3 Division 2 of the Act, 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

on the recommendation of the Treasurer and with the advice and consent of the Executive Council
on 30 June 2022

EMERGENCY SERVICES FUNDING ACT 1998

South Australia

Emergency Services Funding (Declaration for Vehicles and Vessels) Notice 2022

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 2022*.

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 2022/2023 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
- 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 2 Rideshare

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

on the recommendation of the Treasurer and with the advice and consent of the Executive Council
on 30 June 2022

PROCLAMATIONS

South Australia

Administrative Arrangements (Committal of Acts) Proclamation 2022

under section 5 of the *Administrative Arrangements Act 1994*

1—Short title

This proclamation may be cited as the *Administrative Arrangements (Committal of Acts) Proclamation 2022*.

2—Commencement

This proclamation comes into operation on 1 July 2022.

3—Committal of Acts

The administration of an Act referred to in Schedule 1 is committed to the Minister whose title appears at the head of the list in which the Act appears.

Schedule 1—Acts committed to Ministers

Minister for Arts

South Australian Film Corporation Act 1972

Minister for Planning

Bills of Sale Act 1886

Electronic Conveyancing National Law (South Australia) Act 2013

Geographical Names Act 1991

Law of Property Act 1936

Real Property Act 1886

Real Property (Registration of Titles) Act 1945

Registration of Deeds Act 1935

Roads (Opening and Closing) Act 1991

Stock Mortgages and Wool Liens Act 1924

Worker's Liens Act 1893

Made by the Governor

with the advice and consent of the Executive Council
on 30 June 2022

South Australia

Administrative Arrangements (References to Ministers and Transfer of Assets) Proclamation 2022

under sections 7 and 8 of the *Administrative Arrangements Act 1994*

1—Short title

This proclamation may be cited as the *Administrative Arrangements (References to Ministers and Transfer of Assets) Proclamation 2022*.

2—Commencement

This proclamation comes into operation on 1 July 2022.

3—Interpretative provisions

- (1) A reference to the Minister in the *Public Corporations (StudyAdelaide) Regulations 2011*, or in a contract, agreement or other document made or entered into in connection with those regulations before 1 July 2022, will have effect as if it were a reference to the Minister for Industry, Innovation and Science.
- (2) A reference to "the Minister" or "the Minister for Innovation and Skills" in an instrument, or a contract, agreement or other document made or entered into before 1 July 2022 relating to activities in connection with the premises at 192 to 200 Pulteney Street, Adelaide (known as St Paul's Creative Centre), will have effect as if it were a reference to the Minister for Arts.

4—Assets etc and references relating to *Pastoral Land Management and Conservation Act 1989*

- (1) The assets, rights and liabilities of the Minister for Primary Industries and Regional Development relating to the administration of the *Pastoral Land Management and Conservation Act 1989* are transferred to the Minister for Climate, Environment and Water.
- (2) A reference to the Minister for Primary Industries and Regional Development in an instrument or contract, agreement or other document made or entered into under or in connection with the *Pastoral Land Management and Conservation Act 1989* before 1 July 2022 will have effect as if it were reference to the Minister for Climate, Environment and Water.

Made by the Governor

with the advice and consent of the Executive Council
on 30 June 2022

South Australia

Administrative Arrangements (Section 11) (Repeal) Proclamation 2022

under section 11 of the *Administrative Arrangements Act 1994*

Part 1—Preliminary

1—Short title

This proclamation may be cited as the *Administrative Arrangements (Section 11) (Repeal) Proclamation 2022*.

2—Commencement

This proclamation comes into operation on 1 July 2022.

Part 2—Repeal of proclamations

3—Repeal of *Administrative Arrangements (References to Minister for the Arts) Proclamation 2018*

The *Administrative Arrangements (References to Minister for the Arts) Proclamation 2018* (Gazette 05.07.2018 p2735-6) is repealed.

4—Repeal of *Administrative Arrangements (Conferral of Ministerial Functions and Powers) Proclamation 2018*

The *Administrative Arrangements (Conferral of Ministerial Functions and Powers) Proclamation 2018* (Gazette 02.08.2018 p2987) is repealed.

Made by the Governor

with the advice and consent of the Executive Council
on 30 June 2022

South Australia

Public Sector (Alteration of Title of Department for Innovation and Skills) Proclamation 2022

under section 26 of the *Public Sector Act 2009*

1—Short title

This proclamation may be cited as the *Public Sector (Alteration of Title of Department for Innovation and Skills) Proclamation 2022*.

2—Commencement

This proclamation comes into operation on 1 July 2022.

3—Alteration of title of Department for Innovation and Skills

The title of the Department for Innovation and Skills is altered to the Department for Industry, Innovation and Science.

Made by the Governor

with the advice and consent of the Executive Council
on 30 June 2022

South Australia

South Australian Civil and Administrative Tribunal (Appointment of President) Proclamation 2022

under section 10 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 President) Proclamation 2022*.

2—Commencement

This proclamation comes into operation on 4 July 2022.

3—Appointment of President

Judith Hughes, a Judge of the Supreme Court, is appointed to be the President of the South Australian Civil and Administrative Tribunal from 4 July 2022.

Made by the Governor

after consultation by the Attorney-General with the Chief Justice of the Supreme Court and with the advice and consent of the Executive Council
on 30 June 2022

REGULATIONS

South Australia

**Emergency Services Funding (Remissions—Land)
(Miscellaneous) Amendment Regulations 2022**under the *Emergency Services Funding Act 1998***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 Repeal of Parts 1A and 1B
- 5 Amendment of regulation 7—Amount of remission
- 6 Amendment of regulation 8B—Amount of remission
- 7 Amendment of regulation 8D—Amount of remission
- 8 Amendment of regulation 10—Amount of remission
- 9 Amendment of regulation 10B—Amount of remission—certain land uses
- 10 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 2022*.

2—Commencement

These regulations come into operation on 1 July 2022.

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 "2021/2022" and substitute:

2022/2023

4—Repeal of Parts 1A and 1B

Parts 1A and 1B—delete the Parts

5—Amendment of regulation 7—Amount of remission

- (1) Regulation 7(1a)—delete "0.000449" and substitute:

0.000393

- (2) Regulation 7(2)—delete "0.000256" and substitute:

0.000222

6—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—0.000222; or
- (b) if the land is commercial land—0.000824; or
- (c) if the land is rural land situated in Regional area 1, Regional area 2 or Regional area 3—0.000081; or
- (d) if the land is rural land situated in Regional area 4—0.000222.

7—Amendment of regulation 8D—Amount of remission

- (1) Regulation 8D(1)—delete "0.000804" and substitute:

0.000764

- (2) Regulation 8D(2)—delete "0.000693" and substitute:

0.000597

8—Amendment of regulation 10—Amount of remission

Regulation 10(3)—delete "0.000963" and substitute:

0.000903

9—Amendment of regulation 10B—Amount of remission—certain land uses

- (1) Regulation 10B(1)(b)—delete "0.000418" and substitute:

0.000363

- (2) Regulation 10B(2)—delete "0.000256" and substitute:

0.000222

10—Amendment of regulation 10D—Amount of remission

Regulation 10D—delete "0.000864" and substitute:

0.000808

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

on the recommendation of the Treasurer and with the advice and consent of the Executive Council
on 30 June 2022

No 50 of 2022

South Australia

Fisheries Management (Marine Scalefish Fishery) (Quota) Amendment Regulations 2022

under the *Fisheries Management Act 2007*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*

- 3 Substitution of regulation 11
 - 11 Restriction on fishing activities in which registered masters other than licence holder may be engaged
- 4 Amendment of regulation 14—Individual King George whiting catch quota system
- 5 Amendment of regulation 15—Individual pipi catch quota system
- 6 Amendment of regulation 16—Individual blue crab catch quota system
- 7 Amendment of regulation 17—Individual snapper catch quota system
- 8 Amendment of regulation 17A—Individual southern calamari catch quota system
- 9 Amendment of regulation 17B—Individual southern garfish catch quota system

Schedule 1—Transitional provisions etc

- 1 Interpretation
 - 2 Transitional provisions etc
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Marine Scalefish Fishery) (Quota) Amendment Regulations 2022*.

2—Commencement

These regulations come into operation on 1 July 2022.

Part 2—Amendment of *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*

3—Substitution of regulation 11

Regulation 11—delete the regulation and substitute:

11—Restriction on fishing activities in which registered masters other than licence holder may be engaged

If a person holds only 1 licence in respect of the fishery, a registered master other than the holder of the licence must not engage in fishing activities under the licence other than—

- (a) in the case of a licence subject to a condition fixing a pipi quota entitlement—the taking of pipi under the licence; or
- (b) in the case of a licence that authorises the use of ocean jacket traps or sand crab pots—fishing activities involving the use of those devices,

unless the person is acting in place of the holder of the licence with the consent of the Minister under section 53 of the Act.

Maximum penalty: \$5 000.

Expiation fee: \$315.

4—Amendment of regulation 14—Individual King George whiting catch quota system

- (1) Regulation 14(1)—before the definition of *King George whiting quota entitlement* insert:

following quota period, in relation to a first quota period and the holder of a licence in respect of the fishery, means the next quota period during which King George whiting may be taken by the holder of the licence following the first quota period;

initial allocation, in relation to the allocation of King George whiting units to a licence in respect of the fishery and a particular King George whiting fishing zone, means the allocation of King George whiting units to the licence made in respect of that zone on or before the commencement of the quota period 2021-2022;

- (2) Regulation 14—after subregulation (4) insert:

- (4a) The Minister may, after the commencement of a quota period, vary a determination under subregulation (4) to increase the value of a King George whiting unit in relation to a particular King George Whiting fishing zone.

- (3) Regulation 14(5)—after paragraph (a) insert:

- (ab) the Minister may vary the conditions of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a King George whiting quota entitlement in respect of a particular King George whiting fishing zone to increase the unit entitlement under the licence in respect of that zone if the Minister determines that—

- (i) exceptional circumstances (as referred to in subregulation (2)(c)) apply (or applied) to the holder of the licence in respect of the initial allocation of King George whiting units under the licence; and
 - (ii) the additional units should be allocated to take account of (or further take account of) those circumstances;
 - (ac) the Minister may vary the conditions of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a King George whiting quota entitlement in respect of a particular King George whiting fishing zone to increase the unit entitlement under the licence in respect of that zone for a specified quota period (or periods) to take account of—
 - (i) any additional units allocated to the licence by the Minister on the basis that exceptional circumstances apply (or applied) to the holder of the licence in respect of the initial allocation of King George whiting units under the licence; and
 - (ii) the fact that those additional units did not form part of the unit entitlement under the licence for the quota period 2021-2022 and, if relevant, a subsequent quota period (or part of a subsequent quota period);
- (4) Regulation 14(5)(f) and (g)—delete paragraphs (f) and (g) and substitute:
 - (f) if the total catch of King George whiting taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a King George whiting quota entitlement in respect of a particular King George whiting fishing zone during a quota period (the *first quota period*) (being a quota period that commenced on or after 1 July 2021) is less than the King George whiting quota entitlement under the licence for that fishing zone and that quota period, the Minister may vary the conditions of the licence so as to increase the King George whiting quota entitlement in respect of that fishing zone for the following quota period (the *subsequent quota period*) by 1 kilogram of King George whiting for each kilogram by which the catch fell short of the King George whiting quota entitlement for the first quota period up to—
 - (i) —
 - (A) 10% of the quota entitlement for the first quota period; or
 - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period; or
 - (ii) if the Minister is satisfied that exceptional circumstances apply—
 - (A) a percentage that exceeds 10% of the quota entitlement for the first quota period; or
 - (B) such other greater kilogram amount of catch,
as is determined by the Minister on or before the commencement of the subsequent quota period;

- (g) if the total catch of King George whiting taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a King George whiting quota entitlement in respect of a particular King George whiting fishing zone during a quota period (the *first quota period*) (being a quota period that commences on or after 1 July 2022) exceeded the King George whiting quota entitlement under the licence for that fishing zone and that quota period, the conditions of the licence may be varied so as to decrease the quota entitlement in respect of that fishing zone for the following quota period (the *subsequent quota period*) as follows:
- (i) if the catch exceeded the quota entitlement by—
 - (A) an amount not exceeding 10% of the quota entitlement for the first quota period; or
 - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 1 kilogram of King George whiting for each kilogram taken in excess of the quota entitlement; or
 - (ii) if the catch exceeded the quota entitlement by—
 - (A) an amount greater than 10% of the quota entitlement for the first quota period; or
 - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 2 kilograms of King George whiting for each kilogram taken in excess of the quota entitlement.
- (5) Regulation 14—after subregulation (5) insert:
- (5a) For the purposes of—
 - (a) subregulation (5)(f)(i) and (ii); and
 - (b) subregulation (5)(g)(i) and (ii),any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence previously made under subregulation (5)(f)(i) or (ii) must be disregarded.
 - (5b) A variation of a quota entitlement under subregulation (5)(f) or (g) must be expressed to apply only for the quota period during which the variation is made.
 - (5c) An application under subregulation (5)(b) or (c) may not be made in respect of King George whiting units allocated to the licence under subregulation (5)(f).

5—Amendment of regulation 15—Individual pipi catch quota system

- (1) Regulation 15(1)—before the definition of *pipi quota entitlement* insert:

following quota period, in relation to a first quota period and the holder of a licence in respect of the fishery, means the next quota period during which pipi may be taken by the holder of the licence following the first quota period;

- (2) Regulation 15(3)(c) and (d)—delete paragraphs (c) and (d) and substitute:

- (c) if the total catch of pipi taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement during a quota period (the *first quota period*) (being a quota period that commenced on or after 1 July 2021) is less than the pipi quota entitlement under the licence for that quota period, the Minister may vary the conditions of the licence so as to increase the pipi quota entitlement for the following quota period (the *subsequent quota period*) by 1 kilogram of pipi for each kilogram by which the catch fell short of the pipi quota entitlement for the first quota period up to—

- (i) —

(A) 10% of the quota entitlement for the first quota period; or

(B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period; or

- (ii) if the Minister is satisfied that exceptional circumstances apply—

(A) a percentage that exceeds 10% of the quota entitlement for the first quota period; or

(B) such other greater kilogram amount of catch,

as is determined by the Minister on or before the commencement of the subsequent quota period;

- (d) if the total catch of pipi taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement during a quota period (the *first quota period*) (being a quota period that commences on or after 1 July 2022) exceeded the pipi quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the quota entitlement for the following quota period (the *subsequent quota period*) as follows:

- (i) if the catch exceeded the quota entitlement by—

(A) an amount not exceeding 10% of the quota entitlement for the first quota period; or

(B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,

by 1 kilogram of pipi for each kilogram taken in excess of the quota entitlement; or

- (ii) if the catch exceeded the quota entitlement by—
 - (A) an amount greater than 10% of the quota entitlement for the first quota period; or
 - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 2 kilograms of pipi for each kilogram taken in excess of the quota entitlement.
- (3) Regulation 15—after subregulation (3a) insert:
 - (3b) For the purposes of—
 - (a) subregulation (3)(c)(i) and (ii); and
 - (b) subregulation (3)(d)(i) and (ii),the following must be disregarded:
 - (c) any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence made under subregulation (3)(ba); or
 - (d) any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence previously made under subregulation (3)(c)(i) or (ii).
 - (3c) A variation of a quota entitlement under subregulation (3)(c) or (d) must be expressed to apply only for the quota period during which the variation is made.
 - (3d) An application under subregulation (3)(a) or (b)(i) may not be made in respect of pipi units allocated to the licence under subregulation (3)(c).

6—Amendment of regulation 16—Individual blue crab catch quota system

- (1) Regulation 16(1)—before the definition of *quota period* insert:

following quota period, in relation to a first quota period and the holder of a licence in respect of the fishery, means the next quota period during which blue crab may be taken by the holder of the licence following the first quota period;
- (2) Regulation 16(1), definitions of *quota period 2019-2020* and *quota period 2020-2021*—delete the definitions

(3) Regulation 16(3)(da) to (g)—delete paragraphs (da) to (g) (inclusive) and substitute:

- (e) if the total catch of blue crab taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a blue crab quota entitlement in respect of a particular blue crab fishing zone during a quota period (the *first quota period*) (being a quota period that commenced on or after 1 July 2021) is less than the blue crab quota entitlement under the licence for that fishing zone and that quota period, the Minister may vary the conditions of the licence so as to increase the blue crab quota entitlement in respect of that fishing zone for the following quota period (the *subsequent quota period*) by 1 kilogram of blue crab for each kilogram by which the catch fell short of the blue crab quota entitlement for the first quota period up to—
- (i) —
- (A) 10% of the quota entitlement for the first quota period; or
- (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period; or
- (ii) if the Minister is satisfied that exceptional circumstances apply—
- (A) a percentage that exceeds 10% of the quota entitlement for the first quota period; or
- (B) such other greater kilogram amount of catch,
as is determined by the Minister on or before the commencement of the subsequent quota period;
- (f) if the total catch of blue crab taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a blue crab quota entitlement in respect of a particular blue crab fishing zone during a quota period (the *first quota period*) (being a quota period that commences on or after 1 July 2022) exceeded the blue crab quota entitlement under the licence for that fishing zone and that quota period, the conditions of the licence may be varied so as to decrease the quota entitlement in respect of that fishing zone for the following quota period (the *subsequent quota period*) as follows:
- (i) if the catch exceeded the quota entitlement by—
- (A) an amount not exceeding 10% of the quota entitlement for the first quota period; or
- (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,
by 1 kilogram of blue crab for each kilogram taken in excess of the quota entitlement; or
- (ii) if the catch exceeded the quota entitlement by—

- (A) an amount greater than 10% of the quota entitlement for the first quota period; or
 - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,
- by 2 kilograms of blue crab for each kilogram taken in excess of the quota entitlement.
- (4) Regulation 16—after subregulation (3) insert:
- (3a) For the purposes of—
 - (a) subregulation (3)(e)(i) and (ii); and
 - (b) subregulation (3)(f)(i) and (ii),any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence previously made under subregulation (3)(e)(i) or (ii) must be disregarded.
 - (3b) A variation of a quota entitlement under subregulation (3)(e) or (f) must be expressed to apply only for the quota period during which the variation is made.
 - (3c) An application under subregulation (3)(a), (b) or (c)(i) may not be made in respect of blue crab units allocated to the licence under subregulation (3)(e).

7—Amendment of regulation 17—Individual snapper catch quota system

- (1) Regulation 17(1)—before the definition of *quota period* insert:
- following quota period*, in relation to a first quota period and the holder of a licence in respect of the fishery, means the next quota period during which snapper may be taken by the holder of the licence following the first quota period;
- initial allocation*, in relation to the allocation of snapper units to a licence in respect of the fishery and a particular snapper fishing zone, means the allocation of snapper units to the licence made in respect of that zone on or before the commencement of the quota period 2021-2022;
- (2) Regulation 17—after subregulation (4) insert:
- (4a) The Minister may, after the commencement of a quota period, vary a determination under subregulation (4) to increase the value of a snapper unit in relation to a particular snapper fishing zone.
- (3) Regulation 17(5)—after paragraph (a) insert:
- (ab) the Minister may vary the conditions of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a snapper quota entitlement in respect of a particular snapper fishing zone to increase the unit entitlement under the licence in respect of that zone if the Minister determines that—

- (i) exceptional circumstances (as referred to in subregulation (2)(c)) apply (or applied) to the holder of the licence in respect of the initial allocation of snapper units under the licence; and
 - (ii) the additional units should be allocated to take account of (or further take account of) those circumstances;
 - (ac) the Minister may vary the conditions of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a snapper quota entitlement in respect of a particular snapper fishing zone to increase the unit entitlement under the licence in respect of that zone for a specified quota period (or periods) to take account of—
 - (i) any additional units allocated to the licence by the Minister on the basis that exceptional circumstances apply (or applied) to the holder of the licence in respect of the initial allocation of snapper units under the licence; and
 - (ii) the fact that those additional units did not form part of the unit entitlement under the licence for the quota period 2021-2022 and, if relevant, a subsequent quota period (or part of a subsequent quota period);
- (4) Regulation 17(5)(f) and (g)—delete paragraphs (f) and (g) and substitute:
 - (f) if the total catch of snapper taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a snapper quota entitlement in respect of a particular snapper fishing zone during a quota period (the *first quota period*) (being a quota period that commenced on or after 1 July 2021) is less than the snapper quota entitlement under the licence for that fishing zone and that quota period, the Minister may vary the conditions of the licence so as to increase the snapper quota entitlement in respect of that fishing zone for the following quota period (the *subsequent quota period*) by 1 kilogram of snapper for each kilogram by which the catch fell short of the snapper quota entitlement for the first quota period up to—
 - (i) —
 - (A) 10% of the quota entitlement for the first quota period; or
 - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period; or
 - (ii) if the Minister is satisfied that exceptional circumstances apply—
 - (A) a percentage that exceeds 10% of the quota entitlement for the first quota period; or
 - (B) such other greater kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period;

- (g) if the total catch of snapper taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a snapper quota entitlement in respect of a particular snapper fishing zone during a quota period (the *first quota period*) (being a quota period that commences on or after 1 July 2022) exceeded the snapper quota entitlement under the licence for that fishing zone and that quota period, the conditions of the licence may be varied so as to decrease the quota entitlement in respect of that fishing zone for the following quota period (the *subsequent quota period*) as follows:
- (i) if the catch exceeded the quota entitlement by—
 - (A) an amount not exceeding 10% of the quota entitlement for the first quota period; or
 - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 1 kilogram of snapper for each kilogram taken in excess of the quota entitlement; or
 - (ii) if the catch exceeded the quota entitlement by—
 - (A) an amount greater than 10% of the quota entitlement for the first quota period; or
 - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 2 kilograms of snapper for each kilogram taken in excess of the quota entitlement.
- (5) Regulation 17—after subregulation (5) insert:
- (5a) For the purposes of—
 - (a) subregulation (5)(f)(i) and (ii); and
 - (b) subregulation (5)(g)(i) and (ii),any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence previously made under subregulation (5)(f)(i) or (ii) must be disregarded.
 - (5b) A variation of a quota entitlement under subregulation (5)(f) or (g) must be expressed to apply only for the quota period during which the variation is made.
 - (5c) An application under subregulation (5)(b) or (c) may not be made in respect of snapper units allocated to the licence under subregulation (5)(f).

8—Amendment of regulation 17A—Individual southern calamari catch quota system

- (1) Regulation 17A(1)—before the definition of *quota period* insert:

following quota period, in relation to a first quota period and the holder of a licence in respect of the fishery, means the next quota period during which southern calamari may be taken by the holder of the licence following the first quota period;

initial allocation, in relation to the allocation of southern calamari units to a licence in respect of the fishery and a particular southern calamari fishing zone, means the allocation of southern calamari units to the licence made in respect of that zone on or before the commencement of the quota period 2021-2022;

- (2) Regulation 17A—after subregulation (4) insert:

- (4a) The Minister may, after the commencement of a quota period, vary a determination under subregulation (4) to increase the value of a southern calamari unit in relation to a particular southern calamari fishing zone.

- (3) Regulation 17A(5)—after paragraph (a) insert:

- (ab) the Minister may vary the conditions of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern calamari quota entitlement in respect of a particular southern calamari fishing zone to increase the unit entitlement under the licence in respect of that zone if the Minister determines that—
- (i) exceptional circumstances (as referred to in subregulation (2)(c)) apply (or applied) to the holder of the licence in respect of the initial allocation of southern calamari units under the licence; and
 - (ii) the additional units should be allocated to take account of (or further take account of) those circumstances;
- (ac) the Minister may vary the conditions of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern calamari quota entitlement in respect of a particular southern calamari fishing zone to increase the unit entitlement under the licence in respect of that zone for a specified quota period (or periods) to take account of—
- (i) any additional units allocated to the licence by the Minister on the basis that exceptional circumstances apply (or applied) to the holder of the licence in respect of the initial allocation of southern calamari units under the licence; and
 - (ii) the fact that those additional units did not form part of the unit entitlement under the licence for the quota period 2021-2022 and, if relevant, a subsequent quota period (or part of a subsequent quota period);

(4) Regulation 17A(5)(f) and (g)—delete paragraphs (f) and (g) and substitute:

- (f) if the total catch of southern calamari taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern calamari quota entitlement in respect of a particular southern calamari fishing zone during a quota period (the *first quota period*) (being a quota period that commenced on or after 1 July 2021) is less than the southern calamari quota entitlement under the licence for that fishing zone and that quota period, the Minister may vary the conditions of the licence so as to increase the southern calamari quota entitlement in respect of that fishing zone for the following quota period (the *subsequent quota period*) by 1 kilogram of southern calamari for each kilogram by which the catch fell short of the southern calamari quota entitlement for the first quota period up to—
- (i) —
- (A) 10% of the quota entitlement for the first quota period; or
- (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period; or
- (ii) if the Minister is satisfied that exceptional circumstances apply—
- (A) a percentage that exceeds 10% of the quota entitlement for the first quota period; or
- (B) such other greater kilogram amount of catch,
as is determined by the Minister on or before the commencement of the subsequent quota period;
- (g) if the total catch of southern calamari taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern calamari quota entitlement in respect of a particular southern calamari fishing zone during a quota period (the *first quota period*) (being a quota period that commences on or after 1 July 2022) exceeded the southern calamari quota entitlement under the licence for that fishing zone and that quota period, the conditions of the licence may be varied so as to decrease the quota entitlement in respect of that fishing zone for the following quota period (the *subsequent quota period*) as follows:
- (i) if the catch exceeded the quota entitlement by—
- (A) an amount not exceeding 10% of the quota entitlement for the first quota period; or
- (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,
by 1 kilogram of southern calamari for each kilogram taken in excess of the quota entitlement; or
- (ii) if the catch exceeded the quota entitlement by—

- (A) an amount greater than 10% of the quota entitlement for the first quota period; or
 - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,
- by 2 kilograms of southern calamari for each kilogram taken in excess of the quota entitlement.
- (5) Regulation 17A—after subregulation (5) insert:
- (5a) For the purposes of—
 - (a) subregulation (5)(f)(i) and (ii); and
 - (b) subregulation (5)(g)(i) and (ii),any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence previously made under subregulation (5)(f)(i) or (ii) must be disregarded.
 - (5b) A variation of a quota entitlement under subregulation (5)(f) or (g) must be expressed to apply only for the quota period during which the variation is made.
 - (5c) An application under subregulation (5)(b) or (c) may not be made in respect of southern calamari units allocated to the licence under subregulation (5)(f).

9—Amendment of regulation 17B—Individual southern garfish catch quota system

- (1) Regulation 17B(1)—before the definition of *quota period* insert:
- following quota period*, in relation to a first quota period and the holder of a licence in respect of the fishery, means the next quota period during which southern garfish may be taken by the holder of the licence following the first quota period;
- initial allocation*, in relation to the allocation of southern garfish units to a licence in respect of the fishery and a particular southern garfish fishing zone, means the allocation of southern garfish units to the licence made in respect of that zone on or before the commencement of the quota period 2021-2022;
- (2) Regulation 17B—after subregulation (4) insert:
- (4a) The Minister may, after the commencement of a quota period, vary a determination under subregulation (4) to increase the value of a southern garfish unit in relation to a particular southern garfish fishing zone.
- (3) Regulation 17B(5)—after paragraph (a) insert:
- (ab) the Minister may vary the conditions of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern garfish quota entitlement in respect of a particular southern garfish fishing zone to increase the unit entitlement under the licence in respect of that zone if the Minister determines that—

- (i) exceptional circumstances (as referred to in subregulation (2)(c)) apply (or applied) to the holder of the licence in respect of the initial allocation of southern garfish units under the licence; and
 - (ii) the additional units should be allocated to take account of (or further take account of) those circumstances;
 - (ac) the Minister may vary the conditions of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern garfish quota entitlement in respect of a particular southern garfish fishing zone to increase the unit entitlement under the licence in respect of that zone for a specified quota period (or periods) to take account of—
 - (i) any additional units allocated to the licence by the Minister on the basis that exceptional circumstances apply (or applied) to the holder of the licence in respect of the initial allocation of southern garfish units under the licence; and
 - (ii) the fact that those additional units did not form part of the unit entitlement under the licence for the quota period 2021-2022 and, if relevant, a subsequent quota period (or part of a subsequent quota period);
- (4) Regulation 17B(5)(f) and (g)—delete paragraphs (f) and (g) and substitute:
 - (f) if the total catch of southern garfish taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern garfish quota entitlement in respect of a particular southern garfish fishing zone during a quota period (the *first quota period*) (being a quota period that commenced on or after 1 July 2021) is less than the southern garfish quota entitlement under the licence for that fishing zone and that quota period, the Minister may vary the conditions of the licence so as to increase the southern garfish quota entitlement in respect of that fishing zone for the following quota period (the *subsequent quota period*) by 1 kilogram of southern garfish for each kilogram by which the catch fell short of the southern garfish quota entitlement for the first quota period up to—
 - (i) —
 - (A) 10% of the quota entitlement for the first quota period; or
 - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period; or
 - (ii) if the Minister is satisfied that exceptional circumstances apply—
 - (A) a percentage that exceeds 10% of the quota entitlement for the first quota period; or
 - (B) such other greater kilogram amount of catch,
as is determined by the Minister on or before the commencement of the subsequent quota period;

- (g) if the total catch of southern garfish taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern garfish quota entitlement in respect of a particular southern garfish fishing zone during a quota period (the *first quota period*) (being a quota period that commences on or after 1 July 2022) exceeded the southern garfish quota entitlement under the licence for that fishing zone and that quota period, the conditions of the licence may be varied so as to decrease the quota entitlement in respect of that fishing zone for the following quota period (the *subsequent quota period*) as follows:
- (i) if the catch exceeded the quota entitlement by—
 - (A) an amount not exceeding 10% of the quota entitlement for the first quota period; or
 - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 1 kilogram of southern garfish for each kilogram taken in excess of the quota entitlement; or
 - (ii) if the catch exceeded the quota entitlement by—
 - (A) an amount greater than 10% of the quota entitlement for the first quota period; or
 - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 2 kilograms of southern garfish for each kilogram taken in excess of the quota entitlement.
- (5) Regulation 17B—after subregulation (5) insert:
- (5a) For the purposes of—
 - (a) subregulation (5)(f)(i) and (ii); and
 - (b) subregulation (5)(g)(i) and (ii),any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence previously made under subregulation (5)(f)(i) or (ii) must be disregarded.
 - (5b) A variation of a quota entitlement under subregulation (5)(f) or (g) must be expressed to apply only for the quota period during which the variation is made.
 - (5c) An application under subregulation (5)(b) or (c) may not be made in respect of southern garfish units allocated to the licence under subregulation (5)(f).

