



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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ADELAIDE, THURSDAY, 27 OCTOBER 2022

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GOVERNOR'S INSTRUMENTS

ACTS

Department of the Premier and Cabinet
Adelaide, 27 October 2022

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

No. 14 of 2022—Appropriation Bill 2022

An Act for the appropriation of money from the Consolidated Account for the year ending 30 June 2023 and for other purposes.

No. 15 of 2022—Superannuation Funds Management Corporation of South Australia (Investment in Russian Assets) Amendment Bill 2022
An Act to amend the Superannuation Funds Management Corporation of South Australia Act 1995

No. 16 of 2022—National Electricity (South Australia) (Consumer Data Right) Amendment Bill 2022
An Act to amend the National Electricity (South Australia) Act 1996

No. 17 of 2022—Shop Trading Hours (Extension of Hours) Amendment Bill 2022
An Act to amend the Shop Trading Hours Act 1977

By command,

ANASTASIOS KOUTSANTONIS, MP
For Premier

APPOINTMENTS

Department of the Premier and Cabinet
Adelaide, 27 October 2022

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the State Theatre Company of South Australia Board, pursuant to the provisions of the State Theatre Company of South Australia Act 1972:

Member: from 27 October 2022 until 26 October 2025
Judith Thora Carmel Henshall

By command,

ANASTASIOS KOUTSANTONIS, MP
For Premier

ART0011-22CS

Department of the Premier and Cabinet
Adelaide, 27 October 2022

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the History Trust of South Australia, pursuant to the provisions of the History Trust of South Australia Act 1981:

Member: from 17 November 2022 until 16 November 2025
Eva Balan-Vnuk

Member: from 27 October 2022 until 26 October 2025
Vesna Drapac
Alan Duncan Reid

Member: from 25 November 2022 until 24 November 2025
Michael Neale

By command,

ANASTASIOS KOUTSANTONIS, MP
For Premier

ME22-031

Department of the Premier and Cabinet
Adelaide, 27 October 2022

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint Emma Terry as Chief Executive Officer, South Australian Tourism Commission for a term of five years commencing on 9 January 2023 and expiring on 8 January 2028 - pursuant to section 8 of the South Australian Tourism Commission Act 1993.

By command,

ANASTASIOS KOUTSANTONIS, MP
For Premier

TMACAB006

Department of the Premier and Cabinet
Adelaide, 27 October 2022

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint Dona Tricia Fay Attard to the position of Deputy Registrar of the South Australian Civil and Administrative Tribunal for a term of two years commencing on 31 October 2022 and expiring on 30 October 2024 - pursuant to the provisions of the South Australian Civil and Administrative Tribunal Act 2013.

By command,

ANASTASIOS KOUTSANTONIS, MP
For Premier

AGO0139-22CS

Department of the Premier and Cabinet
Adelaide, 27 October 2022

His Excellency the Governor's Deputy in Executive Council has been pleased to approve the allocation of monies from the Community Development Fund in 2022 - 2023 - pursuant to sections 73C(3) and (4) of the Gaming Machines Act 1992.

By command,

ANASTASIOS KOUTSANTONIS, MP
For Premier

T&F22/052CS

Department of the Premier and Cabinet
Adelaide, 21 October 2022

Her Excellency the Governor directs it to be notified that she has approved the retention of the title 'Honourable' by former Member of the Legislative Council, Mr Rob Lucas.

By command,

PETER MALINAUSKAS
Premier

PROCLAMATIONS

South Australia

Shop Trading Hours (Extension of Hours) Amendment Act (Commencement) Proclamation 2022

1—Short title

This proclamation may be cited as the *Shop Trading Hours (Extension of Hours) Amendment Act (Commencement) Proclamation 2022*.

2—Commencement of Act

The *Shop Trading Hours (Extension of Hours) Amendment Act 2022* (No 17 of 2022) comes into operation on 1 November 2022.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 27 October 2022

REGULATIONS

South Australia

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-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Radiation Protection and Control Regulations 2022*.

2—Commencement

These regulations come into operation on the day on which the *Radiation Protection and Control Act 2021* comes into operation.