Schedule 1—Transitional provisions etc

1—Interpretation

In this Schedule—

principal regulations means the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*;

relevant day means 1 July 2022.

2—Transitional provisions etc

- (1) If the total catch of King George whiting taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a King George whiting quota entitlement during the quota period that commenced on 1 July 2021 exceeded the quota entitlement under the licence for that quota period, then despite the deletion of regulation 14(5)(f) of the principal regulations by regulation 4(4) of these regulations, regulation 14(5)(f), as in force immediately before the relevant day, continues to apply to the licence such that the Minister may vary the conditions of the licence, in accordance with that regulation, in relation to the quota period commencing on 1 July 2022.
- (2) If the total catch of pipi taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement during the quota period that commenced on 1 July 2021 exceeded the quota entitlement under the licence for that quota period, then despite the deletion of regulation 15(3)(c) of the principal regulations by regulation 5(2) of these regulations, regulation 15(3)(c), as in force immediately before the relevant day, continues to apply to the licence such that the Minister may vary the conditions of the licence, in accordance with that regulation, in relation to the quota period commencing on 1 July 2022.
- (3) If the total catch of blue crab taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a blue crab quota entitlement during the quota period that commenced on 1 July 2021 exceeded the quota entitlement under the licence for that quota period, then despite the deletion of regulation 16(3)(e) of the principal regulations by regulation 6(3) of these regulations, regulation 16(3)(e), as in force immediately before the relevant day, continues to apply to the licence such that the Minister may vary the conditions of the licence, in accordance with that regulation, in relation to the quota period commencing on 1 July 2022.
- (4) If the total catch of snapper taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a snapper quota entitlement during the quota period that commenced on 1 July 2021 exceeded the quota entitlement under the licence for that quota period, then despite the deletion of regulation 17(5)(f) of the principal regulations by regulation 7(4) of these regulations, regulation 17(5)(f), as in force immediately before the relevant day, continues to apply to the licence such that the Minister may vary the conditions of the licence, in accordance with that regulation, in relation to the quota period commencing on 1 July 2022.

- (5) If the total catch of southern calamari taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern calamari quota entitlement during the quota period that commenced on 1 July 2021 exceeded the quota entitlement under the licence for that quota period, then despite the deletion of regulation 17A(5)(f) of the principal regulations by regulation 8(4) of these regulations, regulation 17A(5)(f), as in force immediately before the relevant day, continues to apply to the licence such that the Minister may vary the conditions of the licence, in accordance with that regulation, in relation to the quota period commencing on 1 July 2022.
- (6) If the total catch of southern garfish taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern garfish quota entitlement during the quota period that commenced on 1 July 2021 exceeded the quota entitlement under the licence for that quota period, then despite the deletion of regulation 17B(5)(f) of the principal regulations by regulation 9(4) of these regulations, regulation 17B(5)(f), as in force immediately before the relevant day, continues to apply to the licence such that the Minister may vary the conditions of the licence, in accordance with that regulation, in relation to the quota period commencing on 1 July 2022.

Editorial note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 30 June 2022

No 51 of 2022

STATE GOVERNMENT INSTRUMENTS

ASSOCIATIONS INCORPORATION ACT 1985

SECTION 42(2)

Dissolution of Association

WHEREAS the CORPORATE AFFAIRS COMMISSION (the Commission) pursuant to Section 42(1) of the *Associations Incorporation Act 1985* (the Act) is of the opinion that the undertaking or operations of CONNECTING UP INCORPORATED (the Association) being an incorporated association under the Act are being carried on, or would more appropriately be carried on by a company limited by guarantee incorporated under the *Corporations Act 2001* (Cth) AND WHEREAS the Commission was on 28 March 2022 requested by the Association to transfer its undertaking to INFOXCHANGE (Australian Company Number 098 019 544), the Commission pursuant to Section 42(2) of the Act DOES HEREBY ORDER that on 30 June 2022, the Association will be dissolved, the property of the Association becomes the property of INFOXCHANGE and the rights and liabilities of the Association become the rights and liabilities of INFOXCHANGE.

Given under the seal of the Commission at Adelaide.

Dated: 15 June 2022

LAUREN HILLIKER
A delegate of the Corporate Affairs Commission

ASSOCIATIONS INCORPORATION ACT 1985

SECTION 42(2)

Dissolution of Association

WHEREAS the CORPORATE AFFAIRS COMMISSION (the Commission) pursuant to Section 42(1) of the *Associations Incorporation Act 1985* (the Act) is of the opinion that the undertaking or operations of COMBINED CHARITIES INCORPORATED (the Association) being an incorporated association under the Act are being carried on, or would more appropriately be carried on by a company limited by guarantee incorporated under the *Corporations Act 2001* (Cth) AND WHEREAS the Commission was on 29 March 2022 requested by the Association to transfer its undertaking to CCI SERVICES LIMITED (Australian Company Number 656 647 282), the Commission pursuant to Section 42(2) of the Act DOES HEREBY ORDER that on 1 July 2022, the Association will be dissolved, the property of the Association becomes the property of CCI SERVICES LIMITED and the rights and liabilities of the Association become the rights and liabilities of CCI SERVICES LIMITED.

Given under the seal of the Commission at Adelaide.

Dated: 22 June 2022

LAUREN HILLIKER
A delegate of the Corporate Affairs Commission

AUTHORISED BETTING OPERATIONS ACT 2000

Notice pursuant to Section 54(1)(c)

PURSUANT to section 54(1)(c) of the *Authorised Betting Operations Act 2000*, I Lauren Hilliker, Manager, Gambling and Associations, Delegate of the Liquor and Gambling Commissioner, hereby declare that it is a condition of a bookmaker's licence that the licensee may accept bets (not being bets made by telephone, internet or other electronic means) at the Marree Sports Club Inc's Camel Cup race, being held on 2 July 2022, or such later date to which the meeting may be adjourned.

Dated: 30 June 2022

LAUREN HILLIKER
Manager, Gambling and Associations,
Delegate of the Liquor and Gambling Commissioner

AUTHORISED BETTING OPERATIONS ACT 2000

Section 4(1)(a)

Approved Contingencies (Marree Sports Club Inc—Camel Cup) Notice 2022

I, Lauren Hilliker, Manager, Gambling and Associations, Delegate of the Liquor and Gambling Commissioner, by this notice, approve contingencies relating to sporting or other events within Australia:

1. Citation

This notice may be cited as the Approved Contingencies (Marree Sports Club Inc—Camel Cup) Notice 2022.

2. Approval

- (1) The contingencies listed in the table are approved in respect of fixed odds betting by licensed bookmakers.
- (2) This approval is subject to the provisions of the *Authorised Betting Operations Act 2000*, the Bookmakers Licensing Rules 2000, any other rules made under section 62 of the Act, and the conditions to which a licence or authorisation are subject.
- (3) This approval of contingencies may be amended or revoked by further notice.

3. Definitions

In this Notice—

“Event”—

- (a) means a race on the flat for horses where each animal is ridden by a person;
- (b) includes, in relation to an event mentioned in paragraph (a) for which there were more accepters than places, a division of that event offering the same prize as the event;

“**place**” means the contingency that a specified Entrant will place either first or second (or, if applicable, third or fourth) in a specified Event (including where different odds are offered by a bookmaker for first place *vis-a-vis* any of second or, if applicable, third or fourth place);

“**race**”, with respect to horses, includes—

- (a) a race conducted by a licensed racing club; and
- (b) a race at a picnic race meeting or a gymkhana;

“**win**” means the contingency that a specified Entrant will place first in, or win, a specified Event.

* In the above definitions, a reference to a horse is interchangeable with a camel.

TABLE

Camel Cup race meeting conducted by or on behalf of Marree Sports Club Inc. at the Marree Racecourse on 2 July 2022 or such later date to which the meeting may be adjourned

No.	Description of Event	Prizes	Approved Contingencies
1	A 400m qualifying race open to all	First - \$400 Second - \$200 Third - \$100	Win, place or derivative
2.	A 400m qualifying race open to all	First - \$400 Second - \$200 Third - \$100	Win, place or derivative
3.	A 400m qualifying race open to all	First - \$400 Second - \$200 Third - \$100	Win, place or derivative
4.	A 400m qualifying race open to all	First - \$400 Second - \$200 Third - \$100	Win, place or derivative
5	A 400m qualifying race open to all	First - \$400 Second - \$200 Third - \$100	Win, place or derivative
6.	A 300m race open to all.	First - \$300 Second - \$150 Third - \$100	Win, place or derivative
7	A 250m race open to intermediate camels	First - \$300 Second - \$150 Third - \$100	Win, place or derivative
8	A 400m race open to all first place getters of the 5 qualifying races	First - \$2500 & trophy Second - \$1250 Third - \$600 Fourth - \$250 Fifth - \$100	Win, place or derivative
9	A 400m race open to all second place getters of the 5 qualifying races	First - \$1500 & plate Second - \$750 Third - \$500 Fourth - \$200 Fifth - \$100	Win, place or derivative
10	A 200m race open to all camels	First- \$300 Second- \$150 Third - \$100	Win, place or derivative
11	A 200m race open to those camels who haven't won an event through the day.	First - \$400 Second - \$200 Third - \$100	Win, place or derivative
12	A 1000m race open to all.	First - \$400 Second- \$200 Third - \$100	Win, place or derivative

Dated: 30 June 2022

LAUREN HILLIKER
Manager, Gambling and Associations
Delegate of the Liquor and Gambling Commissioner

EDUCATION AND CHILDREN'S SERVICES REGULATIONS 2020

Notice of Revocation of Policy by the Minister for Education, Training and Skills

PURSUANT to Regulation 12(3) of the *Education and Children's Services Regulations 2020*, I, the Minister for Education, Training and Skills revoke the Norwood Morialta High School Capacity Management Plan, published in the *Gazette* on 22 April 2021.

Dated: 26 June 2022

BLAIR BOYER
Minister for Education, Training and Skills

EDUCATION AND CHILDREN'S SERVICES REGULATIONS 2020

Notice of Policy by the Minister for Education, Training and Skills

PURSUANT to Regulation 12(1) of the *Education and Children's Services Regulations 2020*, I, the Minister for Education, Training and Skills publish the following Capacity Management Plan for the purposes of the enrolment of a child at Norwood International High School:

CAPACITY MANAGEMENT PLAN

Norwood International High School

This Capacity Management Plan sets out the conditions for enrolment at Norwood International High School ("the school").

Norwood International High School zone

The Norwood International High School zone is contained in the Notice of Policy by the Minister for Education published in the *Government Gazette* on 6 January 2022.

An online map and a search tool to indicate if an applicant's home address is within the school zone is available at:

<https://www.education.sa.gov.au/findaschool>

*Student Enrolment Numbers***Year 7**

The student enrolment ceiling for Year 7 is limited to **275**, unless there are more applications that have met the enrolment criteria below.

Selective Entry Special Interest Programs

The maximum number of out of zone enrolments to the school's selective entry special interest programs in Year 7 is limited as follows:

- 18 Italian Immersion places
- 15 STEM places
- 20 Rowing program places

The number of selective entry places is included in the **275** year 7 enrolment ceiling. Students must be assessed by the school as meeting the specific eligibility requirements for each program. Entry details are available from: <https://www.nmhs.sa.edu.au/middle-campus/special-interest-opportunities/>

International Education Program

If the number of enrolments is under the school's student enrolment ceiling, consideration can be given to offering international students enrolment at the school in the International Education Program. The maximum number of students who can be offered enrolment at the school in the International Education Program in those circumstances is limited to **70** students across years 10, 11 and 12.

International Baccalaureate (IB) Diploma Programme

In Year 11 a maximum of 10 additional students, living outside the school zone and not currently attending the school, may be offered enrolment to undertake the two-year IB Diploma Programme, depending on in zone demand.

*Enrolment Criteria – By Year Level***YEAR LEVEL: 7**

Applications for enrolment from parents of prospective Year 7 students require that the student must be enrolled in a government or non-government school in South Australia at the time the parents apply for enrolment through the statewide registration of interest process (coordinated by the Department for Education).

The applicant must meet one of the following requirements to be eligible for a Year 7 allocation through the statewide registration of interest process for the coming school year:

- the child is living in the Norwood International High School zone
- the child identifies as Aboriginal and/or Torres Strait Islander through the Enter for Success program
- the child has received and accepted an offer for enrolment by the school to participate in one of the selective entry special interest programs (Italian Immersion, STEM, Rowing)
- the child has a sibling currently attending the school
- the child has been granted enrolment due to special or extenuating circumstances, including but not limited to a child in care where there is a custody or guardianship order made under the *Children and Young People (Safety) Act 2017*.

Application for Year 7 from students living outside the zone with siblings currently at the school

Application for enrolment from parents of prospective Year 7 students who live outside the school zone but have siblings currently attending the school, will be eligible for allocation through the statewide registration of interest process if:

- they have applied to attend the school through the department's statewide registration of interest process
- they have nominated that they have a sibling at the school in their registration of interest
- the sibling is currently enrolled and will be attending the school in the same calendar year.
- the sibling currently enrolled at the school did not enter the school through the school's special interest programs from 2020

Late applications for Year 7 from students living in the school zone

Families who move into the school zone, or who are already living in the school zone but lodge their application for enrolment after the department's registration of interest process is completed (end of term 2), will have their applications considered if or when vacancies exist, with priority consideration afforded to those applicants already on the school's enrolment register.

In these cases, applications will be considered based on the distance of the child's residence from the school and any other personal needs, such as curriculum (excluding special interest programs), transportation/location convenience, and social/family links to the school.

The school will notify parents by the beginning of week 3, term 4 if a vacancy is available for their child to attend the following school year.

If no vacancies exist, the applicant will be placed on the enrolment register and the school will support the family to enrol at a neighbouring school.

Enter for Success Program Year 7 students

Through the Enter for Success program, a child that identifies as Aboriginal and/or Torres Strait Islander will be offered a Year 7 place at the school for the following year. Families enrolling through Enter for Success can do so until the end of term 4 in the year prior to starting Year 7.

YEAR LEVEL: 8 to 12**Application for Year 8 to 12 from students living in the school zone**

Applications for enrolment from parents of prospective students living in the school zone will be considered if or when vacancies exist, with priority consideration afforded to those applicants already on the enrolment register.

In these cases, applications will be considered based on siblings at the school, the distance of the child's residence from the school and any other personal needs, such as curriculum, transportation/location convenience, and social/family links to the school.

The school will notify parents by the beginning of week 3, term 4 if a vacancy is available for their child to attend the following school year.

If no vacancies exist the applicant will be encouraged to remain at their current high school, or the school will support the family to enrol at a neighbouring school, and upon an applicant's request will be placed on the school's enrolment register.

Year 8 – 12 out of zone applications with siblings currently at the school

Applications for enrolment from parents of Year 8 to 12 students who live outside the school's zone and have siblings who are currently attending the school, will be considered if or when vacancies exist.

*Enrolment Criteria - General***Special Circumstances**

Enrolment applications for consideration based on special or extenuating circumstances, including but not limited to a child in care where there is custody or guardianship orders made under the *Children and Young People (Safety) Act 2017*, may be granted by the Principal in consultation with the Education Director. These applications will be assessed on a case-by-case basis.

*Enrolment Process***Enrolment Register**

Parents whose child's name has been placed on the enrolment register will be contacted by the school by the beginning of week 3, Term 4 if a vacancy is available for the following school year.

The enrolment register will be reviewed and updated annually by the school.

The position that a child's name appears on the register is confidential and will only be disclosed as required by law.

Monitoring and enforcement

It is the responsibility of the parents applying for enrolment to be able to verify to the satisfaction of the school that the information provided is true and factual.

If a child was enrolled at the school on the basis of false or misleading information (including residential address) the Chief Executive may direct that the child be instead enrolled at another Government school pursuant to section 63(1) of the *Education and Children's Services Act 2019*.

The Principal is responsible for the implementation of this Capacity Management Plan and all decisions on enrolments.

This Capacity Management Plan will be reviewed as required.

Dated: 26 June 2022

BLAIR BOYER
Minister for Education, Training and Skills

ESSENTIAL SERVICES COMMISSION ACT 2002*Retailer Energy Productivity Scheme Code*

NOTICE is hereby given that:

1. Pursuant to Section 28(1) of the *Essential Services Commission Act 2002*, the Essential Services Commission amended the Retailer Energy Productivity Scheme Code (designated REPSC/02) to apply to the electricity industry, a regulated industry under the *Electricity Act 1996*, and to the gas industry, a regulated industry under the *Gas Act 1997*.
2. The Retailer Energy Productivity Scheme Code will take effect on and from 1 January 2023.
3. A copy of the Retailer Energy Productivity Scheme Code may be inspected or obtained from the Essential Services Commission, Level 1, 151 Pirie Street, Adelaide and is also available at www.escosa.sa.gov.au.
4. Queries in relation to the Retailer Energy Productivity Scheme Code 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.

Execution:

The Retailer Energy Productivity Scheme Code was executed by the Chief Executive Officer of the Essential Services Commission with due authority on 27 June 2022.

A. WILSON
Chief Executive Officer
Authorised signatory
Essential Services Commission

ESSENTIAL SERVICES COMMISSION ACT 2002

Price Determination

NOTICE is hereby given that:

1. Pursuant to Part 3 of the *Essential Services Commission Act 2002*, the Essential Services Commission has made a subsequent determination, as authorised by section Part 4 of the *Water Industry Act 2012* (Price Determination). The Price Determination:
 - (a) applies to Robusto Investments Pty Ltd (ACN 117 034 545) and takes effect on and from 1 July 2022 until 30 June 2023
 - (b) regulates the maximum total revenue which Robusto Investments Pty Ltd can recover from residential customers and Mount Compass Sand & Loam, from the sale and supply of drinking water retail services, and
 - (c) specifies:
 - (i) the maximum nominal prices that Robusto Investments Pty Ltd can charge its residential customers
 - (ii) the pricing structure that must be adopted by Robusto Investments Pty Ltd in calculating the maximum nominal prices it can charge its residential customers
 - (iii) the pricing principles that Robusto Investments Pty Ltd must comply with when setting prices for its drinking water retail services, and
 - (iv) the period from 1 April 2021 to 30 June 2023, being the period over which the Commission will assess Robusto Investments Pty Ltd's compliance against the revenue and pricing requirements of the Price Determination.
2. A copy of the Price Determination may be inspected or obtained from the Essential Services Commission, Level 1, 151 Pirie Street, Adelaide and is also available at www.escosa.sa.gov.au.
3. Queries in relation to the Price Determination 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.

The seal of the Essential Services Commission was affixed to the Price Determination with due authority by a Commissioner of the Essential Services Commission.

Dated: 30 June 2022

DAVID SWIFT
Chairperson
Essential Services Commission

FISHERIES MANAGEMENT ACT 2007

South Australia

Fisheries Management (General Fees) (No 2) Notice 2022

under the *Fisheries Management Act 2007*

1—Short title

This notice may be cited as the *Fisheries Management (General Fees) Notice 2022*.

Note—

This is a fee notice made in accordance with section 4(4) of the *Legislation (Fees) Act 2019* and *revokes the Fisheries Management (General Fees) Notice 2022* dated 29 April 2022 as published in the South Australian Government Gazette on 5 May 2022 p. 1026.

2—Commencement

This notice has effect on 1 July 2022.

3—Interpretation

In this notice, unless the contrary intention appears—

Act means the *Fisheries Management Act 2007*;

eligible person—

- (a) in the case of a person applying for registration as a fish processor—means the holder of a fishery authority or an aquaculture licence who applies for registration as a fish processor for the sole purpose of processing aquatic resources taken under the fishery authority or farmed under the aquaculture licence (as the case may be) for sale to a person who—

- (i) is an unregistered fish processor; and
 - (ii) carries on a business in the course of which aquatic resources are sold or supplied as a meal or part of a meal directly to the public;
- (b) in the case of a registered fish processor—means the holder of a fishery authority or an aquaculture licence who only processes aquatic resources taken under the fishery authority or farmed under the aquaculture licence (as the case may be) for sale to a person who—
- (i) is an unregistered fish processor; and
 - (ii) carries on a business in the course of which aquatic resources are sold or supplied as a meal or part of a meal directly to the public.

4—Fees

The Fees set out in Schedule 1 are prescribed for the purposes of the Act and the regulations under the Act, as set out in the Schedule.

Schedule 1—Fees

Part 1—Commercial fishing—fishery permit application and annual fees

Application fees payable by an applicant for the issue of a fishery permit (section 54(1)(c) of Act)

1	For a permit in respect of the Miscellaneous Broodstock and Seedstock Fishery	\$435.00
2	For a permit in respect of the Miscellaneous Developmental Fishery	\$5 368.00
3	For a permit in respect of the Miscellaneous Research Fishery	\$435.00

Annual fees payable by the holder of a fishery permit (section 56(5)(a) of Act)

4	For a permit in respect of the Miscellaneous Developmental Fishery	\$2 485.00
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Part 2—Commercial fishing—miscellaneous fees

1	On application for consent to the transfer of a fishery authority	\$490.00
2	On application to vary the registration of a boat used under a fishery authority	\$133.00
3	On application to vary the registration of a master	\$133.00
4	On application to vary a quota entitlement for King George whiting, southern calamari, southern garfish or snapper under a fishery authority.	No fee
5	On application to vary a quota entitlement for species other than King George whiting, southern calamari, southern garfish or snapper under a fishery authority.	\$164.00

6	On application to vary a rock lobster pot entitlement under a licence in respect of the Northern Zone Rock Lobster Fishery or Southern Zone Rock Lobster Fishery On application for registration of an additional boat under a fishery authority	\$164.00
	The fee fixed by this clause is not payable if an application to vary a rock lobster pot entitlement under a licence in respect of the Northern Zone Rock Lobster Fishery or Southern Zone Rock Lobster Fishery is made at the same time as an application to vary a giant crab or rock lobster quota entitlement under the licence.	
7	On application for registration of an additional boat under a fishery authority	\$133.00
8	On application for—	
	(a) notation of an interest in a fishery authority on the register of authorities	\$214.00
	(b) removal from the register of authorities of such a notation	\$214.00

Part 3—Processing fees

Division 1—Fish processor registration application and annual fees

Registration fees payable by an applicant for registration as a fish processor (section 64(1)(d) of Act)

1	On application for registration as a fish processor made by an eligible person	\$214.00
2	On application for registration as a fish processor made by a person other than an eligible person—	
	(a) base fee	\$1 230.00
	(b) additional fee—	
	(i) if the applicant proposes to process abalone (<i>Haliotis</i> spp) under the registration	\$1 595.00
	(ii) if the applicant proposes to process King Prawn (<i>Merlicertus latisulcatus</i>) under the registration	\$1 595.00
	(iii) if the applicant proposes to process Southern Rock Lobster (<i>Jasus edwardsii</i>) under the registration	\$1 595.00

If registration is to be granted for a period of less than 12 months, the fee payable is a proportion of the fee set out above, being the proportion that the number of complete months in the term of registration bears to 12.

Annual fees payable by a registered fish processor (section 66(2)(a) of Act)

3	Annual fee payable by a fish processor who is an eligible person	\$214.00
4	Annual fee payable by a fish processor who is not an eligible person—	
	(a) base fee	\$1 230.00
	(b) additional fee—	
	(i) if the fish processor processes abalone (<i>Haliotis</i> spp) under the registration	\$1 595.00
	(ii) if the fish processor processes King Prawn (<i>Merlicertus latisulcatus</i>) under the registration	\$1 595.00
	(iii) if the fish processor processes Southern Rock Lobster (<i>Jasus edwardsii</i>) under the registration	\$1 595.00

Division 2—Miscellaneous fees

- | | | |
|---|---|---------|
| 5 | On application by a registered fish processor to have additional premises, places, boats or vehicles specified in the certificate of registration | \$37.75 |
|---|---|---------|

Part 4—Recreational fishing fees

Application fees payable by an applicant for registration under the *Fisheries Management (General) Regulations 2017* of a device to be used for recreational fishing

- | | | |
|---|---|----------|
| 1 | On application for registration of a mesh net to be used by a person for recreational fishing— | |
| | (a) in the case of a mesh net for use in the waters of Lake George | \$173.00 |
| | (b) in the case of a mesh net for use in any other waters— | |
| | (i) if the applicant produces evidence to the satisfaction of the Minister that the applicant is entitled, as the holder of a pensioner entitlement card issued under an Act or law of the Commonwealth, to travel on public transport in this State at reduced fares (for each year in the term of the registration) | \$24.70 |
| | (ii) in any other case (for each year in the term of the registration) | \$50.00 |

No fee is payable where the Minister registers a mesh net for a period of less than 1 year for the purpose of achieving a common expiry date for the registration of that mesh net and the registration of any other mesh net owned by the same person.

- | | | |
|---|---|----------|
| 2 | On application for registration of a rock lobster pot to be used by a person for recreational fishing— | |
| | (a) for registration of 1 rock lobster pot | \$82.00 |
| | (b) for registration of 2 rock lobster pots | \$227.00 |
| 3 | On application for the issue of a replacement tag for a rock lobster pot, or a mesh net for use in the waters of Lake George, registered for recreational fishing | \$33.25 |

Part 5—Miscellaneous fees

- | | | |
|---|---|----------|
| 1 | On application for a permit under Part 6 Division 1 of the Act | \$133.00 |
| 2 | On application for an exemption or a variation of an exemption under section 115 of the Act | \$164.00 |
| 3 | On application for the issue of a duplicate authority under section 68 of the Act | \$33.25 |

Made by the Minister for Primary Industries and Regional Development

On 22 June 2022

FISHERIES MANAGEMENT ACT 2007

SECTION 115

Ministerial Exemption number: ME9903211

TAKE notice that pursuant to section 115 of the *Fisheries Management Act 2007*, I Professor Gavin Begg, Executive Director Fisheries and Aquaculture, delegate of the Minister for Primary Industries and Regional Development, hereby declare that passengers recreationally fishing on a charter boat pursuant to a Charter Boat Fishery agreement (the 'exemption holders') are exempt from Section 70 of the *Fisheries Management Act 2007*, Regulation 5, and clause 113(2) of Schedule 6 of the *Fisheries Management (General) Regulations 2017* in that the exemption holders shall not be guilty of an offence when taking Wrasse species (other than Western Blue Groper) that are greater than 35 cm from coastal waters of the state (the exempted activity) as described in Schedule 1, subject to the conditions specified in Schedule 2 from 00:01 hrs on 28 June 2022 to 23:59 hrs on 27 June 2023, unless varied or revoked earlier.

SCHEDULE 1

Coastal waters of the state excluding waters within a Sanctuary Zone or Restricted Access Zone of a Marine Park, or an aquatic reserve, or the Adelaide Dolphin Sanctuary, or the River Murray.

SCHEDULE 2

1. The exemption holders may take Wrasse species (other than Western Blue Groper) while on the charter boat that are greater than 35 cm in length when measured from the foremost part of the head to the end of the tail.
2. The holder of the Charter Boat Fishery licence or the registered master of the charter boat from which the exempted activity occurs must record all Wrasse taken on the charter fishing trip in the South Australian Charter Boat Fishery Daily Catch and Effort Logbook provided by the Department and submit the returns within 15 days of the end of the month to which it relates.
3. The holder of the Charter Boat Fishery licence or the registered master of the charter boat from which the exempted activity occurs must be in possession of a copy of this notice when the exempted activity is being undertaken. This notice must be produced to a Fisheries Officer if requested.
4. The exemption holders shall not contravene or fail to comply with the *Fisheries Management Act 2007*, or any regulations made under that Act except where specifically exempted by this notice.

This notice does not purport to override the provisions or operation of any other Act including, but not limited to, the *Marine Parks Act 2007*. The exemption holders and their agents must comply with any relevant regulations, permits, requirements and directions from the Department for Environment and Water when undertaking activities within a marine park.

Dated: 27 June 2022

PROF GAVIN BEGG
Executive Director
Fisheries and Aquaculture

Delegate of the Minister for Primary Industries and Regional Development

FISHERIES MANAGEMENT ACT 2007

SECTION 79

South East Snapper Fishing Arrangements—Recreational activities
Temporary prohibition of Fishing Activity

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 a person, other than a person fishing on a lawful fishing charter or a person undertaking a lawful fishing activity of a class constituted as a fishery, to engage in a fishing activity specified in Schedule 1 or have possession or control of Snapper in the circumstances specified in Schedule 2, during the period specified in Schedule 3.

SCHEDULE 1

1. The taking of Snapper in the waters of the South East from a boat, other than a boat providing lawful charter boat fishing services, in any one (1) day, from which three (3) Snapper have already been taken by three (3) or more unlicensed persons on the same day.
2. The taking of more than one (1) Snapper by an unlicensed person in any one (1) day, in the waters of the South East.

SCHEDULE 2

Being in possession of Snapper taken from the waters of the South East in the following circumstances:

1. If the Snapper are taken from a boat, other than a boat providing lawful charter boat fishing services, where the person has not, prior to departing the point of landing (within 100 metres) provided to the Department, by using the SA Fishing app or by calling Fishwatch 1800 065 522, the following information:
 - a. the full name of the person submitting the report and responsible for the boat and fishing activity;
 - b. the mobile phone number of the person submitting the report;
 - c. the number of people participating in the fishing activity;
 - d. the number of Snapper taken from the boat;
 - e. the boat number from which the Snapper were taken, or the registration number of the vehicle used to tow the boat to the point of landing;
 - f. the location of the point of landing;
2. If the Snapper are not taken from a boat, where the person has not, prior to departing the location where the Snapper was caught, provided to the Department by using the SA Fishing app or by calling Fishwatch 1800 065 522, the following information:
 - a. the full name of the person fishing and submitting the report;
 - b. the mobile phone number of the person submitting the report;
 - c. the number of Snapper taken;

SCHEDULE 3

00:01 hours on 1 July 2022 until 23:59 hours on 30 June 2023.

For the purpose of this notice:

Department – means the Department of Primary Industries and Regions (PIRSA)

in any one day – means during the period commencing at midnight and ending at the midnight next following;

point of landing – means any location a boat can be retrieved after a fishing activity

responsible person – means any person using the boat for the fishing activity.

SA Fishing app – means an application of the same name downloaded from the ‘Apple App Store’ or ‘Google Play’.

Snapper – means *Chrysophrys auratus* that is at least 38 centimetres in length

Waters of the South East – meaning the waters adjacent the south east coast of South Australia contained within and bounded by a line commencing at Mean High Water Springs closest to 35°38'26.13" South, 138°07'28.73" East (southern Fleurieu Peninsula), then beginning south-easterly following the line of Mean High Water Springs to the location closest to 38°03'39.05" South, 141°00'00.02" East (South

Australian-Victorian border), but excluding the Murray Mouth, then southerly to 38°59'59.95" South, 141°00'00.02" East, then westerly to 38°59'59.95" South, 140°00'00.02" East, then northerly to 37°59'59.95" South, 140°00'00.02" East, then westerly to 37°59'59.95" South, 136°00'00.03" East, then northerly to 35°59'59.95" South, 136°00'00.03" East, then easterly to 35°59'59.95" South, 136°41'04.52" East (south-western Kangaroo Island), then beginning south-easterly following the line of Mean High Water Springs to the location closest to 35°48'07.14" South, 138°07'28.73" East (Cape St Albans, Kangaroo Island), then northerly to the point of commencement.

For the purpose of this notice all lines are geodesics based on the Geocentric Datum of Australia 2020 (GDA2020). GDA2020 has the same meaning as in the *National Measurement (Recognized-Value Standard of Measurement of Position) Determination 2017* made under section 8A of the *National Measurement Act 1960* of the Commonwealth. All co-ordinates are expressed in terms of GDA2020.

Dated: 29 June 2022

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

HEALTH CARE ACT 2008

DISSOLUTION OF A HEALTH ADVISORY COUNCIL

Notice by the Minister

TAKE notice that I, Hon Chris Picton, MP, Minister for Health and Wellbeing, pursuant to section 15(4)(c) of the *Health Care Act 2008*, hereby dissolve the Leigh Creek Health Services Health Advisory Council established on 2 June 2008 as a Health Advisory Council, pursuant to section 15(1) of the *Health Care Act 2008*.

The dissolution of the Leigh Creek Health Services Health Advisory Council is effective from the date of this notice.

Dated: 23 June 2022

HON CHRIS PICTON MP
Minister for Health and Wellbeing

HEALTH CARE ACT 2008

Fees and Charges

I, Chris Picton, Minister for Health and Wellbeing, hereby give notice pursuant to Section 44 of the *Health Care Act 2008*, of the fees in the list attached to apply to a Medicare patient who is not a compensable patient.

These fees will operate from 1 July 2022 until I make a further Notice under Section 44 of the Act.

Dated: 14 June 2022

CHRIS PICTON MP
Minister for Health and Wellbeing

1—Interpretation

- (1) unless the contrary intention appears—

admitted patient means a patient of a public hospital site who has undergone the formal admission process of the public hospital site;

Australian Government Department of Health Schedule of Fees and Charges for Residential and Home Care is a schedule issued by the Australian Government Department of Health which contains the maximum daily fees for residential care and for home care (in an accredited aged care facility), in addition to income thresholds and caps on income tested care fees;

Commonwealth benefit, in relation to a patient, means the aggregate of the following amounts:

- (a) the maximum amount (expressed on a daily basis) payable as an age pension under the *Social Security Act 1991* of the Commonwealth to a person who is not a member of a couple within the meaning of that Act, excluding the amount of any pharmaceutical allowance payable under that Act; and

(b) —

- (i) if the patient receives rent assistance under that Act—the amount (expressed on a daily basis) received; or

- (ii) if the patient is not entitled to an age pension or disability support pension under that Act—the maximum amount (expressed on a daily basis) payable as rent assistance under that Act;

hospital in the home service, in relation to a public hospital site, means treatment or care provided by the public hospital site to a patient at a location outside of the public hospital site's premises (being treatment or care provided as a direct substitute for treatment or care that would normally be provided as an inpatient service on the public hospital site's premises);

Hospital Nursing Home Service patient means a patient who is transitioning accommodation from accredited aged care residential facilities to a public hospital facility for reasons other than for specific clinically required hospital treatment or a patient who is admitted to an SA Health hospital site having been assessed and determined as in need of aged care residential services consistent with those typically provided by an accredited aged care facility. These patients are not long-stay patients and should be charged from their first day in the facility;

incorporated hospital means a hospital incorporated under the *Health Care Act 2008*;

long stay patient means a patient who has been an admitted patient in a public hospital site for a continuous period exceeding 35 days;

Medicare patient means a patient who is an eligible person for the purpose of receiving medical benefits under the *Health Insurance Act 1973* of the Commonwealth;

overnight stay patient means an admitted patient of a public hospital site who remains an admitted patient of the public hospital site until a day subsequent to the day of his or her admission;

patient means a person to whom a public hospital site provides medical or diagnostic services or other treatment or care and includes a person to whom a public hospital site provides outreach services;

private, in relation to a patient, connotes that the patient receives medical or diagnostic services from a medical practitioner selected by the patient;

public, in relation to a patient, connotes that the patient receives medical or diagnostic services from a medical practitioner selected by the public hospital site;

public hospital site means a hospital facility which is operated by and is part of an incorporated hospital and which can have buildings and facilities at more than one location in the State;

same day patient means an admitted patient of a public hospital site who, on the same day, is both admitted to and leaves the care of the public hospital site (whether on formal discharge by the public hospital site or voluntary discharge by the patient);

single room, in relation to the accommodation of a patient, means the accommodation of the patient in a room in which he or she is the only patient.

- (2) a patient will be regarded as being acutely ill during a particular period if a medical practitioner has certified that the patient will require extensive medical treatment and supervision during that period.
- (3) A certificate referred to in subsection (2) remains in force for the period specified in the certificate (not exceeding 30 days) or, if no period is specified, for a period of 30 days.

2—Fees for services provided to Medicare patients

- (1) The fee to be charged by a public hospital site for a service of a kind set out in the Schedule provided to a Medicare patient who is not a compensable patient is as set out in the Schedule.
- (2) A person who is—
 - (a) a resident of a State or Territory of the Commonwealth other than South Australia; or
 - (b) a member of the armed forces of the Commonwealth; or
 - (c) entitled to a benefit under the Veterans' Entitlements Act 1986 of the Commonwealth,
 may, with the approval of the Minister, be released from liability to pay the fees contained in the schedule.
- (3) A public hospital site may discount payment of, or remit, the whole or any part of a fee payable to it.

Schedule—Fees for services provided to Medicare patients by incorporated hospitals and public hospital sites

	Fee (per day)
1 For the accommodation, maintenance, care and treatment at a public hospital site of a public overnight stay patient	no fee
2 For the accommodation, maintenance and care at a public hospital site of a private overnight stay patient—	
(a) where the patient requests and subsequently receives single room accommodation (maximum fee/day)	\$678.00
(b) in any other case	\$393.00
3 For the accommodation, maintenance, care and treatment at a public hospital site of a public patient who is a same day patient	no fee
4 For the accommodation, maintenance and care at a public hospital site of a private patient who is a same day patient—	
(a) for gastro-intestinal endoscopy or other minor surgical and non-surgical procedures that do not normally require an anaesthetic (Band 1)	\$285.00
(b) for procedures (other than Band 1 procedures) carried out under local anaesthetic with no sedation given where the actual time in the theatre is less than one hour (Band 2)	\$327.00
(c) for procedures (other than Band 1 procedures) carried out under general or regional anaesthesia or intravenous sedation where the actual time in the theatre is less than one hour (Band 3)	\$359.00
(d) for any procedures carried out under general or regional anaesthesia or intravenous sedation where the actual time in the theatre is one hour or more (Band 4)	\$393.00
5 For the accommodation, maintenance, care and treatment at a public hospital site of a public long stay patient who is acutely ill	no fee
6 For the accommodation, maintenance, care and treatment at a public hospital site of a public long stay patient who is not acutely ill, excluding category 8	87.5 per cent of the Commonwealth benefit
7 For the accommodation, maintenance, care and treatment at a public hospital site of a private long stay patient who is not acutely ill	\$132.00 plus 87.5 per cent of the Commonwealth Benefit
8 For Hospital Nursing Home Service patients. These patients are not long-stay patients and should be charged from their first day at the public hospital site.	equivalent to the 'Australian Government Department of Health Schedule of Fees and Charges for Residential and Home Care'
9 For hospital in the home services provided by a public hospital site to a private patient	\$191.00 (maximum fee/day)
10 Pharmaceutical Reform arrangements	
Under the agreement between the South Australian and the Australian Government the following fees apply for pharmaceuticals provided to admitted patients on discharge:	
(a) For the supply of Pharmaceutical Benefit Scheme items (per item)	the community co-payment rate for pharmaceuticals as set under the Commonwealth National Health Act 1953 each year on 1 January.
(b) For the supply of non-Pharmaceutical Benefit Scheme items (per item)	an amount that is the cost to the public hospital (using a full cost recovery principle) for supply of that item

HEALTH CARE ACT 2008

Fees and Charges

I, CHRIS PICTON, Minister for Health and Wellbeing, pursuant to section 44 of the *Health Care Act 2008*, hereby set the fees listed in Columns 3 to 12 to be charged by the incorporated hospitals listed in Column 1, for public car parking by the public health service sites listed in Column 2 of Schedule 1 of this Notice.

These charges will operate from 1 July 2022 until I make a further Notice under section 44 of the Act.

SCHEDULE 1

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	Column 11	Column 12
Incorporated Hospital	Health Site	Fee payable for parking 0-1 hour	Fee payable for parking 1-2 hours	Fee payable for parking 2-3 hours	Fee payable for parking 3-4 hours	Fee payable for parking 4-5 hours	Fee payable for parking 5-6 hours	Fee payable for parking 6-7 hours	Fee payable for parking 7-8 hours	Fee payable for parking over 8 hours	Fee payable for parking weekly
Central Adelaide Local Health Network Incorporated	The Queen Elizabeth Hospital (multi-storey)	\$3.00	\$6.00	\$8.00	\$11.00	\$12.00	\$13.00	\$14.00	\$16.00	\$17.00	\$48.00
Central Adelaide Local Health Network Incorporated	Royal Adelaide Hospital	\$5.00	\$8.00	\$18.00	\$23.00	\$25.00	\$31.00	\$31.00	\$31.00	\$31.00	\$48.00
Northern Adelaide Local Health Network Incorporated	Lyell McEwin Hospital (multi-storey)	\$3.00	\$6.00	\$8.00	\$11.00	\$12.00	\$13.00	\$14.00	\$16.00	\$17.00	\$48.00
Women's and Children's Health Network Incorporated	Women's and Children's Hospital (medical centre carpark-weekday)	\$5.00	\$8.00	\$11.00	\$12.00	\$13.00	\$18.00	\$18.00	\$18.00	\$18.00	\$40.00
Women's and Children's Health Network Incorporated	Women's and Children's Hospital (medical centre carpark - weekend)	\$5.00	\$8.00	\$11.00	\$12.00	\$13.00	\$14.00	\$14.00	\$14.00	\$14.00	N/A
Southern Adelaide Local Health Network Incorporated	Flinders Medical Centre (multi-storey)	\$3.00	\$6.00	\$8.00	\$11.00	\$12.00	\$13.00	\$14.00	\$16.00	\$17.00	\$48.00

I, CHRIS PICTON, Minister for Health and Wellbeing, pursuant to section 44 of the *Health Care Act 2008*, do hereby set the fees listed in Columns 3 to 14 to be charged by the incorporated hospitals listed in Column 1, for public car parking by the public health service sites listed in Column 2 of Schedule 2 of this Notice.

These charges will operate from 1 July 2022 until I make a further Notice under section 44 of the Act.

SCHEDULE 2

Other (including non multi story) Car Parks

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	Column 11	Column 12	Column 13	Column 14
Incorporated Hospital	Health Site	Fee payable for parking 0-1 hours	Fee payable for parking 1-2 hours	Fee payable for parking 2-3 hours	Fee payable for parking 3-4 hours	Fee payable for parking 4-5 hours	Fee payable for parking 5-6 hours	Fee payable for parking 6-7 hours	Fee payable for parking 7-8 hours	Fee payable for parking 8-9 hours	Fee payable for parking 9-10 hours	Fee payable for parking >10 hours (all day)	Fee payable for parking weekly
Central Adelaide Local Health Network Incorporated	The Queen Elizabeth Hospital (at grade)	Free	Free	\$3.00	\$6.00	\$8.00	\$11.00	\$12.00	\$13.00	\$14.00	\$16.00	\$17.00	\$48.00
Central Adelaide Local Health Network Incorporated	Hampstead (at grade)	Free	Free	\$3.00	\$6.00	\$8.00	\$11.00	\$12.00	\$13.00	\$14.00	\$16.00	\$17.00	\$48.00
Northern Adelaide Local Health Network Incorporated	Lyell McEwin Hospital (at grade)	Free	Free	\$3.00	\$6.00	\$8.00	\$11.00	\$12.00	\$13.00	\$14.00	\$16.00	\$17.00	\$48.00
Northern Adelaide Local Health Network Incorporated	Modbury (at grade)	Free	Free	\$3.00	\$6.00	\$8.00	\$11.00	\$12.00	\$13.00	\$14.00	\$16.00	\$17.00	\$48.00
Southern Adelaide Local Health Network Incorporated	Noarlunga (at grade)	Free	Free	\$3.00	\$6.00	\$8.00	\$11.00	\$12.00	\$13.00	\$14.00	\$16.00	\$17.00	\$48.00
Women's and Children's Health Network Incorporated	Women's and Children's Hospital - Rogerson Car Park	Flat fee \$18.00											N/A

Dated: 22 June 2022

CHRIS PICTON MP
Minister for Health and Wellbeing

HOUSING IMPROVEMENT ACT 2016

Rent Control Revocations

Whereas the Minister for Human Services Delegate is satisfied that each of the houses described hereunder has ceased to be unsafe or unsuitable for human habitation for the purposes of the *Housing Improvement Act 2016*, notice is hereby given that, in exercise of the powers conferred by the said Act, the Minister for Human Services Delegate does hereby revoke the said Rent Control in respect of each property.

Address of Premises	Allotment Section	Certificate of Title Volume/Folio
158 Barnard Street, North Adelaide SA 5006	Allotment 743 Filed Plan 183205 Hundred Yatala	CT2392/141, CT5875/784

Dated 30 June 2022

CRAIG THOMPSON
Housing Regulator and Registrar
Housing Safety Authority, SAHA
Delegate of Minister for Human Services

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, Dini Soulio, 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 4 July 2022 and expiring on 3 July 2032:

Julie Denise MCGINLAY
Arthur George MACKISON
Kuganesan KANAGARATNAM
Alistair Graeme CRANNEY
Ulian John COX
David John CHANT
Madhan BALASUBRAMANIAN

Dated: 22 June 2022

DINI SOULIO
Commissioner for Consumer Affairs
Delegate of the Attorney-General

JUSTICES OF THE PEACE ACT 2005

SECTION 4

*Notice of Appointment of Justices of the Peace for South Australia
by the Commissioner for Consumer Affairs*

I, Dini Soulio, Commissioner for Consumer Affairs, delegate of the Attorney-General, pursuant to Section 4 of the *Justices of the Peace Act 2005*, do hereby appoint the people listed as Justices of the Peace for South Australia as set out below.

For a period of ten years for a term commencing on 12 July 2022 and expiring on 11 July 2032:

Danuta Maria ZABROWARNY
Ella Patricia TYLER
Mary Rose TWIGGS
Christine Ann TRENWITH
Graeme Charles TILLEY
Darren John THOMAS
Malcolm Ronald SPORNE
Paul Stephen ROGERS
Edward Andrew ROBERTS
Helen Maria PSAILA
Malcolm Leslie PRIDHAM
Adrian Dale Curtis PRICE
Anthony Maxwell PEDERICK
Georgia O'NEILL
Trevor John NOWAK
Jennifer Carol NASH
James Colin MCPHERSON
Carmel Patricia KELLY
Tony Mark JOHNSTON
Melissa Jennifer HANNAFORD
Graeme Ronnie GERSCHWITZ
Vanessa DZINIC
Christine Joan DAVISON
Vincent John DALTON

Andrew David CRAIG
Joylene Anne CHAPPELL
Neale Godfrey ALMEIDA

Dated: 24 June 2022

DINI SOULIO
Commissioner for Consumer Affairs
Delegate of the Attorney-General

LANDSCAPE SOUTH AUSTRALIA ACT 2019

South Australia

Landscape South Australia (Fees) Notice 2022

under the *Landscape South Australia Act 2019*

1—Short title

This notice may be cited as the *Landscape South Australia (Fees) Notice 2022*.

Note—

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

2—Commencement

This notice has effect on 1 July 2022.

3—Interpretation

In this notice, unless the contrary intention appears—

Act means the *Landscape South Australia Act 2019*.

4—Fees

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

Schedule 1—Fees

Part 1—Preliminary

1—Preliminary

- (1) Unless the contrary intention appears, words and expressions used in this notice have the same respective meanings as in the Act or the regulations under the Act.
- (2) For the purposes of Part 2 clause 2 of this Schedule, a prescribed water resource will be taken to be *unbundled* if water access entitlements have been granted in relation to it pursuant to section 121 of the Act and clause 102 of Schedule 5 of the Act does not apply to the prescribed water resource.

Part 2—Fees

2—General fees for purposes of Act

- | | | |
|---|---|---------|
| 1 | Application for a permit under Part 8 of the Act, other than an application for a permit to drill a well or to undertake work on a well | \$62.00 |
|---|---|---------|

2	Application for a permit to drill a well or to undertake work on a well	\$99.50 plus a technical assessment fee of an amount not exceeding \$169.00 determined by the Minister after taking into account any advice from the Department about the costs associated with assessing the application
3	Application for a well driller's licence—	
	(a) for a new licence	\$293.00
	(b) for the renewal of a licence	\$152.00
4	Application for the variation of a well driller's licence	\$222.00
5	Application for a water licence	\$264.00
6	Application to transfer a water licence	\$490.00 plus a technical assessment fee of \$329.00
7	Application to transfer a water allocation or a quantity of water which is taken to constitute a water access entitlement, other than in relation to an unbundled prescribed water resource, and no technical assessment is required	\$490.00
8	Application to transfer a water allocation or a quantity of water which is taken to constitute a water access entitlement, other than in relation to an unbundled prescribed water resource, and a technical assessment is required	\$490.00 plus a technical assessment fee of \$329.00
9	In relation to an unbundled prescribed water resource—	
	(a) application to transfer a water access entitlement	\$490.00
	(b) application to vary a water allocation	\$288.00
	(c) application to transfer a water allocation	\$288.00
	(d) application for a water resource works approval	\$490.00 plus a technical assessment fee of an amount not exceeding \$329.00 determined by the Minister after taking into account any advice from the Department about the costs associated with assessing the application
	Note—	
	If an application for approval relates to more than 1 form of works, a single fee is payable under this paragraph in respect of those works unless the Minister determines that a separate application is required in relation to a particular works (and an additional fee will be payable under this paragraph for an application in relation to those works).	
	(e) application to vary a water resource works approval	\$490.00 plus a technical assessment fee of an amount not exceeding \$329.00 determined by the Minister after taking into account any advice from the Department about the costs associated with assessing the application
	Note—	
	A single fee is payable in respect of a joint application for a variation of a kind prescribed by regulation 33 of the <i>Landscape South Australia (Water Management) Regulations 2020</i> .	

(f)	application for a site use approval	\$490.00 plus a technical assessment fee of an amount not exceeding \$329.00 determined by the Minister after taking into account any advice from the Department about the costs associated with assessing the application
(g)	application to vary a site use approval	\$490.00 plus a technical assessment fee of an amount not exceeding \$329.00 determined by the Minister after taking into account any advice from the Department about the costs associated with assessing the application
	Note—	
	A single fee is payable in respect of a joint application for a variation of a kind prescribed by regulation 33 of the <i>Landscape South Australia (Water Management) Regulations 2020</i> .	
10	Additional fee where Minister directs an assessment by an expert under the Act (and the expenses of the assessment are to be paid by the applicant in addition to this fee)	\$216.00
11	Application to vary a water licence for any other reason	\$490.00 plus a technical assessment fee of \$329.00
	Note—	
	A single fee is payable in respect of a joint application for a variation of a kind prescribed by regulation 33 of the <i>Landscape South Australia (Water Management) Regulations 2020</i> .	
12	Application for a permit under section 197 of the Act—	
	(a) in relation to a Category 1 or Category 2 animal	\$409.00
	(b) in relation to a Category 1 or Category 2 plant	\$114.00
	(c) in relation to a Category 3 animal or plant	\$114.00
13	Application for notation on Landscape Scheme Register or for the removal of a notation	\$10.20
14	Fee for providing information required by the <i>Land and Business (Sale and Conveyancing) Act 1994</i>	\$29.00
15	Application for a forest water licence	\$264.00
16	Application to vary a water allocation attached to a forest water licence	\$490.00 plus a technical assessment fee of \$329.00
17	Application to transfer the whole or a part of the water allocation attached to a forest water licence	\$490.00 plus a technical assessment fee of \$329.00
18	Application to vary a condition to a forest water licence	\$490.00 plus a technical assessment fee of \$329.00
19	Application to register an approved water licence / entitlement transfer	\$65.00
20	Application to consolidate water licences	\$170.00
21	Application to subdivide a water licence	\$170.00
22	Application to alter details on the register	\$132.00
23	Application for joint ownership of a water licence	\$132.00

24	Application for changes in a tenancy arrangement	\$132.00
25	Application relating to devolution of a water licence	\$132.00
26	Application to record trustee in bankruptcy	\$132.00
27	Application to record administrator of a body corporate	\$132.00
28	Application to vary a water allocation	\$132.00
29	Application for registration of a security interest	\$83.00
30	Application for discharge of a registered security interest	\$83.00
31	Application for registration of a caveat	\$83.00
32	Application for extension of a security interest	\$65.00
33	Application for evidence of a transaction	\$11.50
34	Application for provision of information on the register of a restricted class	\$12.00

Note—

Regulation 38 of the *Landscape South Australia (General) Regulations 2020* sets out certain applications that are exempt from fees specified in this clause.

3—Fees relating to meters owned by Minister

1	Rent for meter owned by Minister for a period of 12 months or less ending on 30 June (regulation 10 of the <i>Landscape South Australia (Water Management) Regulations 2020</i>)—	
	Nominal size of meter—	
	(a) less than 50 mm	\$241.00
	(b) 50 to 100 mm	\$348.00
	(c) 150 to 175 mm	\$514.00
	(d) 200 to 380 mm	\$589.00
	(e) 407 to 610 mm	\$706.00
2	Testing meter under section 79(4) of the Act	Estimated cost determined by the Minister

4—Tagged interstate water trades

1	Application to register a transfer of a water allocation undertaken under an Interstate Water Entitlements Transfer Scheme (regulation 32(1) of <i>Landscape South Australia (Water Management) Regulations 2020</i>)	\$288.00
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Made by the Minister for Climate, Environment and Water

On 16 June 2022

LIQUOR LICENSING ACT 1997

South Australia

Liquor Licensing (Fees No 2) Notice 2022

under the *Liquor Licensing Act 1997*

1—Short title

This notice may be cited as the *Liquor Licensing (Fees No 2) Notice 2022*.

Note—

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

2—Commencement

This notice has effect on 1 July 2022.

3—Revocation

All previous fee notices made under the Act (including, to avoid doubt, the *Liquor Licensing (Fees) Notice 2022*) are revoked.

4—Interpretation

(1) In this notice, unless the contrary intention appears—

Act means the *Liquor Licensing Act 1997*.

class 1 event—an event authorised under a short term licence is a class 1 event if—

- (a) the maximum capacity of the licensed premises authorised under the licence for the event is a number of persons not exceeding 200 persons at any one time; and
- (b) the sale or supply of liquor past 12 midnight is not authorised under the licence for the event; and
- (c) the event is to last 1 day or less; and
- (d) no part of the licensed premises or area adjacent to the licensed premises is used for the purpose of providing prescribed entertainment;

class 2 event—an event authorised under a short term licence is a class 2 event—

- (a) if—
 - (i) the maximum capacity of the licensed premises authorised under the licence for the event is a number of persons not exceeding 1,200 persons at any one time; and
 - (ii) the sale or supply of liquor past 2 am is not authorised under the licence for the event; and
 - (iii) no part of the licensed premises or area adjacent to the licensed premises is used for the purpose of providing prescribed entertainment; or
- (b) if the conditions of the licence in respect of the event only authorise the sale of liquor by direct sales transactions (regardless of the authorised trading hours under the licence); or

- (c) if, in the opinion of the Commissioner, the nature of the event is such that the event should be regarded as a class 2 event;

class 3 event—an event authorised under a short term licence is a class 3 event if—

- (a) the maximum capacity of the licensed premises authorised under the licence for the event is a number of persons exceeding 1,200 persons at any one time; or
- (b) the sale or supply of liquor past 2 am is authorised for the event; or
- (c) a part of the licensed premises or area adjacent to the licensed premises is used for the purpose of providing prescribed entertainment; or
- (d) the Commissioner determines on other grounds that the nature of the event has required or will require the devotion of significant resources for the purposes of the administration or enforcement of the Act in relation to the event;

day—the Commissioner may, in relation to an event authorised under a short term licence, specify on the licence each period (of up to 24 hours) that constitutes a day of the event;

event includes an occasion;

5 year short term licence—a short term licence granted for a term of 5 years is a 5 year short term licence;

short term licence includes a 5 year short term licence.

(2) For the purposes of this notice—

- (a) a licence authorises the sale or supply of liquor past midnight if it authorises the sale or supply of liquor immediately before and immediately after midnight on any 1 or more days (disregarding sale or supply to a resident on licensed premises); and
- (b) a licence authorises the sale or supply of liquor past 2 am if it authorises the sale or supply of liquor immediately before and immediately after 2 am on any 1 or more days (disregarding sale or supply to a resident on licensed premises); and
- (c) a licence authorises the sale or supply of liquor past 3 am if it authorises the sale or supply of liquor immediately before and immediately after 3 am on any 1 or more days (disregarding sale or supply to a resident on licensed premises); and
- (d) a licence authorises the sale or supply of liquor past 4 am if it authorises the sale or supply of liquor immediately before and immediately after 4 am on any 1 or more days (disregarding sale or supply to a resident on licensed premises); and
- (e) a licence authorises the sale or supply of liquor past 5 am if it authorises the sale or supply of liquor immediately before and immediately after 5 am on any 1 or more days (disregarding sale or supply to a resident on licensed premises).

(3) For the purposes of this notice, the **maximum capacity of licensed premises** is the number of persons that must not be exceeded at the licensed premises as stated under the licence (disregarding residents in areas of the premises not accessible to other members of the public (such as bedrooms and other accommodation areas)).

5—Fees

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

Schedule 1—Fees

1	Application for the grant of a licence other than a short term licence or an interstate direct sales licence	\$656.00
1A	Application for the grant of an interstate direct sales licence	\$99.00
2	Application for the grant of a short term licence (other than a 5 year short term licence) if it is to be granted to the holder of a licence (other than a short term licence) and the licensed premises of the short term licence comprise the whole or a part of the licensed premises of the other licence held by the licensee, or is adjacent to the other licence held by the licensee—	
	(a) where the application is made within the prescribed time	\$99.00
	(b) where the application is not made within the prescribed time—the fee determined in accordance with paragraph (a) of this item plus a <i>late fee</i> of \$97.00	
3	Application for the grant of a short term licence (other than a short term licence to which item 2 applies or a 5 year short term licence)—	
	(a) where the application is made within the prescribed time—	
	(i) if the licence is sought for a class 1 event	\$99.00
	(ii) if the licence is sought for a class 2 event—	
	(A) if the conditions of the licence only authorise the sale of liquor by direct sales transactions	\$99.00
	(B) in any other case	\$210.00
	(iii) if the licence is sought for a class 3 event	\$656.00
	(b) where the application is not made within the prescribed time—the fee determined in accordance with paragraph (a) of this item plus a <i>late fee</i> of—	
	(i) if the licence is sought for a class 1 event	\$99.00
	(ii) if the licence is sought for a class 2 event—	
	(A) in the case of a licence that only authorises the sale of liquor by direct sales transactions	\$99.00
	(B) in any other case	\$210.00
	(iii) if the licence is sought for a class 3 event	\$656.00

However, no fee is payable under item 2, 3 or 4 for an application for the grant of a short term licence if—

- (a) the licence is sought for a class 1 or 2 event; and
- (b) the applicant is an incorporated association under the *Associations Incorporation Act 1985* or an entity registered under the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth,

but if such an application is not made within the prescribed time, the late fee under item 2(b) or 3(b)(i) or (ii) (as the case requires) is payable in respect of the application.

For the purposes of items 2 and 3, the *prescribed time*, in relation to an application, is the time prescribed under section 51(1)(c) of the Act (see the *Liquor Licensing (General) Regulations 2012*) as the time within which the application must be made.