Part 2—Interpretation

3—Interpretation

(1) In these regulations—

absorbed dose, of ionising radiation, means a fundamental dose quantity representing the mean energy imparted to matter by ionising radiation in a volume element and per unit mass of matter in that volume element;

accredited exercise physiologist means a person who holds an accreditation as an exercise physiologist with Exercise and Sports Science Australia;

Act means the *Radiation Protection and Control Act 2021*;

activity, of a radionuclide, means the quantity of that radionuclide in a given energy state at a given time, defined as the number of spontaneous nuclear transformations from the given energy state per second;

annual effective dose—see regulation 4;

approved means approved by the Minister;

ARPANSA means the Australian Radiation Protection and Nuclear Safety Agency of the Commonwealth;

bore hole logging means the use of an ionising radiation apparatus or a sealed radioactive source to investigate the physical properties of a geological sequence, fluids contained in a geology sequence or the properties of a bore hole, by lowering the apparatus or source and a detector down a bore hole that has been drilled through the strata being investigated;

bore hole logging tool means a device containing an ionising radiation apparatus or sealed radioactive source that is designed and constructed to be lowered and raised during bore hole logging;

Code of Practice for the Security of Radioactive Sources means the *Code of Practice for the Security of Radioactive Sources (2019)* published by ARPANSA as in force from time to time;

cumulative means the sum of all the results obtained for a parameter since the beginning of the relevant year;

disposal, in relation to a radioactive substance, does not include sale;

dose of ionising radiation means absorbed dose, effective dose or equivalent dose;

dose constraint, in relation to an individual dose of ionising radiation from a radiation source, means a prospective and source-related restriction on the individual dose which provides a basic level of protection for the most highly exposed individuals from that source, and serves as an upper bound on the dose in optimisation of protection for that source;

effective dose means the sum of equivalent doses of ionising radiation for all tissues and organs of the body determined by adding together each equivalent dose for a tissue or organ after it has been multiplied by the tissue weighting factor appropriate to that type of tissue or organ;

emergency exposure situation means a situation of exposure to ionising radiation that arises as a result of an accident or other undesirable event and that requires prompt protective action in order to avoid or reduce adverse consequences;

employer means a person who carries on a business or activity in the course of which persons who are employed or engaged to work for the person (including as independent contractors) are exposed to ionising radiation;

equivalent dose means the absorbed dose delivered by a type of ionising radiation averaged over a tissue or organ multiplied by the radiation weighting factor for that ionising radiation type;

excepted package has the same meaning as in the Transport Code;

exempt activity, in relation to a radionuclide, means—

- (a) in relation to a radionuclide contained within a naturally occurring radioactive material—means the activity specified in Table I.3 of the IAEA General Safety Requirements for the radionuclide; or
- (b) in any other case—means the activity specified in Table I.1 of the IAEA General Safety Requirements for the radionuclide;

existing exposure situation means a situation of exposure to ionising radiation that already exists when a decision on control needs to be taken, and includes a situation of prolonged exposure after an emergency;

external radiation, in relation to the exposure of a natural person to ionising radiation, means ionising radiation that is not internal radiation;

fail safe, in relation to a warning device or interlock, means that the failure of the device or interlock results in the inability to produce useable ionising radiation from the apparatus or sealed radioactive source to which the device or interlock is connected;

fixed apparatus means any ionising radiation apparatus that is neither a mobile apparatus nor a portable apparatus;

fully protected enclosure, in relation to industrial radiography, means an enclosure on or in respect of which—

- (a) all doors and other openings into the enclosure are interlocked with either the apparatus or the source control mechanism so that the apparatus is de-energised or the source is returned to the shielded ("off") position whenever a door or other opening is opened; and
- (b) a warning device inside the enclosure sounds continuously for at least 5 seconds when an exposure commences; and
- (c) a red warning light marked "Radiation On" that remains on throughout an exposure, is readily visible from all normal routes of access; and