4	Event fee in relation to an event endorsed on a short term licence (other than a 5 year short term licence)—	
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- (a) if the event endorsed is a class 1 event—no fee is payable
- (b) if the event endorsed is a class 2 event—
- (i) if the conditions of the licence only authorise the sale of liquor by direct sales transactions—an amount of \$10.60 is payable in respect of each day of the event
- (ii) in any other case—an amount equal to the sum of the base amount and the capacity amount is payable in respect of each day of the event
- (c) if the event endorsed is a class 3 event—an amount equal to the sum of the base amount, the capacity amount and the trading hours amount is payable in respect of each day of the event
- 5 Application for the grant of a 5 year short term licence—
- (a) an application fee of \$656.00
- and
- (b) an endorsement fee for the endorsement by the licensing authority of the first event on the licence—
- (i) for the endorsement of a class 1 event \$49.50
- (ii) for the endorsement of a class 2 event \$105.00
- (iii) for the endorsement of a class 3 event \$327.00
- (c) an event fee in relation to the endorsement by the licensing authority of the first event on the licence—
- (i) if the event endorsed is a class 1 event—no fee is payable
- (ii) if the event endorsed is a class 2 event—an amount equal to the sum of the base amount and the capacity amount is payable in respect of each day of the event
- (iii) if the event endorsed is a class 3 event—an amount comprised of the sum of the base amount, the capacity amount and the trading hours amount is payable in respect of each day of the event
- 6 The following fees are payable for each subsequent event endorsed by the licensing authority on a 5 year short term licence in accordance with the conditions of the licence:
- (a) an endorsement fee for the endorsement of the event on the licence—
- (i) for the endorsement of a class 1 event \$49.50
- (ii) for the endorsement of a class 2 event \$105.00
- (iii) for the endorsement of a class 3 event \$327.00
- (b) an event fee in relation to the event—
- (i) if the event endorsed is a class 1 event—no fee is payable
- (ii) if the event endorsed is a class 2 event—an amount equal to the sum of the base amount and the capacity amount is payable in respect of each day of the event
- (iii) if the event endorsed is a class 3 event—an amount comprised of the sum of the base amount, the capacity amount and the trading hours amount is payable in respect of each day of the event
- 7 If the fees under item 6 payable in accordance with the conditions of the licence are not paid within the time before the commencement of the event specified by those conditions, the following additional amount is payable:

	(a) if the event to be endorsed on the licence is a class 1 event	\$49.50
	(b) if the event to be endorsed on the licence is a class 2 event	\$105.00
	(c) if the event to be endorsed on the licence is a class 3 event	\$327.00
8	For the purposes of items 4(b)(ii) and (c), 5(c), and 6(b)—	
	(a) the <i>base amount</i> is—	\$106.00
	and	
	(b) the <i>capacity amount</i> is—	
	(i) if the maximum capacity of the licensed premises does not exceed 500	nil
	(ii) if the maximum capacity of the licensed premises exceeds 500 but does not exceed 1 000	\$26.50
	(iii) if the maximum capacity of the licensed premises exceeds 1 000 but does not exceed 5 000	\$53.00
	(iv) if the maximum capacity of the licensed premises exceeds 5 000 but does not exceed 10 000	\$79.50
	(v) if the maximum capacity of the licensed premises exceeds 10 000	\$106.00
	and	
	(c) the <i>trading hours amount</i> is—	
	(i) if the sale or supply of liquor past 2 am is authorised for the event but the sale or supply of liquor past 3 am is not authorised	\$21.20
	(ii) if the sale or supply of liquor past 3 am is authorised for the event but the sale or supply of liquor past 4 am is not authorised	\$63.00
	(iii) if the sale or supply of liquor past 4am is authorised for the event but the sale or supply of liquor past 5 am is not authorised	\$154.00
	(iv) if the licence authorises the sale or supply of liquor past 5 am	\$308.00
9	Application for the grant of a designated application under section 53A of the Act	\$143.00
10	Application for removal of a licence	\$656.00
11	Application for transfer of a licence	\$656.00
12	Application for—	
	(a) approval of an alteration or proposed alteration to licensed premises	\$143.00
	(b) redefinition of licensed premises as defined in the licence	\$143.00
13	Application by holder of club licence for endorsement of club event endorsement or club transport endorsement on licence (an application may relate to up to 5 such endorsements)	\$143.00
14	Application for exemption under section 38(6) of the Act	\$143.00
15	Application for approval of production outlet, retail outlet or wholesale outlet under section 39(2) of the Act	\$143.00
16	Application by holder of liquor production and sales licence for production outlet, retail outlet or wholesale outlet to be removed from licence	\$143.00
17	Application for a licensed premises to be shared in accordance with section 39(3) of the Act (a <i>collective outlet</i>)	\$143.00
18	Application for the endorsement of a production and sales event endorsement on licence (an application may relate to up to 5 such endorsements)	\$143.00

19	Application for amalgamation of club licence under section 65A of the Act	\$143.00
20	Application for authorisation to sell liquor in an area adjacent to licensed premises	\$143.00
21	Application for a variation of trading hours or for the imposition, variation or revocation of a condition of a licence—	
	(a) in relation to a short term licence	\$51.00
	(b) in relation to a club licence	\$225.00
	(c) in any other case	\$656.00
22	Application for—	
	(a) approval of a person as a responsible person under the Act	\$143.00
	(b) exemption under section 97(2) of the Act	\$143.00
23	Application for approval of a person as a licensee or the assumption by a person of a position of authority in the trust or corporate entity that holds the licence	
	(a) if the person is the subject of an approval of the Commissioner in force under section 38 of the <i>Gaming Machines Act 1992</i> in relation to the licence under that Act that authorises operations under the <i>Gaming Machines Act 1992</i> at the licensed premises (under the <i>Liquor Licensing Act 1997</i>)	no fee
	(b) in any other case	\$143.00
24	Application for an approval or permission under section 73 of the Act	\$143.00
25	Application for conversion of a temporary licence into an ordinary licence	\$656.00
26	Application for consent of the licensing authority to use part of the licensed premises or area adjacent to the licensed premises for the purpose of providing prescribed entertainment	\$656.00
27	Additional fee on an application where an identification badge is issued	\$23.90
28	Application for approval of an agreement or arrangement under section 99(2) of the Act	\$143.00
29	Application for approval of employment of minor on licensed premises under section 107(2) of the Act	\$143.00
30	Application for exemption from provision of code of practice	\$143.00
31	Annual fee for a general and hotel licence—the annual fee is the sum of—	
	(a) the base amount of	\$132.00
	and	
	(b) the capacity amount as follows:	
	(i) if the maximum capacity of the licensed premises does not exceed 200	nil
	(ii) if the maximum capacity of the licensed premises exceeds 200 but does not exceed 400	\$33.00
	(iii) if the maximum capacity of the licensed premises exceeds 400 but does not exceed 800	\$66.00
	(iv) if the maximum capacity of the licensed premises exceeds 800 but does not exceed 1 200	\$99.00
	(v) if the maximum capacity of the licensed premises exceeds 1 200	\$132.00
	and	

	(c) the trading hours amount	
	and	
	(d) —	
	(i) if the prescribed entertainment amount applies —the prescribed entertainment amount; and	
	(ii) if the prescribed area amount applies—the prescribed area amount; and	
	(iii) if the consumption off premises or direct sales transactions amount applies—the consumption off premises or direct sales transactions amount; and	
	(iv) if the bottle shop amount applies—the bottle shop amount	
32	Annual fee for an on premises licence where the licensed premises are a public conveyance—the annual fee is the sum of	
	(a) the base amount of	\$397.00
	and	
	(b) if the prescribed entertainment amount applies —the prescribed entertainment amount	
33	Annual fee for any other on premises licence—the annual fee is the sum of—	
	(a) the base amount of	\$450.00
	and	
	(b) the capacity amount of the following:	
	(i) if the maximum capacity of the licensed premises does not exceed 200	nil
	(ii) if the maximum capacity of the licensed premises exceeds 200 but does not exceed 400	\$112.50
	(iii) if the maximum capacity of the licensed premises exceeds 400 but does not exceed 800	\$225.00
	(iv) if the maximum capacity of the licensed premises exceeds 800 but does not exceed 1 200	\$337.50
	(v) if the maximum capacity of the licensed premises exceeds 1 200	\$450.00
	and	
	(c) the trading hours amount	
	and	
	(d) —	
	(i) if the prescribed entertainment amount applies —the prescribed entertainment amount; and	
	(ii) if the prescribed area amount applies—the prescribed area amount	
34	Annual fee for a restaurant and catering licence or a residential licence—the annual fee is the sum of—	
	(a) the base amount of	\$397.00
	and	
	(b) if the prescribed entertainment amount applies—the prescribed entertainment amount	

- 35 Annual fee for a club licence—the annual fee is the sum of—
- (a) the base amount of \$132.00
- and
- (b) the capacity amount of the following:
 - (i) if the maximum capacity of the licensed premises does not exceed 800 nil
 - (ii) if the maximum capacity of the licensed premises exceeds 800 but does not exceed 1 200 \$99.00
 - (iii) if the maximum capacity of the licensed premises exceeds 1 200 \$132.00
- and
- (c) the trading hours amount
- and
- (d) —
 - (i) if the prescribed entertainment amount applies—the prescribed entertainment amount; and
 - (ii) if the licence authorises the sale of liquor for consumption off the premises to members of the public—the consumption off premises or direct sales transactions amount; and
 - (iii) if the endorsement amount applies—the endorsement amount
- 36 Annual fee for a small venue licence—the annual fee is the sum of—
- (a) the base amount of \$450.00
- and
- (b) if the prescribed entertainment amount applies—the prescribed entertainment amount
- 37 Annual fee for a category 1 liquor production and sales licence—the annual fee is the sum of—
- (a) the base amount of \$79.50
- and
- (b) —
 - (i) if the prescribed entertainment amount applies—the prescribed entertainment amount; and
 - (ii) if the consumption off premises or direct sales transactions amount applies—the consumption off premises or direct sales transactions amount; and
 - (iii) if the endorsement amount applies—the endorsement amount

In this item—

category 1 liquor production and sales licence means a liquor production and sales licence that:

- (a) does not authorise the licensee to sell liquor for consumption on the licensed premises or restricts the sale or supply of liquor for consumption on the licensed premises to sampling only; and
- (b) does not authorise the licensee to sell or supply liquor other than the licensee's product, except, where sampling is authorised, for the purposes of section 39(e) of the Act; and

(c) other than for the purposes of sampling, where authorised by the licence, only authorises the licensee to sell the licensee's product by direct sales transactions.

38 Annual fee for a category 2 liquor production and sales licence—the annual fee is the sum of—

(a) the base amount of \$212.00

and

(b) the capacity amount of the following:

(i) if the maximum capacity of the licensed premises does not exceed 200 nil

(ii) if the maximum capacity of the licensed premises exceeds 200 but does not exceed 400 \$53.00

(iii) if the maximum capacity of the licensed premises exceeds 400 but does not exceed 800 \$106.00

(iv) if the maximum capacity of the licensed premises exceeds 800 but does not exceed 1 200 \$159.00

(v) if the maximum capacity of the licensed premises exceeds 1 200 \$212.00

and

(c) the trading hours amount

and

(d) —

(i) if the prescribed entertainment amount applies—the prescribed entertainment amount; and

(ii) if the consumption off premises or direct sales transactions amount applies—the consumption off premises or direct sales transactions amount; and

(iii) if the prescribed area amount applies—the prescribed area amount; and

(iv) if the endorsement amount applies—the endorsement amount

In this item—

category 2 liquor production and sales licence means a liquor production and sales licence that is not a category 1 liquor production and sales licence and that only authorises the licensee—

(a) to sell the licensee's product—

(i) on the licensed premises for consumption on or off the licensed premises; and

(ii) by direct sales transactions; and

(b) to sell liquor (including the licensee's product) for consumption on the licensed premises—

(i) to persons attending a function where food is provided by the licensee; and

(ii) with or ancillary to a meal provided by the licensee; and

(iii) to a person seated at a table.

39	Annual fee for any other liquor production and sales licence—the annual fee is the sum of—	
	(a) the base amount of	\$530.00
	and	
	(b) the capacity amount of the following:	
	(i) if the maximum capacity of the licensed premises does not exceed 200	nil
	(ii) if the maximum capacity of the licensed premises exceeds 200 but does not exceed 400	\$132.50
	(iii) if the maximum capacity of the licensed premises exceeds 400 but does not exceed 800	\$265.00
	(iv) if the maximum capacity of the licensed premises exceeds 800 but does not exceed 1 200	\$397.50
	(v) if the maximum capacity of the licensed premises exceeds 1 200	\$530.00
	and	
	(c) the trading hours amount	
	and	
	(d) —	
	(i) if the prescribed entertainment amount applies—the prescribed entertainment amount; and	
	(ii) if the consumption off premises or direct sales transactions amount applies—the consumption off premises or direct sales transactions amount; and	
	(iii) if the prescribed area amount applies—the prescribed area amount; and	
	(iv) if the endorsement amount applies—the endorsement amount	
40	Annual fee for a packaged liquor sales licence—the annual fee is the sum of—	
	(a) the base amount of—	
	(i) if the licence only authorises the licensee to sell liquor through direct sales transactions	\$1 906.00
	(ii) if the licence is not of a kind referred to in (i) and the licensee—	
	(A) is subject to an exemption from the condition under section 38(3) of the Act and holds less than 6 packaged liquor sales licences under the Act	\$890.00
	(B) holds less than 6 packaged liquor sales licences under the Act	\$2 965.00
	(C) holds more than 6 but not more than 10 packaged liquor sales licences under the Act	\$4 025.00
	(D) holds 11 or more packaged liquor sales licences under the Act	\$7 308.00
	and	
	(b) if the prescribed entertainment amount applies—the prescribed entertainment amount	
40A	Annual fee for an interstate direct sales licence	\$132.00

- 41 For the purposes of items 31 to 40 (inclusive) (relating to annual fees for licences)—
- (a) the *trading hours amount* is as follows:
- | | |
|--|-------------|
| (i) if the licence does not authorise the sale or supply of liquor past 2 am | nil |
| (ii) if the licence authorises the sale or supply of liquor past 2 am but does not authorise the sale or supply of liquor past 3 am | \$2 119.00 |
| (iii) if the licence authorises the sale or supply of liquor past 3 am but does not authorise the sale or supply of liquor past 4 am | \$6 355.00 |
| (iv) if the licence authorises the sale or supply of liquor past 4 am but does not authorise the sale or supply of liquor past 5 am | \$15 887.00 |
| (v) if the licence authorises the sale or supply of liquor past 5 am | \$31 774.00 |
- (b) —
- (i) the prescribed entertainment amount applies if a part of the licensed premises or area adjacent to the licensed premises is used for the purpose of providing prescribed entertainment; and
- (ii) the *prescribed entertainment amount* is
- | | |
|--|----------|
| | \$530.00 |
|--|----------|
- (c) —
- (i) the consumption off premises or direct sales transactions amount applies if the licence authorises the sale of liquor to persons (other than a resident) for consumption off the licensed premises; and
- (ii) the *consumption off premises or direct sales transactions amount* is
- | | |
|--|----------|
| | \$318.00 |
|--|----------|
- (d) —
- (i) the prescribed area amount applies if the Commissioner is satisfied that Hindley St is the street address of the licensed premises; and
- (ii) the *prescribed area amount* is
- | | |
|--|----------|
| | \$530.00 |
|--|----------|
- 42 For the purposes of the item relating to the annual fee for a general and hotel licensee, the bottle shop amount applies (in addition to the consumption off premises or direct sales transactions amount) if—
- (a) the licence authorises the sale (on a specified part of the licensed premises) of packaged liquor from a facility commonly known as a "bottle shop", "drive-in" or "drive through"; and
- (b) the *bottle shop amount* is
- | | |
|--|----------|
| | \$953.00 |
|--|----------|
- 43 For the purposes of the items relating to the annual fee for a club licence and a liquor production and sales licence (including a category 1 or 2 liquor production and sales licence)—
- (a) the endorsement amount applies if—
- (i) in the case of a club licence—the licence includes a club event endorsement or a club transport endorsement; and
- (ii) in the case of a liquor production and sales licence—the licence includes a production and sales event endorsement; and
- (b) the *endorsement amount* is—
- | | |
|--|-----|
| (i) if the licence is endorsed with not more than 5 endorsements | nil |
|--|-----|

	(ii) if the licence is endorsed with more than 5 but not more than 10 endorsements	\$275.00
	(iii) if the licence is endorsed with more than 10 but not more than 15 endorsements	\$530.00
	(iv) if the licence is endorsed with more than 15 endorsements	\$1 483.00
44	Annual fee for a suspended licence of a kind referred to in regulation 7E of the <i>Liquor Licensing (General) Regulations 2012</i>	\$132.00

Signed by the Minister for Consumer and Business Affairs

on 26 June 2022

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:

Annan Ainslie Lloyd

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.

Dated: 23 June 2022

DR J. BRAYLEY
Chief Psychiatrist

MOTOR VEHICLES ACT 1959

South Australia

Motor Vehicles (Guidelines for Medical Testing) Notice 2022

under section 80(2) of the *Motor Vehicles Act 1959*

1. Short Title

This notice may be cited as the Motor Vehicles (Guidelines for Medical Testing) Notice 2022.

2. Commencement

This notice has effect on the day on which it is made.

3. Adoption of guidelines for conduct of medical tests of competence to drive

For the purpose of section 80(2) of the *Motor Vehicles Act 1959* (“the Act”) the guidelines and policies contained within the publication entitled *Assessing fitness to drive for commercial and private vehicle drivers - 2022 edition* published by Austroads as amended from time to time, are adopted, **except** when the Registrar of Motor Vehicles (“Registrar”) is of the opinion that it is appropriate, considering the nature/or type of driving tasks to be performed or to be performed by the holder of, or applicant for, a licence or learner’s permit, to require the person to meet the Medical Standards for Licensing – Commercial Vehicle Driver Standards (referred to as “Commercial Standards” within this publication) (“**Commercial Standards**”). In these circumstances the medical tests required by the Registrar under section 80 of the Act must be conducted in accordance with the Commercial Standards and the results of those medical tests must be applied by the Registrar in accordance with the Commercial Standards, regardless of the class of licence or learner’s permit held or being applied for.

4. Revocation of previous notices

All previous notices pursuant to section 80(2) of the Act publishing or adopting guidelines or policies are hereby revoked.

5. Transitional provisions

For the purpose of section 80(2) of the Act, the guidelines and policies contained within the publication entitled *Assessing fitness to drive for commercial and private vehicle drivers – 2016 edition* published by Austroads are also adopted for use until 30 September 2022. For the avoidance of any doubt, after this date the only guidelines and policies adopted or published by me for the purpose of section 80(2) of the Act are those referred to in clause 3 of this notice.

6. Execution

Dated: 23 June 2022

HON TOM KOUTSANTONIS MP
Minister for Infrastructure and Transport

NATIONAL GAS (SOUTH AUSTRALIA) ACT 2008
NOTICE OF MAKING OF NATIONAL GAS AMENDMENT (MARKET TRANSPARENCY) RULE 2022
National Gas (South Australia) Law—Section 294FA

I, Tom Koutsantonis, Minister for Energy and Mining for the Crown in right of the State of South Australia, as the Minister administering the *National Gas (South Australia) Act 2008* of South Australia, hereby make the National Gas Amendment (Market Transparency) Rule 2022 under section 294FA(1) of the National Gas (South Australia) Law on the unanimous recommendation of the Ministers of the participating jurisdictions sitting as the Ministerial Council on Energy for the purposes of that section.

This Rule has been signed by me for the purposes of identification as the National Gas Amendment (Market Transparency) Rule 2022 and commences operation as set out below and will, from the first commencement date, be publicly available on the Australian Energy Market Commission website: www.aemc.gov.au

Schedule 6 of the Rule commence operation on 30 June 2022 (the commencement date).

Schedules 1 and 4 of the Rule commence operation 60 business days after the commencement date.

Schedule 5 of the Rule commences operation 120 business days after the commencement date.

Schedule 2 of the Rule commences operation 160 business days after the commencement date.

Schedule 3 of the Rule commences operation 200 business days after the commencement date.

The term ‘business day’ has the same meaning in the National Gas (South Australia) Law.

Dated: 23 June 2022

HON TOM KOUTSANTONIS MP
Minister for Energy and Mining

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000
Temporary Cessation of Suspension of Petroleum Exploration Licence—PEL 95

Pursuant to Section 90 of the *Petroleum and Geothermal Energy Act 2000*, notice is hereby given that the suspension of PEL 95 dated 8 October 2021 has been temporarily ceased, for a one (1) day period on 26 June 2022, pursuant to delegated powers dated 29 June 2018.

The expiry date of PEL 95 remains as 29 October 2023

Dated: 23 June 2022

NICK PANAGOPOULOS
A/Executive Director
Energy Resources Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000
Temporary Cessation of Suspension of Petroleum Exploration Licence—PEL 95

Pursuant to Section 90 of the *Petroleum and Geothermal Energy Act 2000*, notice is hereby given that the suspension of PEL 95 dated 8 October 2021 has been temporarily ceased, for a one (1) day period on 28 June 2022, pursuant to delegated powers dated 29 June 2018.

The expiry date of PEL 95 remains as 29 October 2023.

Dated: 27 June 2022

NICK PANAGOPOULOS
A/Executive Director
Energy Resources Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

PUBLIC SECTOR ACT 2009

South Australia

Public Sector (Reorganisation of Public Sector Operations) Notice 2022

under section 9(1) of the *Public Sector Act 2009*

1 - Short title

This notice may be cited as the Public Sector (Reorganisation of Public Sector Operations) Notice 2022.

2 - Commencement

This notice will come into operation on 1 July 2022.

3 - Transfer of employees

- (1) The employees listed in column 1 of the table below are transferred to employment in the public sector agency listed in column 2 opposite the reference to the employee on the same basis of engagement as applied before the transfer.
- (2) A reference to a public sector division or a business unit in column 1 includes any employees of that division or business unit who are:
 - (a) Currently working on a term basis in another public sector agency and who have a right of return to duties pursuant to regulation 6 of the Public Sector Regulations 2010
 - (b) Absent from their substantive duties on any form of paid or unpaid leave and who have a right of return at the conclusion of such leave to return to their duties.

Employee	Public sector agency
All employees in the business unit known as the Pastoral Unit within the Department of Primary Industries and Regions immediately before 1 July 2022	Department for Environment and Water
All employees of the division known as Aboriginal Affairs within the Department of the Premier and Cabinet immediately before 1 July 2022	Attorney-General's Department
All employees of the division known as Industrial Relations within the Department of Treasury and Finance immediately before 1 July 2022	Attorney-General's Department
All employees of the division known as SafeWork SA within the Department of Treasury and Finance immediately before 1 July 2022	Attorney-General's Department
All employees of the unit known as the Mining and Quarrying Occupational Health and Safety Committee within the Department of Treasury and Finance immediately before 1 July 2022	Attorney-General's Department

All employees of the division known as Planning and Land Use Services, <u>excluding</u> the Office of Local Government within the Attorney-General's Department immediately before 1 July 2022	Department for Trade and Investment
All employees of the division known as the Office of Local Government within the Attorney-General's Department immediately before 1 July 2022	Department of Infrastructure and Transport
All employees of the division known as Office of the Valuer-General within the Attorney-General's Department immediately before 1 July 2022	Department for Trade and Investment
All employees of the division known as Office of the Registrar-General within the Attorney-General's Department immediately before 1 July 2022	Department for Trade and Investment
All employees of the division known as the South Australian Employment Tribunal within the Department of Treasury and Finance immediately before 1 July 2022	Attorney-General's Department
All employees of the following business units within the Department for Innovation and Skills immediately before 1 July 2022: Skills Planning and Purchasing Traineeship and Apprenticeship Services Analytics and Information Systems Office of the SA Skills Commission	Department for Education
The following employees of the Department for Innovation and Skills immediately before 1 July 2022: Madeline RICHARDSON Shannen ACTON Anthony ELLIOTT Kerry RODGER Amanda HUNT Carmen POLMEAR Jacqueline HIGHET Tonia SMITH Angela LOBUONO Antonino SACCA Leila CIENCEALA Edith PEDLER Rebecca CURTAIN Seth NICHOLLS Ann BLYTHE Helen PATRIARCA Daniel MCARTHY	Department for Education

Emily WHITE
Nicole SPENCER
Ashley BOWKER
Alexandra LACEY
Gayle MULLER
Joanna RAUBISZKO
Andrew SHORTMAN
Shellie MCDONALD
Adrian PHILLIPS
Santing UNG
Adam GUERIN
Melanie MAZUREK
Kenneth OSBORNE
Melissa THORPE
Carmen KOW
Evan HU
Paola LAGOS
Pauline ARMATAS
David CARMICHAEL
Rina KANG
Erin COX
Nikunj MANDLAS
Edward PARKINSON
Elliot BOND
Grace FITZPATRICK
Tim MOSS
Marie CHRISTODOULOU

All employees in the business unit known as Industry Capability Network SA (ICNSA) within the Department for Trade and Investment immediately before 1 July 2022

Department for Industry,
Innovation and Science

The following employees with functional responsibility for International Education (including Study Adelaide) within the Department for Trade and Investment immediately before 1 July 2022

Department for Industry,
Innovation and Science

Kevin GILBERT
Gregory SAUNDRY
Jill THOMPSON

Made by the Premier

on 16 June 2022

DPC22/056CS

RETAIL AND COMMERCIAL LEASES ACT 1995

Exemption

PURSUANT to Section 77(2) of the *Retail and Commercial Leases Act 1995* (SA) I, Nerissa Kilvert, Acting Small Business Commissioner for the State of South Australia, EXEMPT the Lease to be entered into in or about July 2022 in accordance with the terms of the draft lease between West Beach Trust and GLC Airport Community Limited in relation to the use of that portion of the land comprised in Certificate of Title Volume 6159, Folio 65 delineated as the area shaded yellow in the plan forming Annexure A to the Lease.

Dated: 27 June 2022

NERISSA KILVERT
Acting Small Business Commissioner

RETURN TO WORK ACT 2014

RTWSA Premium Provisions 2022-2023

The Board of the Return to Work Corporation of South Australia ('the Corporation') after consultation with the Minister publishes the following terms and conditions that will apply in relation to the calculation, imposition and payment of premiums for the purposes of subsection 138(1) of the *Return to Work Act 2014* ('the Act') and these terms and conditions will be referred to as the 'RTWSA Premium Provisions 2022-2023'.

The RTWSA Premium Provisions 2022-2023 apply for the premium period 2022-2023 (and each premium period thereafter until modified in accordance with subsection 138(1) of the Act).

Part 1 – Preliminary Matters

1. These terms and conditions apply to the calculation, imposition and payment of premiums on or after 1 July 2022.

Part 2 - Definitions

2. For the purposes of the RTWSA Premium Provisions 2022-2023, RTWSA Premium Order (Return To Work Premium System) 2022-2023 (as amended from time to time) and the RTWSA Premium Order (Retro-Paid Loss Arrangement) 2022-2023 (as amended from time to time) the following definitions will apply except where otherwise modified:

apprentice: A person who is or will be trained by their employer under an approved training contract in an occupation declared to be a 'trade' under section 6 of the *South Australian Skills Act 2008*.

approved training contract: Has the same meaning as a contract approved as a training contract under the *South Australian Skills Act 2008*.

ceasing employer: A registered employer that ceases to be an employer required to be registered under Part 9 of the Act.

employer: Has the same meaning as in section 4 of the Act.

financial year: The period from 1 July in a calendar year to 30 June in the next calendar year with a **full financial year** being the whole of that 12 month period and **part financial year** being any period less than the whole 12 month period.

GST: The Goods and Services Tax, has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

GTO: A Group Training Organisation which is registered as such under the National Standards for Group Training Organisations in South Australia and which has a registered office in South Australia.

industry premium rate: A rate that corresponds to a SAIC as determined by the Corporation from time to time and published in the Government Gazette.

new employer: An employer who takes over a business on account of a transfer of business as defined by section 160 of the Act.

newly registered employer: An employer who has not been registered for one full premium period.

WHS: The work health and safety registration fee calculated for each financial year and collected by the Corporation on behalf of SafeWork SA in accordance with Schedule 5 of the *Work Health and Safety Act 2012*.

old employer: An employer who has disposed of a business under a transfer of business as defined by section 160 of the Act.

period: Includes any financial year, or as provided in Part 8.

premium period: Refers to any financial year for which premium is calculated.

Regulations: The *Return to Work Regulations 2015*.

remuneration: is the remuneration payable by an employer to or for the benefit of workers during a premium period and includes all liabilities for payment made or to be made to or for the benefit of a worker which by the determination of the Corporation constitute remuneration but does not include payments determined by the Corporation not to constitute remuneration.

SAIC: South Australian Industry Classification.

the Act: *Return to Work Act 2014*.

trainee: A person who is or will be trained by their employer under an approved training contract (entered into prior to 23 May 2013 or with a GTO) in an occupation which is a declared 'vocation' under section 6 of the *South Australian Skills Act 2008*.

Part 3 - Liability to pay premiums

3. For the purposes of section 139(1) of the Act, an employer will be liable to pay a premium for each premium period.

Part 4 – Calculation of Base Premium for employers

4. Pursuant to section 142(4) of the Act, the base premium (BP) is to be calculated in accordance with the following formula:

$$BP = (Ra \times Ia) + (Rb \times Ib) + \dots (Rn \times In)$$

Where:

Ra, Rb, ...Rn are each a part of the total remuneration in respect of the period:

- a. for which the premium is to be calculated; or

- b. preceding the period for which the premium is to be calculated,

as chosen by the employer at the time of completing the return for the current premium period, being a part of the total remuneration attributable to each of the employer's relevant SAICs.

Ia, Ib, ...In are each an industry premium rate expressed as a percentage that corresponds to each relevant SAIC applicable to the employer.

Non-payment or underpayment of remuneration lawfully payable will not reduce the remuneration used as a basis for calculation of an employer's base premium.

Part 5 – Apprentice and Trainee Incentive Amount

5. The Apprentice and Trainee incentive amount (A) for an employer is to be calculated in accordance with the following formula:

$$A = (Aa \times Ia) + (Ab \times Ib) + \dots (An \times In)$$

Where:

Aa, Ab, ...An are each a part of the total remuneration payable by the employer to:

- 5.1. apprentices (as defined in Part 2) in respect of the period for which the premium is to be calculated, being a part of the total remuneration attributable to a SAIC applicable to the employer.
- 5.2. trainees (as defined in Part 2) but only for the term or the balance of the term of an approved training contract (as defined in Part 2) entered into prior to 23 May 2013 and in respect of the period for which the premium is to be calculated, being a part of the total remuneration attributable to a SAIC applicable to the employer.
- 5.3. in the case of an employer who is a GTO, GTO trainees (both as defined in Part 2) employed by that GTO in respect of the period for which the premium is to be calculated, being a part of the total remuneration applicable to a SAIC applicable to the employer.

Ia, Ib, ...In are each an industry premium rate being a percentage rate that corresponds to each relevant SAIC applicable to the employer.

6. If the employer has not supplied a return with respect to remuneration (as required under the Act) in respect of any relevant period, the apprentice and trainee incentive amount ("A") is taken to be zero for the purposes of the calculation of the employer's premium but the premium may be recalculated when the required return as to remuneration has been supplied.

Part 6 – Premium payable by a newly registered employer

7. Where an employer is a newly registered employer, the premium payable ("P") is calculated in accordance with the following formula:

$$P = (BP - A) + SUR + GST + WHS$$

Where:

P is the premium payable for a premium period or part thereof

SUR is the Supplementary Underwriting Rate being a premium adjustment (either a decrease or an increase) to allow the premium of an employer, within a particular category or class, to be adjusted. Any adjustment is at the discretion of the Corporation and subject to the claims experience and a specific risk assessment of the employer by the Corporation.

Part 7 – Transfer of Business

8. For the purposes of section 160 of the Act it is determined that the claims history of the old employer will be applied to the calculation of the premium payable by the new employer in the following circumstances:

- 8.1. Where the new employer has employed workers who constituted all or a majority of the workers employed by the old employer at any time at the business location or locations transferred to the new employer, and
- 8.2. The workers at any time carried out activities/services for the new employer that are the same or similar to activities/services carried out by those workers for the old employer.

In any other case involving a transfer of business pursuant to section 160 of the Act, the Corporation will be entitled in its discretion to apply claims experience with respect to the employer before the transfer, to the employer who takes over the business on account of the transfer.

These provisions apply whether or not the business of the new employer or the activities and/or services performed are at the same business location.

Part 8 – Designated period and designated minimum premium

9. For the purposes of section 143(9)(a) of the Act, the designated period is a financial year.
10. For the purposes of section 143(9)(b) of the Act, the designated minimum premium is \$200, subject to any instalment payment rounding.

Part 9 – Cessations

11. For the purposes of section 139(3) of the Act, the Corporation will calculate a ceasing employer's refund as follows:
- 11.1. the ceasing employer's premium ("final premium") will be calculated in accordance with the formula in Part 3 of the RTWSA Premium Order (Return to Work Premium System) 2022-2023, but where, in calculating base premium, 'Ra, Rb, ...Rn' is the remuneration declared in the return for the current premium period multiplied by the percentage of that period that the ceasing employer was registered; and
 - 11.2. if the premium already paid by the ceasing employer is greater than the final premium, the ceasing employer is entitled to a refund of an amount equal to the difference between the premium already paid and the final premium.
12. If the premium already paid by a ceasing employer in the current premium period is less than the final premium, the ceasing employer is required to pay the Corporation an amount equal to the difference between the premium already paid in the current premium period and the final premium (being an adjusted premium).

13. For the avoidance of doubt, nothing in this Part 9 impacts the Corporation's power under section 144(6)(b) of the Act.

I confirm that this is a true and correct record of the decision of the Board of the Corporation made on the 29th day of April 2022.

Dated: 26 May 2022

G. MCCARTHY
Board Chair

RETURN TO WORK ACT 2014

RTWSA Premium Order (Return to Work Premium System) 2022-2023

The Board of the Return to Work Corporation of South Australia ('the Corporation') after consultation with the Minister publishes the principles fixing the manner in which a premium payable by an employer (or person who proposes to become an employer) will be calculated for the purposes of section 143 of the *Return to Work Act 2014* ('the Act'), referred to as the 'RTWSA Premium Order (Return to Work Premium System) 2022-2023' ('this Order'). This Order fixes the manner in which such a premium is to be calculated so as to take effect on 1 July 2022 and up to and including 30 June 2023.

Part 1 – Preliminary Matters

This Order is the RTWSA Premium Order (Return to Work Premium System) 2022-2023 published pursuant to subsection 143(3) of the Act and takes effect on 1 July 2022.

Part 2 – Application

1. This Order applies to all employers other than a newly registered employer in the circumstance described in clause 2 or unless another Order applies.
2. A newly registered employer, who commenced to be an employer after 1 July 2021 and who employed workers after 1 July 2021, who is not subject to the transfer of business provisions in section 160 of the Act, will have their premium calculated in accordance with Part 6 of the RTWSA Premium Provisions 2022-2023 until that employer has experienced a full premium period.
3. If before 1 July 2023, a RTWSA Premium Order (Return to Work Premium System) has not been made for the 2023-2024 period, this Order continues to apply pending the making of such an Order.
4. The terms and conditions in the RTWSA Premium Provisions 2022-2023 apply unless this Order provides otherwise.
5. In this Order, words and expressions have the same meaning as they have in the RTWSA Premium Provisions 2022-2023, unless this Order provides otherwise.

Part 3 – Calculation of premium payable by an employer

6. The premium payable by an employer for a premium period, or part thereof, is to be calculated by the following formula:

$$P = BP \times (1 - D) + C^* - A + SUR + GST + WHS$$

* C is subject to a maximum of $3 \times D \times BP$

Where:

P is the total premium

D is the base premium discount factor calculated in accordance with Part 4 of this Order

BP is the base premium calculated in accordance with Part 4 of the RTWSA Premium Provisions 2022-2023

C is the cost of claims calculated in accordance with Part 5 of this Order

A is the Apprentice and Trainee incentive amount, if any, for an employer determined with respect to the premium period or part thereof in accordance with Part 5 of the RTWSA Premium Provisions 2022-2023

SUR is the Supplementary Underwriting Rate being a premium adjustment (either a decrease or an increase) to allow the premium of an employer, within a particular category or class, to be adjusted. Any adjustment is at the discretion of the Corporation and subject to the claims experience and a specific risk assessment of the employer by the Corporation.

GST is the Goods and Services Tax as defined in Part 2 of the RTWSA Premium Provisions 2022-2023

WHS is the work health and safety registration fee as defined in Part 2 of the RTWSA Premium Provisions 2022-2023

Part 4 – Base premium discount factor

7. The base premium discount factor (D) for an employer is as follows:
 - 7.1. Where the employer's annualised Base Premium is less than \$10,000, the premium discount factor is 0.05.
 - 7.2. Where the employer's annualised Base Premium is or exceeds \$10,000 and is less than \$50,000, the premium discount factor is 0.1.
 - 7.3. Where the employer's annualised Base Premium is or exceeds \$50,000 and is less than \$100,000, the premium discount factor is 0.15.
 - 7.4. Where the employer's annualised Base Premium is or exceeds \$100,000 and is less than \$500,000, the premium discount factor is 0.2.
 - 7.5. Where the employer's annualised Base Premium is or exceeds \$500,000 and is less than \$1,000,000, the premium discount factor is 0.25.
 - 7.6. Where the employer's annualised Base Premium is or exceeds \$1,000,000 the premium discount factor is 0.30.

Part 5 – Cost of claims

8. Cost of claims means income support payments, where:
 - 8.1. payments were made in the financial year preceding the premium period to which the premium applies, and
 - 8.2. the payments were paid with respect to claims with a date of injury in the three financial years preceding the commencement of the premium period to which the premium applies, but excluding:
 - 8.2.1. the amount of income support paid in the first two weeks of a worker's incapacity where the Corporation has undertaken the liability of the employer in accordance with subsection 64(14) of the Act, and

8.2.2. the income support payments paid in respect of claims arising from an unrepresentative injury as defined by section 4 of the Act, and

8.2.3. the income support payments associated with successfully prosecuted fraudulent claims.

Part 6 – Group Training Organisation arrangement

9. Where an employer is registered with the South Australian Government as meeting the National Standards for Group Training Organisations in the relevant premium period, the premium (P) will be calculated in accordance with the following formula:

$$P = BP - A + SUR + GST + WHS$$

10. This arrangement shall only apply if the employer has registered and obtained a separate employer number with ReturnToWorkSA for the purpose of reporting apprentice and trainee remuneration.

Part 7 - Alternative set of Principles (Retro Paid Loss Arrangement)

11. For the purposes of section 143(7)(e) of the Act, the RTWSA Premium Order (Retro-Paid Loss Arrangement) 2022-2023 is an alternative set of principles for the payment of premium for an employer or employers.

Part 8 - Provision of a deposit, bond or guarantee or other security

12. As permitted by section 143(7) of the Act the Corporation will be entitled, in its discretion, to require any employer within a class set out below to provide security for the due payment of premium or other money due to the Corporation. Such security may, at the discretion of the Corporation, be constituted by a deposit, bond, guarantee, and/or a security over assets of that employer or over the assets of any person or entity providing a guarantee.

13. The following classes of employer are specified for the purposes of section 143(7)(f) -

- (a) An employer who has been or is a non-compliant employer;
- (b) An employer in respect of which any manager, director, officer or other person having material influence over the affairs of the employer –
 - i. has previously been a manager director officer or person having material influence over the affairs of a non-compliant employer; or
 - ii. is a related person to a manager, director, officer or other person having material influence over the affairs of a non-compliant employer;
- (c) An employer who would be capable of being treated as a member of a group under the *Payroll Tax Act 2009* where any other member of the group has been or is a non-compliant employer;
- (d) An employer who is or has been or is an associated entity of a non-compliant employer;
- (e) An employer who has not disclosed information to which the Corporation is entitled under either section 149 or 150 of the Act in a timely manner.

14. In this Part 8 the following terms have the meanings set out below –

“**non-compliant employer**” is an employer who has defaulted in the payment of premium or other money due to the Corporation, within the 3 years prior to the commencement of this Premium Order or who has failed to comply with section 128 of the Act or any equivalent provision in prior legislation;

“**associated entity**” means entities that are associated under section 50AAA of the Corporations Act 2001;

“**related person**” means spouse, domestic partner, parent, grandparent, child, grandchild, stepchild, brother, sister, stepbrother, stepsister, half-brother, half-sister, aunt, uncle, cousin or a spouse or domestic partner of any of those persons.

I confirm that this is a true and correct record of the decision of the Board of the Corporation made on the 29th day of April 2022.

Dated: 26 May 2022

G. MCCARTHY
Board Chair

RETURN TO WORK ACT 2014

RTWSA Premium Order (Retro-Paid Loss Arrangement) 2022-2023

The Board of the Return to Work Corporation of South Australia (‘the Corporation’) after consultation with the Minister publishes the principles fixing the manner in which a premium payable by an employer (or person who proposes to become an employer) will be calculated for the purposes of section 143 of the *Return to Work Act 2014* (‘the Act’), referred to as the ‘RTWSA Premium Order (Retro-Paid Loss Arrangement) 2022-2023’ (‘this Order’).

This Order fixes the manner in which such a premium is to be calculated for the Retro-Paid Loss Arrangement authorised under subsection 143(7)(e) of the Act for the period beginning 1 July 2022 to and including 30 June 2023.

Part 1 – Preliminary Matters

1. This Order is the RTWSA Premium Order (Retro-Paid Loss Arrangement) 2022-2023 published pursuant to subsection 143(3) of the Act.
2. This Order takes effect on 1 July 2022.

Part 2 – Application

3. This Order applies to employers who, in accordance with subsection 143(7)(e) of the Act, on application and at the discretion of the Corporation, satisfy specified criteria so as to pay a premium determined according to an alternative set of principles. The Corporation delegates to its Chief Executive Officer the function and power to specify such criteria.
4. In accordance with subsection 143(7)(e) of the Act and as determined in Part 7 of the RTWSA Premium Order (Return to Work Premium System) 2022-2023 this Order fixes such an alternative set of principles for calculating premiums (to be known as the Retro-Paid Loss Arrangement premium calculation).
5. If, before 1 July 2023, a RTWSA Premium Order (Retro-Paid Loss Arrangement) has not been made for the 2023-2024 period (or such further period thereafter), this Order continues to apply pending the making of such an order.

6. The terms and conditions in the RTWSA Premium Provisions 2022-2023 apply to, and in respect of, a Retro-Paid Loss Arrangement unless this Order provides otherwise.
7. In this Order, words and expressions have the same meaning as they have in the RTWSA Premium Provisions 2022-2023, unless this Order provides otherwise.

Part 3 - Retro-Paid Loss Arrangement premium calculation

8. The Retro-Paid Loss Arrangement premium calculated at the commencement of the premium period is the initial premium, determined in accordance with Part 6 of this Order.
9. The Retro-Paid Loss Arrangement premium is then recalculated at each adjustment date as the adjusted premium, determined in accordance with Part 6 of this Order.

Part 4 - Returns and payment terms

10. Any initial premium will be payable in accordance with the provisions in the then current Payment of Statutory Payments Notice.
11. Any adjusted premium is to be paid in full on the date specified on the adjustment note.

Part 5 - Adjustment dates

12. In this Order:
- 12.1 adjustment date, in relation to the Retro-Paid Loss Arrangement, means each of the following dates:
- the date that is 15 months after the date of the commencement of the premium period (the first adjustment date),
 - the date that is 27 months after the date of the commencement of the premium period (the second adjustment date),
 - the date that is 39 months after the date of the commencement of the premium period (the third adjustment date),
 - the date that is 48 months after the date of the commencement of the premium period (the fourth adjustment date).

Part 6 - Calculation of initial premium and adjusted premium

13. The method for calculating the premium for an employer or group of employers:
- 13.1 at the commencement of the premium period, the premium (initial premium) is calculated as defined in the RTWSA Premium Order (RTW Premium System) 2022-2023, but where, in calculating base premium, 'ra, rb...rn' are each part of the total remuneration in respect of the 2022-2023 premium period, being a part of the total remuneration attributable to each of the employer's relevant SAICs.
- 13.2 at the 15 month adjustment date, the premium (adjusted premium) is as follows:

$$P = (BP - A) \times 0.6 + C + SUR + GST + WHS$$
but not more than P_{max} .
- 13.3 at the 27 month adjustment date, the premium (adjusted premium) is as follows:

$$P = (BP - A) \times 0.5 + C + SUR + GST + WHS$$
but not more than P_{max} .
- 13.4 at the 39 month adjustment date, the premium (adjusted premium) is as follows:

$$P = (BP - A) \times 0.4 + C + SUR + GST + WHS$$
but not more than P_{max} .
- 13.5 at the 48 month adjustment date, the premium (adjusted premium) is as follows:

$$P = (BP - A) \times 0.4 + C + SUR + GST + WHS$$
but not more than P_{max} .

Where:

BP is the base premium calculated in accordance with Part 4 of the RTWSA Premium Provisions 2022-2023 but where 'ra, rb...rn' are each part of the total remuneration in respect of the 2022-2023 premium period, being a part of the total remuneration attributable to each of the employer's relevant SAICs.

A is the Apprentice and Trainee incentive amount, if any, for an employer or group of employers determined with respect to the premium period or part thereof in accordance with Part 5 of the RTWSA Premium Provisions 2022-2023.

SUR is the Supplementary Underwriting Rate being a premium adjustment (either a decrease or an increase) to allow the premium of an employer, within a particular category or class, to be adjusted. Any adjustment is at the discretion of the Corporation and subject to the claims experience and a specific risk assessment of the employer by the Corporation.

GST is the Goods and Services Tax as defined in Part 2 of the RTWSA Premium Provisions 2022-2023.

WHS is the work health and safety registration fee as defined in accordance with Part 2 of the RTWSA Premium Provisions 2022-2023.

P is the adjusted premium for the time being payable by an employer or group of employers in respect of the premium period (including, where adjustments are required to be made to that premium by reason of the operation of this Order, the premium so payable by reason of those adjustments).

C is the total of the cost of claims for an employer or group of employers as defined in Part 8 of this Order in respect of claims with a date of injury in the premium period. For this purpose date of injury is the date the person suffered the injury, or the deemed date of injury under the Act.

P_{max} is the maximum premium that is payable by an employer or group of employers calculated in accordance with Part 7 of this Order.

14. The method to apportion adjusted premium for each member of a group at each adjustment date (the adjusted premium) is as follows:

$$P_E = P \times \frac{BP - A}{BP_G - A_G}$$

Where:

P_E is the premium for the time being payable by an employer who is a member of a group in respect of the premium period calculated in accordance with 13.2, 13.3, 13.4 and 13.5 of Part 6 of this Order (including, where adjustments are required to be made to that premium by reason of the operation of this Order, the premium so payable by reason of those adjustments).

BP is the base premium for an employer that is a member of a group calculated in accordance with Part 4 of the RTWSA Premium Provisions 2022-2023, but where 'ra, rb...rn' are each part of the total remuneration in respect of the 2022-2023 premium period, being a part of the total remuneration attributable to each of the employer's relevant SAICs.

A is the Apprentice and Trainee incentive amount, if any, for an employer determined with respect to the premium period or part thereof in accordance with Part 5 of the RTWSA Premium Provisions 2022-2023.

BP_G is the sum of the BP for all the members of a group of which the employer is a member.

A_G is the sum of A for all members of a group of which the employer is a member.

Part 7 - Maximum and minimum premium payable

15. For the purposes of this Order, the maximum premium (P_{max}) that is payable by an employer or group of employers in respect of the premium period is calculated as follows:

$$P_{max} = [(BP \times 2) - A] + SUR + GST + WHS$$

16. Despite any other provision of this Order, an initial premium or an adjusted premium is to be no less than the minimum premium specified in the RTWSA Premium Provisions 2022-2023.

Part 8 - Cost of claims

17. Cost of claims means the total of:

- 17.1 costs paid on, and in respect of, each claim for compensation allocated to a particular employer (irrespective of whether the claim for compensation was withdrawn by the worker, accepted or rejected); and
- 17.2 for claims in which a worker has or is expected to have an entitlement for a lump sum payment in accordance with Part 4 Division 6 and/or Part 4 Division 7 of the Act where the payment has not been made, the cost of claims will include an estimate assessed by the Corporation of the outstanding liability for expected lump sum payment(s); and
- 17.3 for claims in which a worker is a seriously injured worker (as defined in Part 2 Division 4 of the Act), the current and most accurate estimate assessed by the Corporation of the outstanding liability for each claim.

18. The costs of each claim are the total costs for the claim, as described in clause 17 of this Part, based on the evidence available at the time of the relevant adjustment date.

19. Excluded from the costs of each claim are:

- 19.1 Costs associated with claims for unrepresentative injuries,
- 19.2 Costs associated with successfully prosecuted fraudulent claims,
- 19.3 Actual recoveries for compulsory third party and common law actions under section 66 of the Act,
- 19.4 the amount of income support paid in the first two weeks of a worker's incapacity where the Corporation has undertaken the liability of the employer in accordance with subsection 64(14) of the Act, and
- 19.5 Claims costs in excess of \$500,000.

20. But, in any case where a single event leads to 3 or more individual claims, the maximum total combined costs of all those claims in relation to that event will not exceed \$1,000,000.

Part 9 - Exit to Self-Insurance

21. If an employer to whom this Order applies is registered as a self-insured employer under section 129 of the Act:

- 21.1 within 15 months from the commencement of the premium period, premium will be calculated in accordance with clause of 13.1 of Part 6 of this Order; or
- 21.2 on or after 15 months and prior to 48 months from the commencement of the premium period, then adjusted premium will be payable within 28 days of commencement of the self-insurance registration. The calculation of adjusted premium will be based on the balance of all premium that would have been payable under Part 6 of this Order, by applying the adjustment formula applicable immediately prior to commencement of the self-insurance registration with C (in that formula). This will be calculated as at the date immediately prior to commencement of the self-insurance registration.

I confirm that this is a true and correct record of the decision of the Board of the Corporation made on the 29th day of April 2022.

Dated: 26 May 2022

G. MCCARTHY
Board Chair

RETURN TO WORK ACT 2014

Publication of Designated Manners and Forms Notice 2022

Preamble

Subsection 4(15) of the *Return to Work Act 2014* ("the Act") provides that the Return to Work Corporation of South Australia ("the Corporation") may, by notice in the Gazette, designate manners and forms for the purposes of the Act.

In accordance with the power delegated to me by the Corporation under the current Instrument of Delegation of the Corporation I, Michael Francis, Chief Executive Officer, designate pursuant to the sections of the Act specified herein the forms by which information is to be provided by an employer.

Part 1 - Preliminary Matters

1. This notice may be cited as the Publication of Designated Manners and Forms Notice 2022.

Part 2 - Designated Forms

2. Employer remuneration return

Pursuant to subsection 149(1) of the Act, I give notice that the form at Attachment 1 is the designated form for the purpose of that subsection in respect of a return required at the beginning of the 2022-23 premium period.

This form will come into effect on 1 July 2022, and supersedes only the form designated under subsection 149(1) of the Act previously published in the *Government Gazette* No. 40 dated 3 June 2021.

3. Application for registration as an employer

Pursuant to subsection 131(1)(a) of the Act, I give notice that the form at Attachment 2 is the designated form for the purpose of that subsection.

This form will come into effect on 1 July 2022, and supersedes only the form designated under section 131(1)(a) of the Act published in *Government Gazette* No. 45 dated 28 May 2020.

Part 3 – Designated Manners

4. Despite clause 11 of the Publication of Designated Manners and Forms Notice 2015 published in the *Government Gazette* No. 29 on 14 May 2015, employers may supply the information required in the form designated in clause 3 of this Notice titled ‘Application for registration as an employer’ in the following designated manners:

- 4.1. by phone
- 4.2. by lodging via ReturntoWorkSA’s website

5. Employers may supply the information required in the form designated in Clause 2 of this Notice titled ‘Employer remuneration return’ in the following designated manners:

- 5.1. by post
- 5.2. by phone
- 5.3. by email
- 5.4. by lodging via ReturntoWorkSA’s website

6. The information shall be deemed to have been provided if one of the designated manners in clause 4 of this Part is used.

7. No signature is required for the purposes of clause 4.1, 4.2, 5.2, 5.3 and 5.4 of this Part.

I confirm that this is a true and correct record of the decision of the Corporation made in the exercise of my delegated authority.

Dated: 17 June 2022

M. FRANCIS
Chief Executive Officer

ATTACHMENT 1



www.rtwsa.com
13 18 55

ABN 63 687 563 395

Employer remuneration return

Return to Work Act 2014

Login to online services at www.rtwsa.com to complete this form online

Employer name

Employer number

Postal address

Location number

Location address

Provide completed return by

15 September 2022

SECTION A – Actual remuneration

You are required under section 149 of the *Return to Work Act 2014* (the Act) to complete this return by 15 September 2022 and provide it to us in relation to financial year 2021-22.

Please fill in the actual remuneration paid by you as an employer to workers employed by you for this location during the 2021-22 financial year for each period indicated. If nil please write 'nil'. If you have more than one location, you must provide a separate return for each location.

Please note that a working director is defined as a director who receives salary or wages under a contract of service with the employer.

	Period		Actual remuneration
Section 1 – All workers (Include superannuation, working directors and apprentices)		\$. 0 0
		\$. 0 0
Section 2 – Apprentices (see note below)		\$. 0 0
		\$. 0 0

Please note - only complete Section 2 if you employed during the 2021-22 financial year:

- an apprentice who was trained under an approved training contract in an occupation declared to be a 'trade' under section 6 of the *South Australian Skills Act 2008* (or former Act); or
- **for Group Training Organisations only** – a trainee who was trained under an approved training contract (with a group training organisation) in an occupation which is a declared 'vocation' under section 6 of the *South Australian Skills Act 2008* (or former Act)

Number of workers

Provide the total number of workers you employed in South Australia during the 2021-22 financial year whose remuneration has been included above (include working directors, apprentices and trainees).

Company directors

Under section 5(8) of the Act the actual remuneration (i.e. salary, wages, superannuation, etc.) paid or payable to a working director for the financial year must be provided.

Only complete if you employed a working director during the 2021-22 financial year.

Family name	First and middle name		Actual remuneration
		\$. 0 0
		\$. 0 0
		\$. 0 0

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



Labour hire

Please fill in details of all businesses (labour hire suppliers) who have supplied labour to you during the 2021-22 financial year. You can ensure your labour suppliers are registered with ReturnToWorkSA by using our employer lookup at www.rtwsa.com.

Labour supply business name	ABN	Total contract amount paid during 2021-22
		\$. 0 0
		\$. 0 0

If more, attach list.

! Premium calculation – choice

If you would like us to calculate your premium for the 2022-23 financial year based on the actual remuneration you paid your workers in the 2021-22 financial year, you do not need to provide any further information. Go to SECTION C – DECLARATION to finalise your return.

Benefits of this option:

- ReturnToWorkSA will not adjust your premium at the end of the financial year – there is no extra bill or refund, providing you with certainty of your insurance costs.

If you would like us to calculate your premium for the 2022-23 financial year based on the estimated remuneration you expect will be payable to your workers during the 2022-23 financial year, you must complete both SECTION B – ESTIMATED REMUNERATION and SECTION C – DECLARATION.

- If you choose this option, ReturnToWorkSA will adjust your premium at the end of the financial year when your actual remuneration is known – you will receive an additional bill or a refund.

SECTION B – Estimated remuneration

! ONLY COMPLETE THIS SECTION IF YOU WOULD LIKE YOUR PREMIUM FOR THE 2022-23 FINANCIAL YEAR CALCULATED USING ESTIMATED REMUNERATION.

Please provide the estimated remuneration that you expect will be payable to your workers during the 2022-23 financial year. If you have more than one location, you must provide a separate return for each location.

	Estimated remuneration
Section 1 – All workers (Include superannuation, working directors and apprentices)	\$. 0 0
Section 2 – Apprentices (see note below)	\$. 0 0

Please note - only complete Section 2 if you employ or expect to employ during the 2022-23 financial year:

- an apprentice who was trained under an approved training contract in an occupation declared to be a 'trade' under section 6 of the South Australian Skills Act 2008 (or former Act); or
- for Group Training Organisations only – a trainee who was trained under an approved training contract (with a group training organisation) in an occupation which is a declared 'vocation' under section 6 of the South Australian Skills Act 2008 (or former Act)

SECTION C – Declaration

I have included all relevant items of remuneration such as wages (including the wages of working directors), superannuation payments, salary sacrifice amounts, non-cash components of remuneration and payments to subcontractors as deemed workers. I hereby declare that:

- the information in this return is true and complete in every respect; and
- all workers have been paid the correct wages and entitlements in accordance with law.

I have documents which verify that such payments were made, as well as documents to support the employment of apprentices or trainees with a group training organisation and remuneration paid to them.

I understand that ReturnToWorkSA relies upon this return to calculate premiums under the Return to Work Act 2014 (the Act) and I may be liable for a fine of \$50,000 or imprisonment for 2 years for dishonestly giving a return under the Act knowing the return to be false or misleading. For assistance please refer to the Remuneration guide on the ReturnToWorkSA website www.rtwsa.com.

I declare that the information I have given on this form is complete and correct in every respect to the best of my knowledge and belief.

Date ____ / ____ / ____

	Name (BLOCK LETTERS)
	Position/title
	Organisation
Signature of employer, public officer or authorised person	Phone

Provide your completed form to ReturnToWorkSA by: Post 400 King William Street, Adelaide SA 5000 or GPO Box 2668, Adelaide SA 5001
 Fax (08) 8233 2990 Email premium@rtwsa.com Phone 13 18 55 Visit our website www.rtwsa.com

ATTACHMENT 2



Application for registration as an employer

Declaration

I hereby declare that the information in this application is true and complete in every respect.

Name	Position
Phone	Email

Why are you registering?

Started a new business
 Employing workers for the first time
 Purchased a business
 Takeover/merge
 Legal status change

Purchased a business
 Takeover/merge

What is the ABN of the previous business?
Name of the previous business?

Your business details

What is your ABN (Australian Business Number)?
Registered business name?
Trading name?
What is your ACN (Australian Company Number)?

Do you operate under a trust? Yes No

If yes:

What is the ABN of the trust?
What is the name of the trust?

What are the names of the business owners or directors?

First name	Surname

Contact details**Correspondence**

Where should we be sending formal correspondence?
Email address for formal correspondence?
Phone number for formal correspondence?

Contacts

First name	Surname
Phone	Email address
Position	

Return to Work coordinator

Do you have a Return to Work coordinator?

 Yes

First name	Surname
Phone	Email address

 No**Business bank account details**

Account name
BSB
Account number
Bank name

RETURN TO WORK ACT 2014

Payment of Statutory Payments Notice 2022

In accordance with the power delegated to me by the Board of the Return to Work Corporation of South Australia ("the Corporation") under the current Instrument of Delegation of the Corporation I, Michael Francis, Chief Executive Officer determine pursuant to section 144 of the *Return to Work Act 2014* ("the Act") that an employer is liable to the Corporation for payment of statutory payments on the dates specified or indicated in this notice.

Part 1 – Preliminary Matters

1. This notice may be cited as the Payment of Statutory Payments Notice 2022.
2. This notice commences on 1 July 2022 and supersedes the *Payment of Statutory Payments Notice 2019* published in the *Government Gazette* on 23 May 2019 at page 1349.

Part 2 – Notice

3. For the purposes of section 144(2) of the Act where the initial premium payable for a premium period is \$1,000.00 or less, the employer is, unless the Corporation agrees otherwise, required to make payment in full of the premium payable by 7 October of that premium period (or before such other date or dates as may be specified to an individual employer in the tax invoice).
4. Subject to any alternative requirements specified by the Corporation to a particular employer (or by notice in the *South Australian Gazette*) for the purpose of subsections 144(2) and 144(5) of the Act, where the initial premium is greater than \$1,000.00, the initial premium payment shall, at the option of the Corporation in the case of each employer, be made:
 - 4.1. In full by 7 October of that premium period, or
 - 4.2. By way of 9 monthly instalments commencing on 7 October and thereafter on the seventh day of each month up to and including 7 June, or
 - 4.3. In the manner and at the time specified in a tax invoice for that premium.
5. Where an employer has elected to make payments by instalments and fails to make a payment as required, the Corporation may issue a tax invoice requiring the outstanding balance to be paid as a lump sum on the date specified by the Corporation in a tax invoice.
6. Where an employer fails to submit a return by the required date, the Corporation will issue an estimate pursuant to sections 149 or 150 of the Act and a tax invoice. The premium is payable on the date or dates specified in that tax invoice.
7. For the purpose of subsection 144(3) of the Act, when an adjustment is made to a premium the Corporation will issue a tax invoice and any amount that becomes due on account of that adjustment will be payable on the date or dates specified on that tax invoice.