- (d) the warning lights are fail safe; and
- (e) the equivalent dose rate at a distance of 50 mm from any readily accessible point on the surface of the enclosure never exceeds 25 $\mu\text{Sv/h}$; and
- (f) a door can be readily opened from inside the enclosure;

gaseous tritium light source means a sealed glass container filled with gaseous tritium and coated internally with a phosphor;

IAEA General Safety Requirements means the *Radiation Protection and Safety of Radiation Sources : International Basic Safety Standards 2014: General Safety Requirements Part 3 (ISBN 978-92-0-135310-8)* published by the International Atomic Energy Agency, as in force from time to time;

industrial radiography means the use of X-rays, gamma rays or neutrons to obtain information non-destructively on the internal state of objects and materials;

internal radiation, in relation to the exposure of a person to ionising radiation, means ionising radiation from a radioactive substance located within the person's body;

ionisation chamber smoke detector means a device containing a radioactive substance that is designed and constructed to detect the presence of smoke or other combustion product aerosols;

low toxicity alpha emitter means—

- (a) natural uranium, depleted uranium, natural thorium, uranium-235, uranium-238, thorium-232, thorium-228 or thorium-230, when contained in ore or a physical and chemical concentrate; or
- (b) alpha emitters with a half-life of less than 10 days;

member of the public means a person who is not a worker;

mobile apparatus means ionising radiation apparatus that is designed and constructed so as to be moveable from place to place for use as required but does not include a portable apparatus;

National Directory has the same meaning as in section 78 of the Act;

naturally occurring radioactive material means material containing radionuclides that are of natural origin only;

occupational exposure means exposure to ionising radiation directly arising out of, or in the course of, employment;

optimisation, in relation to the optimisation of radiation protection and safety, means the process of determining what level of protection and safety makes exposures to ionising radiation (and the probability and magnitude of potential exposures) as low as is reasonably achievable, having regard to economic and societal factors;

packaged has the same meaning as in the Transport Code;

petroleum has the same meaning as in the *Petroleum and Geothermal Energy Act 2000*;

plain radiography means the technique for obtaining, recording and processing directly or after transfer, static information contained in an X-ray image at an image receptor where the X-ray tube is stationary throughout the exposure;

planned exposure situation, in relation to exposure to ionising radiation, means a situation involving the deliberate introduction and operation of radiation sources that may give rise to both exposures that are anticipated to occur (**normal exposures**) and to exposures that are not anticipated to occur (**potential exposures**);

plant includes—

- (a) any appliance, container, equipment, implement, machinery or tool; and
- (b) any component of a thing referred to in paragraph (a); and
- (c) anything that is fitted to or connected with any thing referred to in paragraph (a);

portable apparatus means any ionising radiation apparatus that is designed to be carried manually from place to place for use as required;

practice means any type of human activity in which persons may be exposed to ionising radiation;

prescribed low risk radioactive material means a radioactive material where—

- (a) the amount of a radioactive element or compound contained in the material exceeds the prescribed concentration as determined under regulation 8(1)(a) but the activity of the radioactive element or compound does not exceed the prescribed amount as determined under regulation 8(2); or
- (b) the activity of a radioactive element or compound contained in the material exceeds the prescribed amount as determined under regulation 8(2) but the amount of the radioactive element or compound contained in the material does not exceed the prescribed concentration as determined under regulation 8(1)(a);

radiation gauge means a device containing a radiation source designed to measure a parameter associated with the item or material of interest, but does not include a device that does not need to be permanently fixed in place to be used;

radiation incident means any unintended occurrence involving a radiation source which results in, or has the potential to result in, an exposure to ionising radiation to any person or the environment that is outside the range of that normally expected for a particular practice, and includes an occurrence resulting from operator error, equipment failure or the failure of management systems that warranted investigation;

radiation management plan means a radiation management plan submitted under section 34 of the Act;

radiation symbol means the radiation symbol described and shown in Schedule 1;

registered premises means premises in which an unsealed radioactive material is handled or kept and which are registered under the Act in the name of the occupier of the premises;

registrable device means a device or instrument that contains a sealed radioactive source which is required to be registered under section 26 of the Act;

relevant code—see Schedule 2;

sell means—

- (a) sell; or
- (b) supply by way of barter, exchange or gift; or
- (c) let on hire; or
- (d) bail; or