Hindsight and adjusted premium

8. For the purposes of subsections 144(3) and 144(4) of the Act, the adjusted premium and hindsight premium for a premium period (including a hindsight premium which has been revised) must be paid in full by the due date specified on the tax invoice.

Part 3 – Notice of Determination

That notice of this determination be published in the *South Australian Government Gazette*.

Confirmed as a true and correct record of the decision of the Corporation made in the exercise of my delegated authority.

Dated: 17 June 2022

M. FRANCIS
Chief Executive Officer

RETURN TO WORK ACT 2014*Provision of Remuneration Information Notice 2022*

In accordance with the power delegated to me by the Board of the Return to Work Corporation of South Australia (“the Corporation”) under the current Instrument of Delegation of the Corporation I, Michael Francis Chief Executive Officer, hereby give notice of the requirements of the Corporation under the sections of the *Return to Work Act 2014* (“the Act”) specified herein.

Part 1 – Preliminary Matters

1. This notice may be cited as the Provision of Remuneration Information Notice 2022.
2. This notice commences on 1 July 2022 and supersedes the Provision of Remuneration Information Notice 2021 published in the *Government Gazette* on 3 June 2021 at page 2097.

Part 2 – Terms of Notice**Returns**

3. When calculating remuneration in relation to a premium period or part thereof other period, a reference to information for the purposes of sections 131, 132, 149 and 150 of the Act is the remuneration payable to all workers of the employer calculated by reference to the forms or returns (if any) furnished in accordance with the Act by the employer to the Corporation or, where the monetary value of the remuneration has been ascertained by the Corporation, the actual value of the remuneration.

Failure to furnish a return

4. In the event that at any time an employer fails to furnish a return as required and the monetary value of the remuneration concerned has not been ascertained by the Corporation, the estimate of the monetary value of the remuneration will be taken to be such amount as is calculated by multiplying the monetary value (or reasonable estimate) of remuneration for the immediately preceding premium period, or equivalent period as determined by the Corporation, by 1.10.

Information

5. For the purposes of section 149 and 150, the information required by the Corporation is satisfied if the information required by the relevant designated form(s) is provided in one of the designated manners or forms.

Confirmed as a true and correct record of the decision of the Corporation made in the exercise of my delegated authority.

Dated: 17 June 2022

M. FRANCIS
Chief Executive Officer

RETURN TO WORK ACT 2014*Industry Premium Rates Determination 2022-2023*

In accordance with the power delegated to me by the Board of the Return to Work Corporation of South Australia (“the Corporation”) under the current Instrument of Delegation of the Corporation I, Michael Francis, Chief Executive Officer, determine that the Industry Premium Rates for the purpose of section 142 of the *Return to Work Act 2014* (“the Act”) are as follows:

Part 1 - Preliminary Matters

1. This determination may be cited as the *Industry Premium Rates Determination 2022-2023*.
2. The Industry Premium Rates Determination is made pursuant to subsection 142(1) of the Act and published in the *Government Gazette* in accordance with subsection 142(2)(a) of the Act.
3. This determination commences on 1 July 2022.
4. If before 1 July 2023, an Industry Premium Rates Determination has not been made for the 2023-2024 period, this determination will apply pending the making of such a determination.

Part 2 - Terms of Industry Premium Rates Determination

1. This determination establishes the Industry Premium Rates set out in the Appendix to this determination.
2. The industry premium rate for each South Australian Industry Classification (SAIC) referred to in Column 2 of the Appendix, is fixed by the Corporation as the industry premium rate (expressed as a percentage) opposite each SAIC in Column 3 of the Appendix.
3. Any *RTWSA Premium Provisions*, *RTWSA Premium Order (Return to Work Premium System)* and *RTWSA Premium Order (Retro-Paid Loss Arrangement)* having application for the 2022-2023 premium period will be applied for the purpose of detailing how the industry premium rate is used in the premium calculation for an employer in respect of whom those Premium Orders apply.

Part 3 - Specified criteria for fixing Industry Premium Rates

1. In respect of the premium rate applicable to the classes of industry, the Industry Premium Rates Determination takes into account the criteria prescribed in regulation 56 of the *Return to Work Regulations 2015*.

I confirm that this is a true and correct record of the decision of the Corporation made in the exercise of my delegated authority.

Dated: 17 June 2022

M. FRANCIS
Chief Executive Officer

APPENDIX

Return to Work Corporation of South Australia
ReturnToWorkSA Industry Premium Rates 2022-2023

Column 1 SAIC Code Number	Column 2 Industry description	Column 3 Industry Premium Rate per \$100
	AGRICULTURE, FORESTRY AND FISHING	
011101	Nursery Production	3.092
011301	Turf Growing	3.236
011401	Floriculture Production	3.510
012101	Mushroom Growing	3.583
012201	Vegetable Growing	3.355
013101	Grape Growing	2.381
013406	Apple, Pear, Stone Fruit, Berry Fruit, Kiwifruit and Citrus Growing	3.347
013701	Olive growing	3.616
013901	Other Fruit and Tree Nut Growing	3.262
014406	Sheep-Beef Cattle Farming	4.994
014501	Grain-Sheep or Grain-Beef Cattle Farming	2.834
014901	Other Grain Growing	2.831
015901	Other Crop Growing n.e.c.	4.329
016001	Dairy Cattle Farming	5.898
017101	Poultry Farming (Meat)	4.573
017201	Poultry Farming (Eggs)	4.875
018001	Deer Farming	4.929
019101	Horse Farming	4.997
019201	Pig Farming	6.518
019306	Beekeeping	4.273
019901	Other Livestock Farming n.e.c.	4.318
020101	Offshore Longline and Rack Aquaculture	2.823
020201	Offshore Caged Aquaculture	2.650
020301	Onshore Aquaculture	2.754
030101	Forestry	2.668
030201	Logging	4.772
041101	Rock Lobster and Crab Potting	3.026
041201	Prawn Fishing	2.598
041301	Line Fishing	4.257
041901	Other Fishing	4.901
042001	Hunting and Trapping	5.540
051001	Forestry Support Services	2.802
052201	Shearing Services	6.272
052901	Other Agriculture and Fishing Support Services	2.977
	MINING	
060001	Coal Mining	2.960
070001	Oil and Gas Extraction	1.699
080101	Iron Ore Mining	2.658
080201	Bauxite Mining	3.423
080301	Copper Ore Mining	1.735
080401	Gold Ore Mining	2.892
080501	Mineral Sand Mining	2.549
080601	Nickel Ore Mining	3.423
080701	Silver-Lead-Zinc Ore Mining	2.962
080901	Other Metal Ore Mining	3.623
091101	Gravel and Sand Quarrying	3.172
091901	Other Construction Material Mining	3.821
099001	Other Non-Metallic Mineral Mining and Quarrying	2.270
101101	Petroleum Exploration	3.968
101201	Mineral Exploration	1.111
109001	Other Mining Support Services	1.903
109002	Drilling and Boring Support Services	2.545
	MANUFACTURING	
111106	Meat Processing	6.903
111107	Livestock Processing	4.669
111201	Poultry Processing	4.839
111301	Cured Meat and Smallgoods Manufacturing	7.146
112001	Seafood Processing	3.320
113101	Milk and Cream Processing	3.361
113201	Ice Cream Manufacturing	1.360
113301	Cheese and Other Dairy Product Manufacturing	4.005
114001	Fruit and Vegetable Processing	3.936
115001	Oil and Fat Manufacturing	3.421

Column 1	Column 2	Column 3
SAIC Code Number	Industry description	Industry Premium Rate per \$100
116101	Grain Mill Product Manufacturing	1.555
116201	Cereal, Pasta and Baking Mix Manufacturing	3.475
117101	Bread Manufacturing (Factory based)	4.213
117201	Cake and Pastry Manufacturing (Factory based)	2.944
117301	Biscuit Manufacturing (Factory based)	5.005
117401	Bakery Product Manufacturing (Non-factory based)	1.415
118101	Sugar Manufacturing	3.918
118201	Confectionery Manufacturing	3.938
119101	Potato, Corn and Other Crisp Manufacturing	4.446
119201	Prepared Animal and Bird Feed Manufacturing	4.483
119901	Other Food Product Manufacturing n.e.c.	3.685
121101	Soft Drink, Cordial and Syrup Manufacturing	2.125
121201	Beer Manufacturing	1.405
121301	Spirit Manufacturing	1.637
121401	Wine and Other Alcoholic Beverage Manufacturing	1.597
122001	Cigarette and Tobacco Product Manufacturing	4.446
131101	Wool Scouring	3.188
131201	Natural Textile Manufacturing	2.682
131301	Synthetic Textile Manufacturing	2.311
132001	Leather Tanning, Fur Dressing and Leather Product Manufacturing	2.657
133101	Textile Floor Covering Manufacturing	2.076
133201	Rope, Cordage and Twine Manufacturing	2.369
133301	Cut and Sewn Textile Product Manufacturing	3.205
133401	Textile Finishing and Other Textile Product Manufacturing	2.241
134001	Knitted Product Manufacturing	2.295
135101	Clothing Manufacturing	2.107
135201	Footwear Manufacturing	2.856
141101	Log Sawmilling	5.400
141201	Wood Chipping	3.510
141301	Timber Resawing and Dressing	6.652
149101	Prefabricated Wooden Building Manufacturing	3.626
149201	Wooden Structural Fitting and Component Manufacturing	3.320
149301	Veneer and Plywood Manufacturing	5.228
149401	Reconstituted Wood Product Manufacturing	2.849
149901	Other Wood Product Manufacturing n.e.c.	3.336
149902	Wooden Containers Manufacturing	4.978
151001	Pulp, Paper and Paperboard Manufacturing	3.370
152101	Corrugated Paperboard and Paperboard Container Manufacturing	3.595
152201	Paper Bag Manufacturing	5.670
152301	Paper Stationery Manufacturing	2.652
152401	Sanitary Paper Product Manufacturing	3.935
152901	Other Converted Paper Product Manufacturing	4.035
161106	Printing	1.192
161206	Printing Support Services	0.949
162007	Reproduction of Recorded Media	0.360
170101	Petroleum Refining and Petroleum Fuel Manufacturing	1.347
170901	Other Petroleum and Coal Product Manufacturing	1.833
181101	Industrial Gas Manufacturing	1.572
181201	Basic Organic Chemical Manufacturing	2.345
181301	Basic Inorganic Chemical Manufacturing	2.265
182101	Synthetic Resin and Synthetic Rubber Manufacturing	5.463
182901	Other Basic Polymer Manufacturing	4.203
183101	Fertiliser Manufacturing	3.123
183201	Pesticide Manufacturing	2.537
184101	Human Pharmaceutical and Medicinal Product Manufacturing	1.883
184201	Veterinary Pharmaceutical and Medicinal Product Manufacturing	2.501
185101	Cleaning Compound Manufacturing	2.283
185201	Cosmetic and Toiletry Preparation Manufacturing	1.495
189101	Photographic Chemical Product Manufacturing	2.249
189201	Explosive Manufacturing	2.582
189901	Other Basic Chemical Product Manufacturing n.e.c.	2.132
191101	Polymer Film and Sheet Packaging Material Manufacturing	3.057
191201	Rigid and Semi-Rigid Polymer Product Manufacturing	4.079
191301	Polymer Foam Product Manufacturing	4.072
191401	Tyre Manufacturing	3.632
191501	Adhesive Manufacturing	2.188
191601	Paint and Coatings Manufacturing	2.526
191602	Inks and Toners Manufacturing	0.692

Column 1	Column 2	Column 3
SAIC Code Number	Industry description	Industry Premium Rate per \$100
191901	Other Polymer Product Manufacturing	4.589
192001	Natural Rubber Product Manufacturing	3.299
201001	Glass and Glass Product Manufacturing	2.960
202101	Clay Brick Manufacturing	3.346
202901	Other Ceramic Product Manufacturing	2.353
203101	Cement and Lime Manufacturing	0.987
203201	Plaster Product Manufacturing	4.642
203301	Ready-Mixed Concrete Manufacturing	4.542
203401	Concrete Product Manufacturing	6.342
209001	Other Non-Metallic Mineral Product Manufacturing	5.208
211001	Iron Smelting and Steel Manufacturing	3.243
212106	Iron and Steel Casting	5.800
212201	Steel Pipe and Tube Manufacturing	2.857
213106	Alumina Production	2.613
213201	Aluminium Smelting	3.811
213301	Copper, Silver, Lead and Zinc Smelting and Refining	4.175
213901	Other Basic Non-Ferrous Metal Manufacturing	5.598
214101	Non-Ferrous Metal Casting	2.606
214201	Aluminium Rolling, Drawing, Extruding	2.878
214901	Other Basic Non-Ferrous Metal Product Manufacturing	2.608
221001	Iron and Steel Forging	5.362
222101	Structural Steel Fabricating	3.780
222201	Prefabricated Metal Building Manufacturing	3.837
222301	Architectural Aluminium Product Manufacturing	3.963
222401	Metal Roof and Guttering Manufacturing (except Aluminium)	2.725
222901	Other Structural Metal Product Manufacturing	4.394
223101	Boiler, Tank and Other Heavy Gauge Metal Container Manufacturing	6.098
223901	Other Metal Container Manufacturing	2.550
224001	Sheet Metal Product Manufacturing (except Metal Structural and Container Products)	3.259
229101	Spring and Wire Product Manufacturing	4.050
229201	Nut, Bolt, Screw and Rivet Manufacturing	2.613
229301	Metal Coating and Finishing	4.198
229901	Other Fabricated Metal Product Manufacturing n.e.c.	2.895
229902	Cutlery and Hand Tool Manufacturing	10.441
231101	Motor Vehicle Manufacturing	2.718
231201	Motor Vehicle Body and Trailer Manufacturing	4.708
231301	Automotive Electrical Component Manufacturing	2.529
231901	Other Motor Vehicle Parts Manufacturing	3.040
239101	Shipbuilding and Repair Services	5.183
239102	Submarine Building and Repair Services	1.494
239201	Boatbuilding and Repair Services	3.784
239301	Railway Rolling Stock Manufacturing and Repair Services	2.578
239401	Aircraft Manufacturing and Repair Services	0.569
239901	Other Transport Equipment Manufacturing n.e.c.	2.452
241101	Photographic , Optical and Ophthalmic Equipment Manufacturing	0.462
241201	Medical and Surgical Equipment Manufacturing	1.679
241901	Other Professional and Scientific Equipment Manufacturing	0.515
242101	Computer and Electronic Office Equipment Manufacturing	0.482
242201	Communication Equipment Manufacturing	0.491
242901	Other Electronic Equipment Manufacturing	0.423
243101	Electric Cable and Wire Manufacturing	2.607
243201	Electric Lighting Equipment Manufacturing	2.043
243901	Other Electrical Equipment Manufacturing	2.213
244101	Whiteware Appliance Manufacturing	2.548
244901	Other Domestic Appliance Manufacturing	2.485
245101	Pump and Compressor Manufacturing	3.351
245201	Fixed Space Heating, Cooling and Ventilation Equipment Manufacturing	1.656
246101	Agricultural Machinery and Equipment Manufacturing	3.058
246201	Mining and Construction Machinery Manufacturing	2.588
246301	Machine Tool and Parts Manufacturing	2.362
246901	Other Specialised Machinery and Equipment Manufacturing	2.832
249101	Lifting and Material Handling Equipment Manufacturing	4.356
249901	Other Machinery and Equipment Manufacturing n.e.c.	2.912
251101	Wooden Furniture and Upholstered Seat Manufacturing	3.203
251201	Metal Furniture Manufacturing	3.903
251301	Mattress Manufacturing	4.202
251901	Other Furniture Manufacturing	3.167

Column 1 SAIC Code Number	Column 2 Industry description	Column 3 Industry Premium Rate per \$100
259101	Jewellery and Silverware Manufacturing	1.257
259201	Toy, Sporting and Recreational Product Manufacturing	3.201
259901	Other Manufacturing n.e.c.	2.028
	ELECTRICITY, GAS, WATER AND WASTE SERVICES	
261101	Fossil Fuel Electricity Generation	0.612
261901	Other Electricity Generation	0.573
262001	Electricity Transmission and Distribution	0.554
264001	On Selling Electricity and Electricity Market Operation	0.538
270001	Gas Supply	0.847
281101	Water Supply	0.740
281201	Sewerage and Drainage Services	1.988
291101	Solid Waste Collection Services	4.690
291901	Other Waste Collection Services	5.570
292101	Waste Treatment and Disposal Services	5.379
292201	Waste Remediation and Materials Recovery Services	6.182
	CONSTRUCTION	
301101	House Construction	2.249
301901	Other Residential Building Construction	3.316
302001	Non-Residential Building Construction	2.209
310101	Heavy and Civil Engineering Construction	2.794
321101	Land Development and Subdivision	1.371
321201	Site Preparation Services	3.729
322101	Concreting Services	5.774
322201	Bricklaying Services	5.642
322301	Roofing Services	6.658
322401	Structural Steel Erection Services	5.470
323106	Plumbing Services	2.939
323206	Electrical Services	1.875
323306	Air Conditioning and Heating Services	3.169
323406	Fire and Security Alarm Installation Services	2.052
323901	Other Building Installation Services	3.900
324106	Plastering and Ceiling Services	5.662
324206	Carpentry Services	4.596
324306	Tiling and Carpeting Services	4.099
324406	Painting and Decorating Services	3.957
324506	Glazing Services	5.251
329101	Landscape Construction Services	3.613
329201	Hire of Construction Machinery with Operator	3.416
329901	Other Construction Services n.e.c.	4.757
	WHOLESALE TRADE	
331101	Wool Wholesaling	2.618
331201	Cereal Grain Wholesaling	3.041
331901	Other Agricultural Produce Wholesaling	1.845
331902	Other Agricultural Supply Wholesaling	0.536
332101	Petroleum Product Wholesaling	1.182
332201	Metal Wholesaling	3.840
332202	Mineral Wholesaling	1.797
332301	Industrial and Agricultural Chemical Product Wholesaling	1.275
333101	Timber Wholesaling	3.283
333201	Plumbing Goods Wholesaling	1.823
333901	Builders Hardware Goods Wholesaling	1.730
333902	Household Hardware Goods Wholesaling	0.972
341101	Agricultural and Construction Machinery Wholesaling	1.395
341901	Other Specialised Industrial Machinery and Equipment Wholesaling	1.541
349101	Professional and Scientific Goods Wholesaling	0.578
349201	Computer and Computer Peripheral Wholesaling	0.398
349301	Telecommunication Goods Wholesaling	0.668
349401	Other Electrical and Electronic Goods Wholesaling	0.695
349402	Photographic Equipment Wholesaling	0.359
349901	Other Machinery and Equipment Wholesaling n.e.c.	1.160
350101	Car Wholesaling	1.291
350201	Commercial Vehicle Wholesaling	2.041
350301	Trailer and Other Motor Vehicle Wholesaling	1.941
350401	Motor Vehicle New Parts Wholesaling	2.214
350501	Motor Vehicle Dismantling and Used Parts Wholesaling	2.473
360101	General Line Grocery Wholesaling	2.605
360201	Meat Wholesaling	5.255
360202	Poultry and Smallgoods Wholesaling	2.050

Column 1	Column 2	Column 3
SAIC Code Number	Industry description	Industry Premium Rate per \$100
360301	Dairy Produce Wholesaling	2.645
360302	Milk Vending	4.150
360401	Fish and Seafood Wholesaling	2.684
360501	Fruit and Vegetable Wholesaling	4.106
360601	Liquor and Tobacco Product Wholesaling	1.189
360901	Other Grocery Wholesaling	3.070
360902	Confectionery and Soft Drink Wholesaling	1.961
371101	Textile Product Wholesaling	0.786
371201	Clothing and Footwear Wholesaling	0.416
372001	Pharmaceutical and Toiletry Goods Wholesaling	0.818
373101	Furniture and Floor Covering Wholesaling	1.159
373201	Jewellery and Watch Wholesaling	0.804
373301	Kitchen and Dining ware Wholesaling	0.981
373401	Toy and Sporting Goods Wholesaling	0.975
373501	Book and Magazine Wholesaling	1.191
373601	Paper Product Wholesaling	1.270
373901	Other Goods Wholesaling n.e.c.	1.347
380001	Commission-Based Wholesaling	1.392
380002	Wholesaling goods not physically handling any stock	0.678
	RETAIL TRADE	
391101	Car Retailing	1.515
391201	Motor Cycle Retailing	1.485
391301	Trailer and Other Motor Vehicle Retailing	1.703
392101	Motor Vehicle Parts Retailing	1.317
392201	Tyre Retailing	3.284
400001	Fuel Retailing	2.474
411001	Supermarket and Grocery Stores	1.647
412102	Fresh Fish Retailing	1.274
412106	Fresh Meat and Poultry Retailing	3.007
412206	Fruit and Vegetable Retailing	1.510
412301	Liquor Retailing	1.291
412901	Other Specialised Food Retailing	1.459
421101	Furniture Retailing	2.734
421201	Floor Coverings Retailing	1.971
421301	Housewares Retailing	1.591
421401	Manchester and Other Textile Goods Retailing	2.834
422101	Electrical , Electronic and Gas Appliance Retailing	1.185
422102	Photographic Equipment Retailing	0.469
422201	Computer and Computer Peripheral Retailing	1.135
422901	Other Electrical and Electronic Goods Retailing	1.346
423106	Hardware and Building Supplies Retailing	1.830
423206	Garden Supplies Retailing	2.208
424106	Sport and Camping Equipment Retailing	0.682
424206	Entertainment Media and Musical Instrument Retailing	0.403
424306	Toy and Game Retailing	0.370
424406	Newspaper and Book Retailing	0.916
424506	Marine Equipment Retailing	1.369
425101	Clothing Retailing	1.348
425201	Footwear Retailing	0.855
425301	Watch and Jewellery Retailing	0.701
425901	Other Personal Accessory Retailing	1.139
426001	Department Stores	1.552
426002	General Variety Stores	2.326
427101	Pharmaceutical, Cosmetic and Toiletry Goods Retailing	0.890
427201	Stationery Goods Retailing	0.852
427301	Antique and Used Goods Retailing	3.385
427302	Coin and stamp dealing	0.347
427401	Flower Retailing	2.458
427901	Other Store-Based Retailing n.e.c.	1.100
427902	Tobacco Products Retailing	1.868
431001	Non-Store Retailing	0.738
432001	Retail Commission-Based Buying and/or Selling	0.711
	ACCOMMODATION AND FOOD SERVICES	
440001	Accommodation	2.026
451101	Cafes and Restaurants	1.713
451201	Takeaway Food Services	1.105
451301	Catering Services	2.677
452001	Pubs, Taverns and Bars	2.026

Column 1 SAIC Code Number	Column 2 Industry description	Column 3 Industry Premium Rate per \$100
453001	Clubs (Hospitality)	2.428
	TRANSPORT, POSTAL AND WAREHOUSING	
461001	Road Freight Transport	6.998
461002	Towing Services	4.361
462101	Interurban and Rural Bus Transport	3.285
462201	Urban Bus Transport (Including Tramway)	2.320
462301	Taxi and Other Road Transport	3.329
471006	Rail Freight Transport	1.567
472001	Rail Passenger Transport	2.413
481001	Water Freight Transport	3.397
482001	Water Passenger Transport	2.477
490001	Scheduled Air and Space Transport	1.441
490002	Non-Scheduled Air and Space Transport	1.023
501001	Scenic and Sightseeing Transport	2.727
502101	Pipeline Transport	0.921
502901	Other Transport n.e.c.	1.048
510101	Postal Services	1.238
510201	Courier Pick-up and Delivery Services	5.462
521101	Stevedoring Services	4.199
521201	Port and Water Transport Terminal Operations	3.127
521901	Other Water Transport Support Services	1.537
522001	Airport Operations and Other Air Transport Support Services	0.424
529101	Customs Agency Services	0.836
529201	Freight Forwarding Services	1.879
529202	Freight Forwarding Services - not physically handling any stock	0.362
529206	Freight Forwarding Services (Water)	1.432
529901	Other Transport Support Services n.e.c.	2.570
529902	Radio Base Operation	1.663
530101	Grain Storage Services	2.795
530906	Other Warehousing and Storage Services	3.151
530907	Cold Storage	6.316
	INFORMATION MEDIA AND TELECOMMUNICATIONS	
541101	Newspaper Publishing	0.731
541201	Magazine and Other Periodical Publishing	0.703
541301	Book Publishing	0.742
541401	Directory and Mailing List Publishing	0.766
541901	Other Publishing (except Software, Music and Internet)	0.721
542001	Software Publishing	0.347
551101	Motion Picture and Video Production	0.726
551201	Motion Picture and Video Distribution	0.575
551301	Motion Picture Exhibition	1.164
551401	Post-production Services and Other Motion Picture and Video Activities	0.643
552101	Music Publishing	0.757
552201	Music and Other Sound Recording Activities	0.365
561001	Radio Broadcasting	0.358
562101	Free-to-Air Television Broadcasting	0.418
562201	Cable and Other Subscription Broadcasting	0.425
570001	Internet Publishing and Broadcasting	0.809
580106	Wired Telecommunications Network Operation	0.603
580206	Other Telecommunications Network Operation	0.593
580901	Other Telecommunications Services	0.588
591001	Internet Service Providers and Web Search Portals	0.600
592101	Data Processing and Web Hosting Services	0.388
592201	Electronic Information Storage Services	0.862
601001	Libraries and Archives	0.347
602001	Other Information Services	0.371
	FINANCIAL AND INSURANCE SERVICES	
621001	Central Banking	0.420
622101	Banking	0.423
622201	Building Society Operation	0.347
622301	Credit Union Operation	0.407
622901	Other Depository Financial Intermediation	0.347
623001	Non-Depository Financing	0.347
624006	Financial Asset Investing	0.347
631006	Life Insurance	0.347
632101	Health Insurance	0.530
632206	General Insurance	0.424
633001	Superannuation Funds	0.355

Column 1 SAIC Code Number	Column 2 Industry description	Column 3 Industry Premium Rate per \$100
641101	Financial Asset Broking Services	0.347
641901	Other Auxiliary Finance and Investment Services	0.347
642001	Auxiliary Insurance Services	0.424
	RENTAL, HIRING AND REAL ESTATE SERVICES	
661101	Passenger Car Rental and Hiring	1.324
661901	Other Motor Vehicle and Transport Equipment Rental and Hiring	1.436
662001	Farm Animal and Bloodstock Leasing	2.929
663101	Heavy Machinery and Scaffolding Rental and Hiring	2.686
663201	Video and Other Electronic Media Rental and Hiring	0.834
663901	Other Goods and Equipment Rental and Hiring n.e.c.	3.057
663902	Party Hire	4.720
664001	Non-Financial Intangible Assets (Except Copyrights) Leasing	0.347
671101	Residential Property Operators	1.482
671201	Non-Residential Property Operators	1.237
672001	Real Estate Services	0.424
	PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES	
691001	Scientific Research Services	0.350
692101	Architectural Services	0.347
692201	Surveying and Mapping Services	0.841
692301	Engineering Design and Engineering Consulting Services	0.347
692401	Other Specialised Design Services	0.362
692501	Scientific Testing and Analysis Services	0.470
693101	Legal Services	0.473
693201	Accounting Services	0.347
694001	Advertising Services	0.403
695001	Market Research and Statistical Services	0.395
696101	Corporate Head Office Management Services	0.389
696201	Management Advice and Related Consulting Services	0.361
697001	Veterinary Services	1.048
699101	Professional Photographic Services	1.362
699901	Other Professional, Scientific and Technical Services n.e.c.	0.400
700001	Computer System Design and Related Services	0.347
	ADMINISTRATIVE AND SUPPORT SERVICES	
721101	Employment Placement and Recruitment Services	1.667
721201	Labour Supply Services	0.607
721202	Employment Programs	2.216
722001	Travel Agency and Tour Arrangement Services	0.424
729101	Office Administrative Services	0.400
729201	Document Preparation Services	1.132
729301	Credit Reporting and Debt Collection Services	0.694
729401	Call Centre Operation	0.753
729901	Other Administrative Services n.e.c.	0.638
731101	Building and Other Industrial Cleaning Services	4.505
731201	Building Pest Control Services	3.777
731301	Gardening Services	3.306
731302	Tree Lopping and Arborist Services	6.461
732001	Packaging Services	2.317
	PUBLIC ADMINISTRATION AND SAFETY	
751001	Central Government Administration	0.423
752001	State Government Administration	0.413
753001	Local Government Administration	2.321
754001	Justice	0.579
755101	Domestic Government Representation	0.469
755201	Foreign Government Representation	0.469
760001	Defence	2.753
771101	Police Services	1.909
771201	Investigation and Security Services	3.939
771202	Security Support Services	1.962
771301	Fire Protection and Other Emergency Services	3.298
771401	Correctional and Detention Services	3.283
771901	Other Public Order and Safety Services	3.764
772001	Regulatory Services	0.492
	EDUCATION AND TRAINING	
801001	Preschool Education	1.389
802101	Primary Education	0.729
802201	Secondary Education	0.718
802301	Combined Primary and Secondary Education	0.825
802401	Special School Education	1.593

Column 1 SAIC Code Number	Column 2 Industry description	Column 3 Industry Premium Rate per \$100
810101	Technical and Vocational Education and Training	1.376
810201	Higher Education	0.523
821101	Sports and Physical Recreation Instruction	1.272
821201	Arts Education	1.328
821901	Adult, Community and Other Education n.e.c.	1.216
822001	Educational Support Services	1.277
	HEALTHCARE AND SOCIAL ASSISTANCE	
840101	Hospitals (Except Psychiatric Hospitals)	2.035
840201	Psychiatric Hospitals	1.687
851101	General Practice Medical Services	0.423
851201	Specialist Medical Services	0.347
852001	Pathology Services	1.282
852002	Diagnostic Imaging Services	0.361
853101	Dental Services	0.416
853201	Optometry, Optical Dispensing and Audiology Services	0.405
853301	Physiotherapy Services	0.581
853401	Chiropractic and Osteopathic Services	0.363
853901	Other Allied Health Services	0.829
853902	Nursing Services (own account)	2.875
859101	Ambulance Services	2.760
859901	Other Health Care Services n.e.c.	0.953
859902	Community Health Centres (Medical)	1.934
859903	Community Health Centres (Paramedical)	3.584
860101	Aged Care Residential Services	3.423
860901	Other Residential Care Services	4.182
871001	Child Care Services	1.913
879001	Other Social Assistance Services	2.609
	ARTS AND RECREATION SERVICES	
891001	Museum Operation	1.477
892101	Zoological and Botanical Gardens Operation	2.834
892201	Nature Reserves and Conservation Parks Operation	2.838
900101	Performing Arts Operation	2.046
900201	Creative Artists, Musicians, Writers and Performers	0.374
900301	Performing Arts Venue Operation	1.534
911101	Health and Fitness Centres and Gymnasias Operation	1.297
911201	Sports and Physical Recreation Clubs and Sports Professionals	1.286
911202	Thoroughbred Horse Racing	20.957
911301	Sports and Physical Recreation Venues, Grounds and Facilities Operation	1.418
911401	Sports and Physical Recreation Administrative Service	0.813
912101	Horse and Dog Racing Administration and Track Operation	1.551
912901	Other Horse Racing Activities	8.832
912902	Other Dog Racing Activities	1.390
913106	Amusement Parks and Centres Operation	1.671
913901	Amusement and Other Recreational Activities n.e.c.	1.585
920101	Casino Operation	1.562
920201	Lottery Operation	0.753
920901	Other Gambling Activities	0.679
	OTHER SERVICES	
941101	Automotive Electrical Services	1.928
941201	Automotive Body, Paint and Interior Repair	3.314
941203	Automotive Glass Replacement and Repair Services	1.777
941901	Other Automotive Repair and Maintenance	2.555
942101	Domestic Appliance Repair and Maintenance	2.129
942201	Electronic (except Domestic Appliance) and Precision Equipment Repair and Maintenance	0.567
942901	Other Machinery and Equipment Repair and Maintenance	2.292
942902	Agricultural, Farm, Construction and Earthmoving Machinery and Equipment Repair and Maintenance	1.316
949101	Clothing and Footwear Repair	1.054
949901	Other Repair and Maintenance n.e.c.	2.062
951101	Hairdressing and Beauty Services	1.185
951201	Diet and Weight Reduction Centre Operation	2.233
952001	Funeral Services	1.811
952002	Crematorium and Cemetery Services	5.323
953101	Commercial Laundries and Linen Hire Services	5.451
953102	Laundrettes and Dry-Cleaners	3.127
953201	Photographic Film Processing	0.827
953301	Parking Services	2.520

Column 1 SAIC Code Number	Column 2 Industry description	Column 3 Industry Premium Rate per \$100
953401	Brothel Keeping and Prostitution Services	1.671
953901	Other Personal Services n.e.c.	1.640
953902	Pet Care Services	3.932
954001	Religious Services	0.796
955101	Business and Professional Association Services	0.685
955201	Labour Association Services	1.060
955901	Other Interest Group Services n.e.c.	1.688
955902	Political Parties	0.347
960101	Private Households Employing Staff	2.902
	NON-CLASSIFIABLE	
990001	Non-Classifiable Economic Unit	20.957

RETURN TO WORK CORPORATION OF SOUTH AUSTRALIA ACT 1994

RETURN TO WORK ACT 2014

Return to Work Premium Review Determination 2022

THE Board of the Return to Work Corporation of South Australia ('the Corporation') determines as follows pursuant to Section 17 of the *Return to Work Corporation of South Australia Act 1994*, Section 157 of the *Return to Work Act 2014* ('the Act') and all other enabling powers:

Part 1—Preliminary Matters

1. This determination may be cited as the Return to Work Premium Review Determination 2022.
2. This determination commences on 1 July 2022 ('Commencement Date') and applies to an application for review lodged under Section 157 of the Act after the Commencement Date.
3. The Independent Review Officer established by the Board's determination of 30 May 2018 (see *South Australian Government Gazette*, 14 June 2018, page 2146) and continued by the Board's determination of 27 November 2020 (see *South Australian Government Gazette*, 3 December 2020, page 5556) is replaced by a Premium Review Officer.