- (e) authorise, direct, cause, suffer or permit any of the acts referred to in a preceding paragraph;

source container means an enclosure for a sealed radioactive source that provides, by shielding and by distance, protection against radiation emitted by the source;

source holder, in relation to bore hole logging, means the component of a bore hole logging tool that—

- (a) houses the sealed radioactive source to protect it from damage; and
- (b) fits into the source container when the source is not being used; and
- (c) fits onto the bore hole logging tool when the source is being used;

source of ionising radiation means an ionising radiation apparatus or a radioactive material;

Transport Code means the code entitled *Code for the Safe Transport of Radioactive Material*, Radiation Protection Series C-2 (Rev.1), published by ARPANSA in 2019, as modified by Schedule 6;

type, in relation to premises in which an unsealed radioactive material is kept or handled, means the type of premises established by the classification scheme set out in *Code of Compliance for Facility Design and Shielding 2022* published by the Department, as in force from time to time;

veterinary surgeon means a person registered on the general register or on both the general register and the specialist register under the *Veterinary Practice Act 2003*;

worker means a person who is exposed to ionising radiation in the ordinary course of the person's work;

X-ray analysis apparatus means an ionising radiation apparatus that is used to analyse the properties or composition of materials by the techniques of X-ray fluorescence or X-ray diffraction;

X-ray tube, in relation to an ionising radiation apparatus, means an evacuated envelope in which electrons are accelerated for the purposes of the production of ionising radiation.

- (2) In these regulations, a reference to a worker being employed by an employer is to be taken to include the acceptance of a person as—
 - (a) a voluntary worker; or
 - (b) a student,and the person who accepts a person as a voluntary worker or student will, for the purposes of these regulations, be taken to be an employer in relation to that person.
- (3) If a person who is an employer engages an independent contractor to carry out work in the course of which a person will be exposed to ionising radiation, that person is, for the purposes of these regulations, to be taken to be the employer in relation to—
 - (a) that independent contractor; and
 - (b) any person employed by that independent contractor to do work that the independent contractor has been engaged to carry out.

- (4) In these regulations, a requirement on an employer to do or provide any matter or thing for or in relation to a worker employed by the employer is, in relation to an employer who is a worker, to be taken to require that the person must do or provide for themselves any matter or thing that an employer would be required to provide for or in relation to a worker employed by the employer.

4—Annual effective dose

- (1) In these regulations—

annual effective dose means the sum of—

- (a) the effective dose received from external radiation during a calendar year; and
 - (b) the committed effective dose received from radionuclides taken into the body during that year calculated in the manner set out in this regulation.
- (2) The committed effective dose received from radionuclides taken into the body must be calculated using the methods recommended by the International Commission on Radiological Protection for those radionuclides.

- (3) If—

- (a) the International Commission on Radiological Protection recommends or adopts more than 1 value for an item of data; and
- (b) the information required so as to choose which of those values is relevant to the circumstances of the case has not been obtained by the employer,

the value that gives rise to the largest value of committed equivalent dose must be used in the calculation.

- (4) In this regulation—

committed effective dose means the effective dose of ionising radiation that a person is committed to receive from an intake of radioactive material;

committed equivalent dose means the equivalent dose of ionising radiation that an organ or tissue is committed to receive from an intake of radioactive material.

5—Corresponding laws

For the purposes of the definition of *corresponding law* in section 3(1) of the Act, each of the following laws is declared to be a corresponding law:

- (a) *Australian Radiation Protection and Nuclear Safety Act 1998* of the Commonwealth;
- (b) *Mining Management Act 2001* of the Northern Territory;
- (c) *Radiation Act 2005* of Victoria;
- (d) *Radiation Control Act 1990* of New South Wales;
- (e) *Radiation Protection Act 2004* of the Northern Territory;
- (f) *Radiation Protection Act 2005* of Tasmania;
- (g) *Radiation Protection Act 2006* of the Australian Capital Territory;
- (h) *Radiation Safety Act 1975* of Western Australia;
- (i) *Radiation Safety Act 1999* of Queensland.