Functions and Powers under Section 157 of the Act

4. The function of the Premium Review Officer shall be to perform the functions of the Board under Section 157 of the Act as delegate of the Board under that section in reviewing decisions of the Corporation pursuant to Section 140 (2), Sections 141 (2), 141 (3), and 141 (4), Section 145 (1), Sections 147 (1), 147 (2), 147 (3) (a), (b) and (c), Section 147 (4), Section 149 (3) (a), Section 150 (3), Section 151 (1), Section 152 (1), Section 154 (1), (2), (3) and (4), Section 155 (1) and 155 (3) of the Act and subject to the proceeding clauses of this determination, the powers of the Board under Section 157 of the Act (other than the power to review a decision of the Corporation on a matter of law going to the validity of that decision) are delegated to the Premium Review Officer for that purpose.

Part 2—Premium Review Officer

5. The Premium Review Officer shall be an employee of the Corporation within the Regulation Group who possesses knowledge and understanding of the Return to Work scheme and experience in dispute resolution.
6. An additional person may be appointed by the Board to fulfil the functions of the Premium Review Officer on such terms and conditions as determined by the Board where either it is necessitated by the anticipated volume of work or where the Premium Review Officer is unable to sit.
7. An additional person appointed pursuant to clause 6 of this determination has the powers and obligations of the position held by the Premium Review Officer.

Part 3—Indemnity of Premium Review Officer

8. Any liability attaching to the Premium Review Officer for an act or omission by them, in good faith and in the exercise or purported exercise of a power or function, or in a discharge or purported exercise of a duty, of the Premium Review Officer is assumed by the Corporation.

Part 4—Tenure of Premium Review Officer

9. The Premium Review Officer shall be appointed for a period determined by the Board.
10. A Premium Review Officer whose appointment has expired may sit as Premium Review Officer for the purpose of completing the determination of part-heard matters in which they were involved.

Part 5—Applications

11. Any application lodged under Section 157 (1) must include:
 - 11.1. a copy of the decision to which the application relates; and
 - 11.2. copies of any relevant documentary material; and
 - 11.3. sufficient details about why the employer considers the decision of the Corporation is unreasonable.
12. The Corporation may refuse to accept an application where the requirements of clause 11 are not met.
13. Where the Corporation has refused to accept an application under this Part, the employer whose application was refused is permitted to lodge a revised application that complies with this Part 5 within 14 days of the refusal, in which case the date of lodgement will be taken to be the date the revised application was lodged.

Part 6—Reconsideration

14. Upon the Corporation's acceptance of an application lodged in accordance with the timeframes set out in section 157 (5)(a) or (b), the Corporation will, within 28 days of receipt, reconsider the disputed decision and notify the employer of the reconsideration outcome.
15. Upon the Corporation's acceptance of an application that fails to meet the timeframes set out in section 157 (5)(a) or (b):
 - 15.1. If the application is lodged within 8 months of the employer being given notice of the decision, the Corporation will reconsider its decision within 28 days, setting out its position on the application for the extension of time and notify the employer of the reconsideration outcome;
 - 15.2. If the application is lodged more than 8 months after the employer was given notice of the decision, the request for reconsideration will be referred to the Premium Review Officer for consideration of whether it should be accepted on the basis that compelling reasons exist to allow an extension of time for making the application and the Corporation will not be unreasonably disadvantaged because of the delay in lodging the application.
16. If the Premium Review Officer, after being referred a request for reconsideration under clause 15.2 of this determination, accepts the request for an extension of time, the Corporation will reconsider the disputed decision within 28 days and notify the employer of the reconsideration outcome.
17. The Corporation must not finalise any reconsideration unless it has offered to meet with and discuss the application with the employer and, if the employer decides to take part in such a discussion, until such discussion has taken place. Any information provided during such discussion will be withheld from the Premium Review Officer if the provider of that information so requests.
18. If the Corporation, on reconsideration of a decision under review:
 - 18.1. confirms the decision; or
 - 18.2. varies the decision and the employer is dissatisfied with the variation,the Corporation must refer the application for review to the Premium Review Officer for determination.

Part 7—Principles of Operation of Premium Review Officer

19. The Premium Review Officer shall be bound by and is hereby directed to follow the principles of natural justice.
20. Subject to Clause 19, the Premium Review Officer:
 - 20.1. shall act according to equity, good conscience and the substantial merits of the case, without regard to technicalities and legal forms; and
 - 20.2. is not bound by the rules of evidence, but may inform themselves by such means and such material as they think fit; and
 - 20.3. shall act as expeditiously as the circumstances of a particular case permit.
21. The Premium Review Officer must exercise their discretion to determine the most appropriate way for the matter to be determined, after consultation with the employer and the Corporation.
22. Without limiting clause 21, the Premium Review Officer may, for example, determine that an oral hearing is to take place and the procedures that must be followed in respect of such a hearing, or that the employer and Corporation are only required to make written submissions and that an oral hearing is not required.
23. An employer may appear at any hearing:
 - 23.1. if the employer is a natural person or partnership, in person or by one or more of the parties or by an employee of that employer who has the authority to make binding decisions on behalf of the employer; or
 - 23.2. if the employer is an incorporated body, by a proper officer or by an employee who has the authority to make binding decisions on behalf of the employer;and may be represented by a legal practitioner or by a duly appointed and authorised agent, but a person described in Clause 23.1 or 23.2 must also appear unless the person presiding over the hearing has agreed in advance to dispense with this requirement.
24. An employer engaging representation will do so at their own cost.

Part 8—Powers of Premium Review Officer

25. The Premium Review Officer, or a person appointed under Clause 6 acting in that office may, while so acting, exercise the powers of, and is hereby appointed as, an authorised officer under the Act. For the purposes of this Part, operating units of the Corporation and its agents are directed to comply with any requirements of the Premium Review Officer or a person appointed under Clause 6 as though they were subject to Section 183 of the Act.

Part 9—Reservation of Board's Discretion to Decide

26. Subject to the terms of this determination the Premium Review Officer is required to determine all applications that fail to resolve through reconsideration, unless the Corporation advises the Board that the particular application for review is of unusual significance and the Board or its relevant Board Committee, prior to the hearing of the application by the Premium Review Officer, serves notice on the Premium Review Officer and the applicant that the Premium Review Officer is to make a recommendation only and refer the matter to the Board or relevant Board Committee.

Part 10—Revocation and Transitional Provision

27. The Return to Work Premium Review Determination 2021 of 27 November 2020 (see *South Australian Government Gazette*, 3 December 2020, page 5556) (the Revoked Determination) is revoked, and any application for review lodged on or after the Commencement Date will be determined under this determination.
28. The Revoked Determination will apply to any application for review lodged before the Commencement Date that is unresolved as at the Commencement Date. However, where such an application fails, or has failed, to resolve through reconsideration pursuant to the Revoked Determination, the application for review will be determined by the Premium Review Officer in accordance with this determination.

I confirm that this is a true and correct record of the decision of the Board of the Corporation made on 31 March 2022.

G. MCCARTHY
Board Chairman

SOUTH AUSTRALIAN SKILLS ACT 2008

DIVISION 3, SECTION 26

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.

Standards were amended on 23 December 2021.

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 2022. Standard 9 and Standard 13 have also been amended to reflect the South Australian Skills Commission's annual fee review policy.

Standards have also been amended to reflect Ministerial and Departmental name changes.

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 www.skillscommission.sa.gov.au/2021-legislation-changes/transitional-arrangements.

Dated: 28 June 2022

RENEE HINDMARSH
South Australian Skills Commissioner

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.

Compliance with the Standard**1.1 Gazetted 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:
- already completed the training required under a Training Contract; or
 - has an equivalent qualification; or
 - 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 and contain all the requested information.

1.2.2 The applicant is responsible for:

- 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
 - Nominating a contact person who can speak on the applicant's behalf in discussions with the Commission
 - Ensuring the application is signed by the Chair, Chief Executive, or other delegate of the applicant, as approved by the Commission
 - 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.
 - 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.
 - 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:

- 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.
- 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.
- 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.
- 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.
- Industrial Arrangements
The application should include the relevant awards or other industrial arrangements, including enterprise level agreements.
- 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.
- 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 Department for Education 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.

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

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:
- not be a prohibited employer
 - be registered (or have applied for registration)
 - be complying with all the conditions of their registration
 - 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:
- there is a material change in any information provided to the Commission regarding the registration
 - the employer sells, or offers for sale, the business relating to the registration
 - the employer, or the business relating to the registration, becomes insolvent or bankrupt
 - 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:
- another person is a registered employer
 - 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:
- special circumstances exist
 - 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
- 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 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
- 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:

- a) 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

- b) 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
- c) provide supervision to the apprentice or trainee in accordance with the [Standard 5, Supervision](#)
- d) 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) a host employer with whom an apprentice or trainee is or was placed
- b) 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:
- a) 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)
- b) 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	1:3 A single supervisor may not supervise any more than 3 apprentices or trainees at any one time.
MEDIUM	1:6 A single supervisor may not supervise any more than 6 apprentices or trainees at any one time.
LOW	1:10 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.

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

- 5.4.3 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

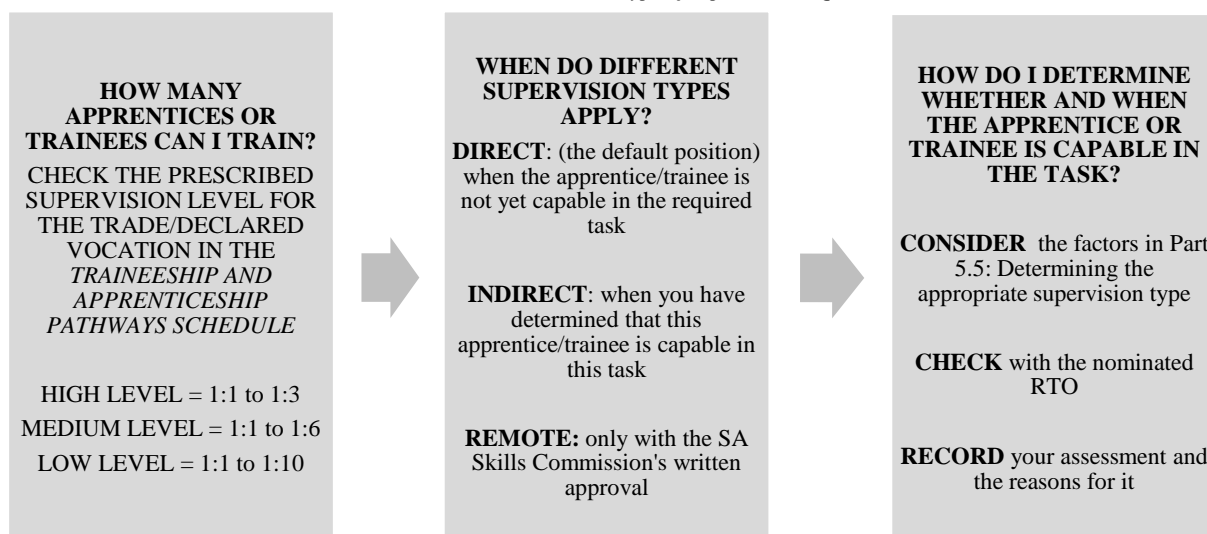
- 5.4.4 An employer may provide indirect supervision for an apprentice or trainee performing a task if:
- a) It is reasonable in the circumstances and has regard for any health and safety risks to the apprentice or trainee undertaking the task independently; and

- 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 trainees' 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.

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 www.providers.skills.sa.gov.au/resources-and-publications 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 www.providers.skills.sa.gov.au/resources-and-publications.
- 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:
- if the training that is the subject of the Training Plan is modified
 - upon request by the parties to the Training Contract
 - 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:
- the employer and apprentice or trainee agree on the new NTO
 - the employer and apprentice or trainee seek acceptance of the new NTO in respect of the nomination
 - 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:
- it becomes aware that an apprentice or trainee is not meeting the requirements of the Training Plan
 - it becomes aware that an employer is not meeting its obligations under the Training Contract or Training Plan
 - it becomes aware that the health or safety of an apprentice or trainee is at risk
 - it becomes aware that it may not be able to comply with any obligations applicable to the NTO under the Training Plan
 - it ceases to be the NTO under the Training Contract
 - 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:
- name of the employer
 - name of the apprentice or trainee
 - name of the NTO
 - relevant contact person's name, phone number and email address in the NTO
 - progress achieved against the Training Plan at the date of the notice
 - 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 for Education (DfE), 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
- 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 Gazetted 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 at www.skills.sa.gov.au/business/forms.

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 www.sacat.sa.gov.au/application-form
- 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 www.skills.sa.gov.au/business/forms, should include:
- name and contact details of the apprentice or trainee and of the previous and proposed employer
 - name and contact details of the training organisation under the Training Contract
 - commencement date of employment with proposed employer
 - a copy of the Training Contract and Training Plan
 - 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):
- whether or not the Training Contract is recognised
 - the date from which it is recognised
 - the trade or vocation, or equivalent trade or vocation under the recognised Training Contract
 - 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:
- to provide training as required by the Training Contract and Training Plan
 - 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:
- 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)
 - name and contact details of the apprentice or trainee
 - name and contact details of the former owner/employer and new owner/employer
 - a copy of the Training Contract and Training Plan
 - name of the NTO
 - 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:
- the existing/previous employer (or person on their behalf)
 - the proposed employer (or a person on their behalf)
 - the apprentice or trainee (or a person on their behalf).
- 9.3.3 The application must contain the following information:
- contact details of the parties to the application
 - reason(s) for the substitution
 - the number of employees employed by the business to which the apprentice or trainee is being transferred
 - 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
 - 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
 - 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 2021 is as follows:

Small business (20 or fewer employees)

First year of Training Contract	\$1,632
Second year of Training Contract	\$3,264
Third year of Training Contract	\$4,896
Fourth year of Training Contract	\$6,528

Medium to large business (21 or more employees)

First year of Training Contract	\$2,040
Second year of Training Contract	\$4,080
Third year of Training Contract	\$6,120
Fourth year of Training Contract	\$8,160

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:
- the transfer is mutually agreed by the proposed employer and the existing employer
 - 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
 - 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
 - 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:
- special circumstances exist; and
 - 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/application-form
- 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:
- may be made by a party to a Training Contract
 - must be made in the prescribed form, available at www.skills.sa.gov.au/business/forms.
 - must be accompanied by such information or documents as required by the Commission to consider the application.
- 10.1.3 A suspension:
- must be by notice in writing
 - 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:
- completing outstanding off-job training or bringing forward future off-job training
 - placing the apprentice or trainee with an alternative registered employer, host employer or group training organisation
 - taking of any accrued leave, for example, annual leave, rostered days off
 - 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
 - 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:
- pregnancy
 - maternity/paternity leave
 - 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)
 - higher level work or duties with the employer
 - personal reasons or commitments.
- 10.4.4 In relation to the above 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, illness, natural disaster or pandemic.
- 10.5 Dispute resolution in relation to a Training Contract suspension (SAS Act, S52)**
- 10.5.1 If either party to the Training Contract does not agree to the suspension, the party may dispute the suspension in writing to the Commission.
- 10.5.2 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.
- 10.5.3 Refer to [Standard 12, Complaints Handling, Mediation and Advocacy](#) for detailed information regarding dispute resolution.
- 10.6 Employer may suspend apprentice or trainee for wilful and serious misconduct (SAS Act, S64)**
- 10.6.1 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.
- 10.6.2 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:
- refer the matter to the Commission for mediation
 - notify the South Australian Employment Tribunal (SAET) that the matter has been so referred
 - notify the apprentice or trainee that the matter has been so referred
 - comply with any other reasonable requirement of the Commission in relation to the mediation.
- 10.6.3 The maximum penalty for a breach of this requirement is \$5,000 and the expiation fee is \$315.
- 10.6.4 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.

- 10.6.5 The maximum penalty for a breach of this requirement is \$5,000 and the expiation fee is \$315.
- 10.6.6 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*.
- 10.6.7 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.
- 10.7 South Australian Employment Tribunal may suspend employment of apprentice or trainee (*SAS Act*, S65)**
- 10.7.1 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.
- 10.7.2 The SAET may, if it thinks fit, suspend the employment of an apprentice or trainee commencing on a date specified in the order.
- 10.7.3 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.
- 10.8 Offence to suspend Training Contract (*SAS Act*, S51C)**
- 10.8.1 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.
- 10.8.2 The maximum penalty for a breach of this requirement is \$5,000 and the expiation fee is \$315.
- 10.9 False or misleading information (*SAS Act*, S75)**
- 10.9.1 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*.
- 10.9.2 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 www.skills.sa.gov.au/business/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 www.skills.sa.gov.au/business/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

To ensure any potential conflict of interest is managed, the Commission has delegated regulatory decision-making functions to the Department for Education (DfE). The Standard on Complaint Handling, Mediation and Advocacy is governed by the Commission, and not DfE. Complaints raised with DfE or other agencies will 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:
- refer the matter to the Commission for mediation
 - notify the SAET that the matter has been so referred
 - notify the apprentice or trainee that the matter has been so referred
 - 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:
- disputes between parties to a Training Contract
 - a grievance by one party to the Training Contract about the conduct of the other party
 - 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 a trade or declared vocation-related occupation or an occupation listed on the Traineeship and Apprenticeship Pathways (TAP) Schedule that allowed the person to develop trade or declared vocation-related skills
- 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 are not provided for the purposes of migration. Individuals requiring skills assessment for the purpose of applying for an Australian visa should seek information 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 specific assessment panels to undertake the competency assessment of applications, and may engage with those same panels (or other 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.

In the first instance, this Standard will be limited to the recognition of qualifications or experience in the trades of baker, cook, and hairdresser. This Standard will be updated to allow for the introduction of assessment arrangements for other trades and declared vocations.

Compliance with the Standard

13.1 Criteria for certification

- 13.1.1 The assessment arrangements for an application for a Certificate of Recognition 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 a Certificate of Recognition (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 a Certificate of Recognition.
- 13.5 Prescribed fees (SAS Act, S70A, South Australian Skills (Fees) Notice 2021, Schedule 1, cl. 1)**
- 13.5.1 Prescribed fees are published in the South Australian Skills (Fees) Notice 2021.
- 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) \$510 for a first or initial assessment
 - b) \$1,020 for a competency assessment or examination or test
 - c) \$204 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/application-form
- 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 for Education (DfE), 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) an 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 \(WA\)](#)

SUMMARY OFFENCES ACT 1953**DECLARED PUBLIC PRECINCTS***Notice of Ministerial Declaration*

I, KYAM JOSEPH MAHER, Attorney-General in the State of South Australia, being the Minister responsible for the administration of Part 14B—Declared Public Precincts of the *Summary Offences Act 1953*, DO HEREBY DECLARE pursuant to the provisions of Section 66N of the said Act that the area, comprised of more than one public place, within the following boundaries:

- Northern boundary of North Terrace to western boundary of West Terrace;
- Western boundary of West Terrace to southern boundary of Currie Street;
- Southern boundary of Currie Street to eastern boundary of King William Street; and
- Eastern boundary of King William Street to northern boundary of North Terrace,

will be a declared public precinct for a period of 12 hours from 6:00pm on each Friday and for a period of 12 hours from 6:00pm on each Saturday commencing on Friday, 1 July 2022, local time and reoccurring for each described day and time of the week until declared otherwise or until 6:00am on Sunday, 25 June 2023, whichever occurs sooner.

I am satisfied that there is, during the period specified in this declaration, a reasonable likelihood of conduct posing a risk to public order and safety in the area specified.

I am satisfied that the inclusion of each public place in the area is reasonable having regard to that identified risk.

Dated: 28 June 2022

KYAM JOSEPH MAHER
Attorney-General

UNREGULATED FEES AND CHARGES**NOTICE BY THE MINISTER FOR INDUSTRY, INNOVATION AND SCIENCE***South Australian Migration Fees 2022**Fees Payable for Services Provided by the Department for Innovation and Skills.*

The fees set out in the table below are payable for the assessment by the Department for Innovation and Skills of an application made by a prospective migrant to the State seeking nomination or sponsorship relating to the making of an application for the appropriate visa for the purposes of the *Migration Act 1957* (Cth).

Class of migrant	Application to be assessed	Fee	GST Status
Skilled Migrant	Assessment of an application by a skilled migrant to be nominated for a general skilled work visa, skilled nomination visa or any individual skilled visa stream that supersedes the aforementioned streams.	\$343	Applicable to onshore applicants
Business Migrant (excluding 188 Entrepreneur stream where supported by a designated service provider)	Assessment of an application by a business migrant to be nominated for a business innovation and investment visa, business talent visa or any business visa stream that supersedes the aforementioned streams.	\$967	Applicable to onshore applicants
Investor Retirement Renewal	Assessment of an application by an applicant to be nominated or sponsored for an Investor Retirement Renewal visa (Subclass 405).	\$571	Applicable to onshore applicants
Business Migrant 188 Entrepreneur stream (where supported by a designated service provider)	Assessment of an application by a business migrant to be nominated for a 188 Entrepreneur stream visa where supported by designated service provider.	\$343	Applicable to onshore applicants

Class of migrant	Application to be assessed	Fee	GST Status
408 Temporary Activity Visa for a Government endorsed event	Assessment of an application by an applicant for a 408 Temporary Activity Visa for a Government endorsed event.	\$343	Applicable to onshore applicants

This notice will come into operation on the date of Gazettal.

Dated: 28 June 2022

HON SUSAN CLOSE MP
Minister for Industry, Innovation and Science

LOCAL GOVERNMENT INSTRUMENTS

ADELAIDE HILLS COUNCIL

ROADS (OPENING AND CLOSING) ACT 1991

Closing of Road

In accordance with section 10 of the *Roads (Opening & Closing) Act, 1991*, NOTICE is hereby given that Adelaide Hills Council proposes to make a Road Process Order to CLOSE the following road: In the Hundred of Talunga, being portion of the strip of Government Road, in the area named Mount Torrens generally situate dividing allotment 79 in Filed Plan 155394 from allotment 24 in Deposited Plan 62438 and marked 'B' on Preliminary Plan 22/0032.

It is proposed that the portion of road to be closed marked 'B' be transferred to BW Lisk and JM Self and merged with said allotment 24 in Deposited Plan 62438.

A preliminary plan of the proposal, and a statement, are available for public inspection at the Adelaide Hills Council office, 28 Main Road, Woodside between the hours of 8.30am and 5.00pm, Monday to Friday or at the Adelaide office of the Surveyor-General during normal office hours.

Any person may object to the proposal (and any adjoining landowner or other person substantially affected by the proposed road closure may apply for an easement relative to the closure). Such objection (or application for an easement) must be made in writing to the Adelaide Hills Council WITHIN 28 DAYS OF THE DATE OF THIS NOTICE. If a submission is made, the Adelaide Hills Council is required to give notice of at the time and place at which a meeting will be held to consider the matter, so that the person making the submission (or a representative) may attend to support the submission, if desired. Any submission must set out the full name and address of the person making the submission, and must be fully supported by reasons (and any application for the grant of an easement must give full particulars of the nature and location of the easement and, where made by a person as the owner of adjoining or nearby land, specify the land to which the easement is to be annexed). A copy of the submission must be forwarded to the Surveyor – General at Adelaide.

Dated: 29 June 2022

ANDREW AITKEN
Chief Executive Officer

THE BAROSSA COUNCIL

Naming of Road

Notice is hereby given that pursuant to Section 219 of the *Local Government Act 1999*, The Barossa Council on 21 June 2022 resolved that the new roads within the land division at God's Hill Road, Lyndoch, be named Randall Circuit, Barkley Close and Sloane Place.

Dated: 21 June 2022

MARTIN MCCARTHY
Chief Executive Officer

DISTRICT COUNCIL OF ELLISTON

Naming of Public Road

NOTICE is hereby given that, at its meeting held on 21 June 2022 the District Council of Elliston resolved to name a public road at Bramfield as Andrew Scott Drive, pursuant to the *Local Government Act 1999*.

Dated: 21 June 2022

GEOFF SHERIDAN
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 21 June 2022, the Council resolved as follows:

1. Adopted for rating purposes, for the financial year ending 30 June 2023, 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 \$1,806,713,800.
2. Declared differential rates for the year ending 30 June 2023 on rateable land within its area, based upon the capital value of the land and varying according to land use as follows:
 - a) 0.2065 cents in the dollar for all rateable land within the area with a land use of Primary Production; and
 - b) 0.5253 cents in the dollar for all other rateable land in the Council area that includes Residential, Commercial – Shop, Commercial – Office, Commercial – Other, Industry – Light, Industry – Other, Vacant Land and Other.
3. Declared a fixed charge of \$150.00 against each separate piece of rateable land within the Council area for the year ending 30 June 2023.
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 for the year ending 30 June 2023:
 - 4.1 in respect of all land in the area serviced by the Burra CWMS, an annual service charge of:
 - a) \$410.00 per property unit on occupied rateable and non-rateable land; and
 - b) \$309.00 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) \$595.00 per property unit on occupied rateable and non-rateable land; and
 - b) \$456.00 per property unit on assessments of vacant rateable and non-rateable land.

5. Imposed an annual service charge 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 for the year ending 30 June 2023, of \$238.00.
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 \$0.000165 for all rateable land (based on capital value) within the area of Council and the Northern and Yorke Landscape Region Board for the year ending 30 June 2023.

Dated: 21 June 2022

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 20 June 2022 in relation to the financial year ending 30 June 2023, 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 \$3,893,760,800 comprising \$3,822,085,389 in respect of rateable land and \$71,675,411 in respect of non-rateable land before alteration.
2. Declared differential general rates of
 - i) 0.2607 cents in the dollar for land use codes of residential, commercial shop, commercial office, commercial other, industry light, industry other, vacant land and other
 - ii) 0.2346 cents in the dollar for land use codes of primary production
3. Fixed a minimum amount of \$635.00 payable by way of general rates on rateable land within the council's area.
4. Declared a separate rate of \$1,613 per assessment, in respect to assessments A1493, A1494, A1543, A1544 & A1545 in order 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 \$270.00 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 Systems 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	\$665.00
Vacant land	\$565.00
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	\$82.00 per rateable property
Commercial (Shop, Office and Other)	\$126.00 per rateable property
Industry (Light and Other)	\$198.00 per rateable property
Primary Production	\$352.00 per rateable property

Dated: 20 June 2022

DARRYL WHICKER
Chief Executive Officer

KANGAROO ISLAND COUNCIL

LOCAL GOVERNMENT ACT 1999 – SECTION 246

Notification of Application of By-Law

NOTICE is hereby given pursuant to section 246(4a) of the *Local Government Act 1999* that at its meeting of 14 June 2022 Kangaroo Island Council determined, in accordance with Section 246(3)(e) of the *Local Government Act 1999* and clause 10 of Council's *Dogs By-law 2017*, that clause 10 of Council's *Dogs By-law 2017* (Dog on leash areas) shall apply to that part of the local government land known as Penneshaw Beach identified as the blue shaded area provided for in Map 1 as set out in the Schedule to this notice, at the following times:

- Between the hours of 10.00 am and 6.00 pm any day during Australian Central Daylight time

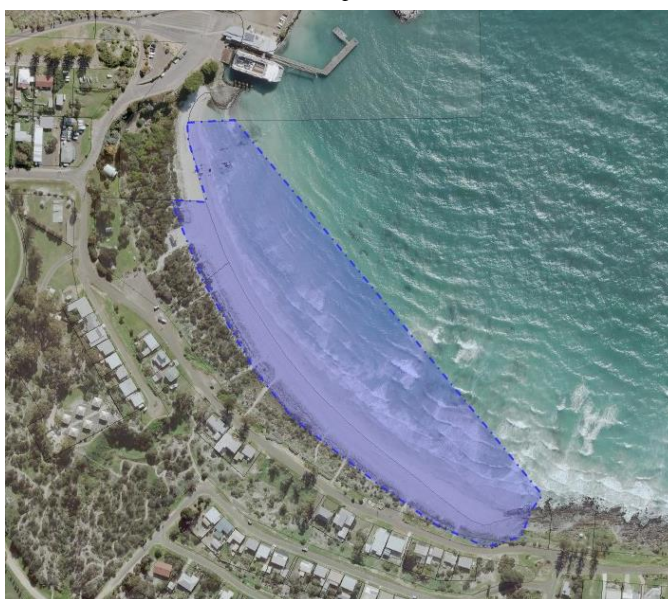
This determination will take effect from 1 November 2022.

Dated: 24 June 2022

GREG GEORGOPOULOS
Chief Executive Officer

SCHEDULE

Map 1



DISTRICT COUNCIL OF KAROONDA EAST MURRAY

Adoption of Valuation and Declaration of Rates for 2022/2023

NOTICE is hereby given that the District Council of Karoonda East Murray at its Ordinary Council Meeting held on 14 June 2022, resolved the following:

Adoption of Valuations

That in accordance with Section 167(2)(a) of the *Local Government Act 1999*, adopt for the financial year ended 30 June 2023, the most recent valuations of the Valuer-General available to the Council of Capital Values which are to apply to land in the area of the Council for rating purposes with the total valuations being \$404,410,640 (including non-rateable land of \$9,897,400).

Declaration of General Rates

That pursuant to Section 152(1)(a) and Section 153(1)(a) of the *Local Government Act 1999*, declares for the financial year ending 30 June 2023, a general rate of 0.4141 cents in the dollar of the Capital Value of rateable land for all properties.

Minimum Amount Payable

That pursuant to Section 158(1)(a) of the *Local Government Act 1999* and in accordance with Section 158(2) of the *Local Government Act 1999* declares that for the financial year ending 30 June 2023 the minimum amount payable by way of rates in respect of any one piece of rateable land in the Council area shall be \$375.00.

SERVICE CHARGES

Community Wastewater Management Scheme (CWMS) Service Charge

That pursuant to and in accordance with Section 155 of the *Local Government Act 1999* and Regulation 12 of the *Local Government (General) Regulations 2013*, and in accordance with the Community Wastewater Management Scheme Property Units Code, imposes an annual service charge for the year ended 30 June 2023 based on the nature and 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 services for the collection, treatment or disposal of waste known as Community Wastewater Management System in respect of all land serviced by this scheme as follows:

- Occupied \$515.00 per property unit
- Unoccupied \$485.00 per property.

Kerbside Waste Management Collection Charge

That pursuant to Section 155(2) of the *Local Government Act 1999*, imposes the following annual service charges for the financial year ending 30 June 2023 according to the nature of the service as follows:

- Waste Management Collection, a service charge of \$165.00 for the provision of a kerbside collection service within the collection zone.

Payment of Rates

That pursuant to Section 181 of the *Local Government Act 1999* resolves that all rates declared or payable for the financial year ending 30 June 2023 will fall due in four equal or approximately equal instalments with the:

- First instalment payable on 15 September 2022
- Second instalment payable on 15 December 2022
- Third instalment payable on 15 March 2023
- Fourth instalment payable on 15 June 2023.

Landscapes Board Levy – Declaration of Separate Rate

That pursuant to Section 69 of the *Landscape South Australia Act 2019* and Section 154 of the *Local Government Act 1999*, declares, in respect of the year ending 30 June 2023, a separate rate of 0.01840 cents in the dollar, based on the capital value of rateable land within the Council's area and within the area of the Murraylands and Riverland Landscape Board in order to recover the amount payable to the Board.

Dated: 14 June 2022

MARTIN BORGAS
Chief Executive Officer

DISTRICT COUNCIL OF KIMBA

Adoption of Valuation and Declaration of Rates 2022-2023

Notice is hereby given that the District Council of Kimba at its meetings held on 8 June 2022 for the financial year ending 30 June 2023:

1. Adopted site valuations to apply in its area for rating purposes supplied by the Valuer-General, being the most recent valuations available to the Council totalling \$358,050,800.
2. Declared differential general rates varying according to the locality of the land as follows:
 - (a) 0.3465 cents in the dollar in respect of rateable land in the Rural Zone;
 - (b) 19.59 cents in the dollar in respect of rateable land in the Commercial (Bulk Handling) Zone; and
 - (c) 4.0600 cents in the dollar in respect of rateable land in all other Zones, as defined in the Council's Development Plan.
3. Declared that the minimum amount payable by way of general rates in respect of all rateable land within the Council's area is \$315.00.
4. Imposed an annual service charge on all land to which the Council provides or makes available its Community Wastewater Management System of \$270.00.
5. Imposed an annual service charge of \$225.00, based on the nature of the service and varying according to land use category, on all land to which the Council provides its Waste Management Service with land use categories 1, 2 and 3.
6. Declared a separate rate based on a fixed charge of \$81.25 per assessment for residential, other and vacant land, \$121.87 per assessment for commercial and industrial properties and \$162.50 per assessment for primary production properties in respect of all rateable land in the area of the Eyre Peninsula Landscape Board.

Dated: 24 June 2022

DEB LARWOOD
Chief Executive Officer

DISTRICT COUNCIL OF LOXTON WAIKERIE

Adoption of Valuations and Declaration of Rates for 2022/2023

Notice is hereby given that at its meeting on 17 June 2022 the District Council of Loxton Waikerie for the financial year ending 30 June 2023 and in exercise of the powers contained in Chapter 10 of the *Local Government Act 1999*, resolved as follows:

1. Adoption of Valuation

To adopt, for rating purposes, the most recent valuations of the Valuer-General available to the Council of the capital value of land within the Council area, totalling \$2,760,019,520 of which, \$2,698,218,182 is in respect to rateable land.

2. Declaration of the Differential General Rates

To declare differential general rates in respect of all rateable land within its area varying according to the locality of the land and its use:

1. for land uses located within the townships of Loxton and Waikerie the following differential rates:
 - Residential—0.3408 cents in the dollar
 - Commercial (Shop, Office, Other)—0.5085 cents in the dollar
 - Industrial (Light, Other)—0.4104 cents in the dollar
 - Primary Production—0.5368 cents in the dollar
 - Vacant Land—0.3368 cents in the dollar
 - Other—0.5628 cents in the dollar
2. for land uses located outside the townships of Loxton and Waikerie the following differential rates:
 - Residential—0.3161 cents in the dollar
 - Commercial (Shop, Office, Other)—0.5255 cents in the dollar
 - Industrial (Light, Other)—0.4712 cents in the dollar
 - Primary Production—0.2709 cents in the dollar
 - Vacant Land—0.3061 cents in the dollar
 - Other—0.3537 cents in the dollar

3. Fixed Charge

To impose a fixed charge of \$350 as part of the general rates upon each separate piece of rateable land.

4. Service Charges—Community Wastewater Management Systems

To declare the following annual service charges on rateable and non rateable land where a common effluent connection point is provided:

- for the Waikerie Community Wastewater Management System scheme—\$534 per unit on each occupied allotment and \$514 per unit on each vacant allotment.
- for the Loxton Community Wastewater Management Scheme system—\$534 per unit on each occupied allotment and \$514 per unit on each vacant allotment:
 - for the Moorook Community Wastewater Management System scheme—\$470 per unit on each occupied allotment and \$450 per unit on each vacant allotment.
 - for the Kingston on Murray Community Wastewater Management System scheme—\$470 per unit on each occupied allotment and \$450 per unit on each vacant allotment.

5. Service Charges—Kerbside Waste Collection

To declare the following annual service charges based on the nature of the service for the collection and disposal of kerbside waste and recycling in respect of all land:

- within the townships of Loxton and Waikerie for all serviced retirement village properties an amount of \$212
- within the townships of Loxton and Waikerie for all other properties an amount of \$318
- outside any area designated as Loxton and Waikerie townships but within the prescribed collection area an amount of \$250

6. Separate Rate

- in order to raise the amount of \$509,621 payable to the Murraylands and Riverland Regional Landscape Board to declare a separate rate of 0.029313 cents in the dollar (but with a maximum amount payable of \$100.00), on all rateable land in the Council area.

Dated: 27 June 2022

DAVID BEATON
Chief Executive Officer

DISTRICT COUNCIL OF MOUNT REMARKABLE

LOCAL GOVERNMENT ACT 1999

Vacancy in the Office of Willochra Ward Councillor

NOTICE is given in accordance with Section 54(6) of the *Local Government Act 1999* that a vacancy has occurred in the office of Willochra Ward Councillor, due to the resignation of Councillor Greg Prestridge, effective from 27 June 2022.

Dated: 30 June 2022

SAM JOHNSON OAM
Chief Executive Officer

DISTRICT COUNCIL OF PETERBOROUGH

LOCAL GOVERNMENT ACT 1999

Resignation

NOTICE is hereby given in accordance with Section 54(6) of the *Local Government Act 1999* that Michael Pickering has resigned as Councillor effective 31 May 2022.

Dated: 20 June 2022

STEPHEN RUFUS
Chief Executive Officer

PUBLIC NOTICES

NATIONAL GAS LAW

Notice of Extension for Final Determination

The Australian Energy Market Commission (AEMC) gives notice under the National Gas Law as follows:

Under s 317, the time for the making of the final determination on the *DWGM distribution connected facilities* (Ref. GRC0062) proposal has been extended to **8 September 2022**.

Documents referred to above are available on the AEMC's website and are available for inspection at the AEMC's office.

Australian Energy Market Commission
Level 15, 60 Castlereagh St
Sydney NSW 2000
Telephone: (02) 8296 7800
www.aemc.gov.au

Dated: 30 June 2022

UNCLAIMED MONEYS ACT 1891

MY BUDGET PTY LTD

Register of Unclaimed Moneys for the year ended 2015

Name of Owner	Town	State	Postcode	Amount	Date	Description
Dewayne William Baldry	Beenleigh	QLD	4207	\$2,742.44	28/08/2015	Funds received
Andrew Bougioukos	Hampton East	VIC	3188	\$2,400.48	28/08/2015	Funds received
Simone Hahn	Findon	SA	5023	\$1,759.55	28/08/2015	Funds received
Maureen Patricia Brewer	Kallangur	QLD	4503	\$1,613.85	28/08/2015	Funds received
Syazliana Hamzah	Adelaide	SA	5000	\$1,585.30	28/08/2015	Funds received
Josefina Dizon Quiazon	Altona Meadows	VIC	3028	\$1,351.86	28/08/2015	Funds received
Anthony Vincent Shadforth	Kingston	QLD	4114	\$1,170.10	28/08/2015	Funds received
Christene April Alomes	Findon	SA	5023	\$918.98	28/08/2015	Funds received
Sonshine Africa	Fitzroy	VIC	3065	\$743.70	28/08/2015	Funds received
Roxanne Herbert	Cranbourne	VIC	3977	\$498.89	28/08/2015	Funds received
Sharon Lockwood	Highett	VIC	3190	\$494.69	28/08/2015	Funds received
Marcus Robert Ross	Bealiba	VIC	3475	\$445.78	28/08/2015	Funds received
Amanda Louise Badger	Cheltenham	VIC	3192	\$431.67	28/08/2015	Funds received
Jacinda Stephens	Footscray	VIC	3011	\$417.69	28/08/2015	Funds received
Kristen Maree Gardam	Mount Waverley	VIC	3149	\$400.00	28/08/2015	Funds received
Janine Thelma Bugeja	Cleveland	QLD	4163	\$388.20	28/08/2015	Funds received
Susan Jennifer Graham	Bundamba	QLD	4304	\$382.36	28/08/2015	Funds received
Latoya Marie Su'a	Tingalpa	QLD	4173	\$370.00	28/08/2015	Funds received
Vanessa Jane Taylor	Mount Waverley	VIC	3149	\$356.84	28/08/2015	Funds received
Oswaldo Acevedo	Albanvale	VIC	3021	\$320.72	28/08/2015	Funds received
Sally-Ann Paterson	Camden Park	SA	5038	\$314.40	28/09/2015	Funds received
Prashant Pal	Springfield	QLD	4300	\$311.29	28/08/2015	Funds received
Paul Patrick Faaafili	Roxburgh Park	VIC	3064	\$294.30	28/08/2015	Funds received
Zachariah James Rodwell	Kallista	VIC	3791	\$285.00	28/08/2015	Funds received
Jenna Louise Moran	Southbank	VIC	3006	\$280.50	28/08/2015	Funds received
Michelle Maree Morris	Redcliffe	WA	6104	\$280.00	2/11/2015	Funds received
Leon Thomas Riley	Moffat Beach	QLD	4551	\$276.16	28/08/2015	Funds received
Kelli Maureen Garner	Narre Warren	VIC	3805	\$272.00	28/08/2015	Funds received
Sharne Lynette Van Kruyssen	Elizabeth North	SA	5113	\$270.00	28/08/2015	Funds received
Michael John Parr	Thorneside	QLD	4158	\$247.84	28/08/2015	Funds received
Matthew Tregeagle	Hampton Estate	VIC	3188	\$229.60	28/08/2015	Funds received
Sylwia Longina Zagaba	Springfield Lakes	QLD	4300	\$226.29	28/08/2015	Funds received
Joseph Cook	Endeavour Hills	VIC	3802	\$184.59	28/08/2015	Funds received
Aaron Robert Lucas	Wakerley	QLD	4154	\$173.04	2/11/2015	Funds received
Damian Mark Vincent	Berwick	VIC	3806	\$170.64	28/08/2015	Funds received
Genevieve Rachel Hawea	Lawton	QLD	4501	\$169.68	28/08/2015	Funds received
Kristy Lee James	Langhorne Creek	SA	5255	\$160.30	28/08/2015	Funds received
Colin Douglas Cooper	Norwood	SA	5067	\$158.88	28/08/2015	Funds received
Karen Marie Atkinson	Leanyer	SA	812	\$156.50	28/08/2015	Funds received
Phillippa Louise Cleaves	Stanhope Gardens	NSW	2768	\$151.38	28/08/2015	Funds received
Dorotea Rhodora Sumalinog	Berwick	VIC	3806	\$150.00	28/08/2015	Funds received
Heather Cirocco	Murray Bridge	SA	5253	\$146.04	28/08/2015	Funds received
Sandra Lee Hawke	Northgate	SA	5085	\$144.90	2/11/2015	Funds received
Annette Lee Nicholls	Angle Park	SA	5010	\$141.56	28/08/2015	Funds received
Alison Margery Allen	Reynella	SA	5161	\$140.44	28/08/2015	Funds received
Paul John Robinson	Hornsby	NSW	2077	\$135.71	28/08/2015	Funds received
Megan Rose Brown	St Kilda	VIC	3182	\$133.40	28/08/2015	Funds received
Jenyne Harley Alcock	St Kilda	VIC	3082	\$132.18	28/08/2015	Funds received
Eric Maxwell Swift	St Kilda	VIC	3182	\$131.92	28/08/2015	Funds received
Benjamin Mark Perry	Narre Warren	VIC	3805	\$131.80	28/08/2015	Funds received
Sharon Deborah Small	Hendra	QLD	4011	\$130.74	28/08/2015	Funds received
Kirstin Katie Whalen	Blackburn	VIC	3130	\$130.00	2/11/2015	Funds received
Melody Kate Feder	Walkerville	SA	5081	\$129.29	28/08/2015	Funds received
Barbara Jayne Wilson	Munno Para West	SA	5115	\$120.00	28/08/2015	Funds received

Name of Owner	Town	State	Postcode	Amount	Date	Description
Alison Mary Jean Ritchie	Moggill	QLD	4069	\$117.41	2/11/2015	Funds received
Dannell Jade Henare	Cooparoo	QLD	4151	\$117.00	28/08/2015	Funds received
Jeff Raymond Perkins	Andrews Farm	SA	5114	\$115.00	28/08/2015	Funds received
Aaron James Engle	Aspendale Gardens	VIC	3195	\$111.02	28/08/2015	Funds received
Nicholas Roger Maxwell	Redbank Plains	QLD	4301	\$103.38	28/08/2015	Funds received
Steven Ronald Hodges	Davoren Park	SA	5113	\$100.00	28/08/2015	Funds received
Pamela Faye Adam	Burton	SA	5115	\$100.00	28/08/2015	Funds received
Brian John Pymble	Greenbank	QLD	4301	\$96.55	2/11/2015	Funds received
Jenny Ellen McCann	Kingscliff	NSW	2487	\$95.29	28/08/2015	Funds received
Lisa Hobden	North Brighton	SA	5048	\$94.90	2/11/2015	Funds received
David John Swaine	Valley View	SA	5093	\$91.41	28/08/2015	Funds received
Millicent Amy Mackintosh	Shailer Park	QLD	4128	\$91.19	28/08/2015	Funds received
Gregory Paul O'hara	Hope Valley	SA	5090	\$90.90	28/08/2015	Funds received
Hayden Corrie Legg	Aspendale	VIC	3195	\$88.68	28/08/2015	Funds received
Graham Cameron Farr	Pakenham	VIC	3810	\$86.54	28/08/2015	Funds received
Melanie Jane Gough	Craigieburn	VIC	3064	\$85.01	28/08/2015	Funds received
Joanna Ellen Slater	Boronia	VIC	3155	\$84.80	28/08/2015	Funds received
Alma Isabel Weetra	Burton	SA	5011	\$83.20	28/08/2015	Funds received
Susan Margaret Gerrard	Highland Park	QLD	4211	\$82.97	2/11/2015	Funds received
Jamie Paul Benson	Caboolture	QLD	4510	\$81.83	28/08/2015	Funds received
Dean Arthur Goldsmith	Flinders Park	SA	5025	\$80.74	28/08/2015	Funds received
Ashley Maree Christian	Ringwood	VIC	3134	\$80.34	2/11/2015	Funds received
Kelly Marie Quinn	Whyalla Playford	SA	5600	\$80.00	28/08/2015	Funds received
Kate Patricia Barlow	Beaconsfield Upper	VIC	3808	\$79.00	28/08/2015	Funds received
Steffanie Jade Milland	Berwick	VIC	3806	\$78.20	2/11/2015	Funds received
Toni Veronica Gutsche	Trott Park	SA	5158	\$78.00	28/08/2015	Funds received
Rachael Jennifer Kendal	Hamlyn Heights	VIC	3218	\$76.00	28/08/2015	Funds received
Muriel Dawn O'Loughlin	Salisbury	SA	5108	\$75.00	28/08/2015	Funds received
Justin Raymond Blackman	Molendinar	QLD	4214	\$73.73	28/08/2015	Funds received
Yvonne Sweeney	Craigmore	SA	5114	\$73.00	28/08/2015	Funds received
Justine Elizabeth Duthie	Redwood Park	SA	5097	\$72.31	28/08/2015	Funds received
Anthony William Charles Kidwell-Butt	Lang Lang	VIC	3984	\$68.87	28/08/2015	Funds received
Robert John Wilson	Windsor	NSW	2756	\$68.65	28/08/2015	Funds received
Rebecca Jane Webb	South Geelong	VIC	3220	\$66.80	28/08/2015	Funds received
Sanda Thompson	Mawson Lakes	SA	5095	\$66.00	28/08/2015	Funds received
Lauren Anne Johnstone	Mount Waverley	VIC	3149	\$64.00	2/11/2015	Funds received
Stacey Elisabeth Kirsch (nee Austin)	Victoria Point	QLD	4165	\$63.36	28/08/2015	Funds received
Nicole Lee Pancione (Savelli)	Parafield Gardens	SA	5107	\$62.40	2/11/2015	Funds received
Herbert Tossmann	Parkwood	QLD	4214	\$62.16	28/08/2015	Funds received
Cathy Ehlers	Pennigton	SA	5013	\$60.00	28/08/2015	Funds received
Renata Colella	Croydon	VIC	3136	\$59.63	28/08/2015	Funds received
Peter Desmond Page	Somerton Park	SA	5044	\$58.97	28/08/2015	Funds received
Heather Marie Tilley	Mount Gambier	SA	5291	\$55.93	28/08/2015	Funds received
Scott William Ferdinands	Highett	VIC	3190	\$55.89	28/08/2015	Funds received
Matthew Pearson	Bairnsdale	VIC	3875	\$52.68	28/08/2015	Funds received
Schanara Bulsey	Kirwan	QLD	4817	\$50.09	2/11/2015	Funds received
Eugene Clifford Warrior	Port Augusta	SA	5700	\$50.00	28/08/2015	Funds received
Richard Paul Marsh	Inala	QLD	4077	\$50.00	28/08/2015	Funds received
Wendy Van Der Peet	Mornington	VIC	3931	\$49.75	28/08/2015	Funds received
Kyle John Saredakis	Golden Grove	SA	5125	\$49.23	28/08/2015	Funds received
Moni Thi Son	Salisbury Downs	SA	5108	\$46.40	28/08/2015	Funds received
Brendan Matthew Maurer	Hampton Park	VIC	3976	\$45.00	28/08/2015	Funds received
Leigh Brodie Cook	Pakenham	VIC	3810	\$44.59	28/08/2015	Funds received
Michalis Belbasis	Mill Park	VIC	3082	\$43.05	28/08/2015	Funds received
Harold Julian Ross Stapleton	Ridgehaven	SA	5097	\$41.09	28/08/2015	Funds received
Jake Arlen Carter	Morphett Vale	SA	5162	\$40.86	28/08/2015	Funds received
Krystal Jade Ferguson	Melton	VIC	3337	\$39.76	28/08/2015	Funds received
Kegan Wilson Scherf	Bardon	QLD	4065	\$38.90	2/11/2015	Funds received
Richard Bradley Reichstein	Woodside	SA	5244	\$36.97	28/08/2015	Funds received
Esther Bernadette Priestley	Gembrook	VIC	3783	\$36.90	28/08/2015	Funds received
Sussana Gosios	Pascoe Vale South	VIC	3044	\$36.65	28/08/2015	Funds received
Maciek Robert Murzo	Rowville	VIC	3178	\$35.50	28/08/2015	Funds received
Louise Caroline Witte	Katherine	NT	851	\$35.46	28/08/2015	Funds received
Jodie Marie Muir	Dundas	NSW	2117	\$35.00	28/08/2015	Funds received
Corinne Louise Tickle	Nundah	QLD	4012	\$34.32	28/08/2015	Funds received
Roslian Mary Blachard	Benalla	VIC	3672	\$33.88	28/08/2015	Funds received
Simon James Flannery	Robina	QLD	4226	\$32.90	28/08/2015	Funds received
Sarah Joye Williams	Bahrs Scrub	QLD	4207	\$32.00	28/08/2015	Funds received
Timothy Shane Barkla	Willaston	SA	5118	\$31.50	28/08/2015	Funds received
Stephen Christopher	Melton	VIC	3337	\$30.00	28/08/2015	Funds received
Samantha Lyn Tanner (nee Keller)	Meadows	SA	5201	\$30.00	28/08/2015	Funds received
Jessica Heffernan	Adelaide	SA	5000	\$30.00	28/08/2015	Funds received
Kylie Marie Hillier	Aldinga Beach	SA	5173	\$30.00	28/08/2015	Funds received
Edmund Colin Campbell	Smithfield Plains	SA	5114	\$30.00	28/08/2015	Funds received
Kiyomi Thompson	Christies Beach	SA	5165	\$29.21	28/08/2015	Funds received
Priscilla Parker	Latrobe	TAS	7307	\$29.15	28/08/2015	Funds received

Name of Owner	Town	State	Postcode	Amount	Date	Description
Stephen John Donald	Para Hills	SA	5096	\$28.56	28/08/2015	Funds received
Robert James Bell	Werribee	VIC	3030	\$28.36	28/08/2015	Funds received
Christine Palmer	Clifton Springs	VIC	3222	\$28.08	2/11/2015	Funds received
Julie Rae Plunkett [McQualter]	Deer Park	VIC	3023	\$27.75	28/08/2015	Funds received
Vanessa Louise Deane	Mornington	VIC	3931	\$26.64	2/11/2015	Funds received
Wayne Joseph Reicha	Carlton	VIC	3053	\$26.62	28/08/2015	Funds received
Sarah Ann Chadwick	Munno Para	SA	5115	\$25.00	28/08/2015	Funds received
Mark Daniel Harris	Breakfast Point	NSW	2137	\$24.48	28/08/2015	Funds received
Lindy Ann Poke	Smithton	TAS	7330	\$24.02	28/08/2015	Funds received
Shane Anthony Brown	Moorina	QLD	4506	\$22.00	28/08/2015	Funds received
Julie Anne Hanns	Hamley Bridge	SA	5401	\$21.65	28/08/2015	Funds received
Sophors I Ding Kean	Golden Grove	SA	5125	\$21.25	28/08/2015	Funds received
Tawanda Gordon Dhlakama	Chadstone	VIC	3148	\$21.00	28/08/2015	Funds received
Leah Ricarda Melville	Seven Hills	NSW	2147	\$20.88	28/08/2015	Funds received
Matthew David Jones	Potts Point	NSW	1335	\$20.28	28/08/2015	Funds received
Carly Lee Kearney	Paralowie	SA	5108	\$20.00	28/08/2015	Funds received
Jeannie Marie Rigney	Valley View	SA	5093	\$20.00	28/08/2015	Funds received
Katie Louise McNamara	Corio	VIC	3214	\$20.00	28/08/2015	Funds received
Margaret Wood	Cranbourne West	VIC	3977	\$19.29	28/08/2015	Funds received
Tanya Mary Braun	Cape Woolamai	VIC	3925	\$19.28	28/08/2015	Funds received
Nathan David Whitton	Port Melbourne	VIC	3146	\$19.17	28/08/2015	Funds received
Justin John Milner	Cranbourne West	VIC	3977	\$18.70	28/08/2015	Funds received
Giancarlo Gagliardi	Glenroy	VIC	3046	\$18.39	28/08/2015	Funds received
Annette Mary Bugeja	Huntfield Heights	SA	5163	\$17.88	28/08/2015	Funds received
Darren Daniel Struan Robertson	East Perth	WA	6004	\$17.36	2/11/2015	Funds received
Kelly Louise Wilson	Blakeview	SA	5114	\$16.99	28/08/2015	Funds received
Garth Christopher Talagi	Sunshine West	VIC	3020	\$16.50	28/08/2015	Funds received
Shaylene Elizabeth Victoria Stratton	Clayfield	QLD	4011	\$16.34	28/08/2015	Funds received
Casey Anne Leeson	Seaton	SA	5023	\$16.00	28/08/2015	Funds received
Debra Ann Briggs	Nairne	SA	5252	\$16.00	28/08/2015	Funds received
Eugene Elizabeth Flynn	Edwardstown	SA	5039	\$15.50	28/08/2015	Funds received
Ricky David Ferguson	Coomera	QLD	4209	\$14.68	28/08/2015	Funds received
Anthony John Eathorne	Prospect	NSW	2148	\$14.35	28/08/2015	Funds received
Aaron Shane Gramberg	Warneet	VIC	3980	\$14.06	28/08/2015	Funds received
Stephanie Maree Shepherd	Brunswick West	VIC	3055	\$13.99	28/08/2015	Funds received
April Elizabeth Hart	Brahma Lodge	SA	5109	\$13.96	28/08/2015	Funds received
Karen Julie Mears	Glynde	SA	5070	\$13.89	28/08/2015	Funds received
Erin Frances Meates	Langwarrin	VIC	3910	\$13.44	28/08/2015	Funds received
Marlaine Leechee	Golden Beach	QLD	4551	\$13.00	28/08/2015	Funds received
Adrian Simon Micklethwaite	Camden Park	SA	5038	\$12.39	28/08/2015	Funds received
Donna Emmee Puig	Acacia Gardens	NSW	2763	\$12.19	28/08/2015	Funds received
Nicole Patrice Powell	Kilsyth	VIC	3137	\$10.22	28/08/2015	Funds received
Melissa Nicole Gooley	Seaford Rise	SA	5169	\$10.16	2/11/2015	Funds received
Stephen Kenneth Baker	Marsden	QLD	4132	\$10.00	28/08/2015	Funds received
Robyn Allison Basford	Darling Point	NSW	2027	\$10.00	28/08/2015	Funds received
Lance Wayne Shepherd	Elizabeth Grove	SA	5112	\$10.00	28/08/2015	Funds received
Russell James	Sydney	NSW	2000	\$10.00	28/08/2015	Funds received
Nerys Anne Chamberlain	Smithfield	SA	5114	\$10.00	28/08/2015	Funds received
David John Charlesworth	Caroline Springs	VIC	3023	\$10.00	28/08/2015	Funds received

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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