6—Mineral processing

For the purposes of the definition of *mineral processing* in section 3(1) of the Act, operations for the processing of petroleum are within the ambit of that definition.

7—Radiation facility

- (1) For the purposes of the definition of *radiation facility* in section 3(1) of the Act, the following facilities are prescribed:
 - (a) a particle accelerator that—
 - (i) has, or is capable of having, a beam energy greater than 1 MeV; or
 - (ii) can produce neutrons;
 - (b) an irradiator that contains more than 10^{15} Bq of a radioactive material;
 - (c) an irradiator that—
 - (i) contains more than 10^{13} Bq of a radioactive material; and
 - (ii) does not include shielding as an integral part of its construction;
 - (d) an irradiator that—
 - (i) contains more than 10^{13} Bq of a radioactive material; and
 - (ii) includes, as an integral part of its construction, shielding that does not prevent a person from being exposed to the source;
 - (e) an irradiator that—
 - (i) contains more than 10^{13} Bq of a radioactive material; and
 - (ii) includes shielding as an integral part of its construction; and
 - (iii) has a source that is not inside that shielding during the operation of the irradiator;
 - (f) a facility used for the production, processing, use, storage, management or disposal of—
 - (i) sealed sources of radioactive materials of activity greater than 10^9 times the exempt activity; or
 - (ii) unsealed sources of radioactive materials of activity greater than 10^6 times the exempt activity;
 - (g) a facility where—
 - (i) a mixture of radioactive materials is produced, used, stored, managed or disposed of using the facility; and
 - (ii) the activity of the mixture is greater than the applicable level;
 - (h) a facility where the effective radiation exposure to be incurred by an individual associated with operation of the facility will, in a year, exceed—
 - (i) when taking into account all reasonably foreseeable circumstances— $100 \mu\text{Sv}$; or

- (ii) when taking into account low probability scenarios (being a scenario where the probability of occurrence of the scenario does not exceed 10^{-2} per year)—1 mSv in a year.
- (2) For the purposes of subregulation (1)(g)(ii), the activity of the mixture is greater than the applicable level if, after dividing the activity of each radionuclide in the mixture by the exempt activity for that radionuclide and adding the fractions for each radionuclide, the result is greater than—
- (a) for a sealed source— 10^9 ;
 - (b) for an unsealed source— 10^6 .
- (3) Subregulation (1)(f) and (g) do not apply in relation to the storage of packaged radioactive material during the course of its transport.

8—Radioactive material

- (1) For the purposes of paragraph (a) of the definition of *radioactive material* in section 3(1) of the Act, subject to this regulation, the amount of a radioactive element or compound contained in a material or substance exceeds the prescribed concentration if—
- (a) in relation to radioactive material other than naturally occurring radioactive material—
 - (i) it contains 1 of the radionuclides specified in Table I.1 of the IAEA General Safety Requirements and the activity concentration of that radionuclide exceeds the activity concentration specified in that Table for that radionuclide; or
 - (ii) it contains 2 or more of the radionuclides specified in Table I.1 of the IAEA General Safety Requirements and the sum of the activity concentrations of the individual radionuclides when determined in accordance with the following formula is equal to or exceeds 1:

$$\sum_{x=1}^n \frac{Ax}{Alx} \geq 1$$

Where:

Ax is the activity concentration of the radionuclide

Alx is the activity concentration limit specified in Table I.1 of the IAEA General Safety Requirements for that radionuclide; or
 - (b) in relation to naturally occurring radioactive material—
 - (i) it contains 1 or more of the radionuclides in the Uranium decay chain or the Thorium decay chain with an activity concentration that exceeds 1 Bq/g; or
 - (ii) it contains the radionuclide K-40 with an activity concentration that exceeds 10 Bq/g.
- (2) For the purposes of paragraph (b) of the definition of *radioactive material* in section 3(1) of the Act, subject to this regulation, the activity of a radioactive element or compound contained in a material or substance exceeds the prescribed amount if—
- (a) it contains 1 of the radionuclides specified in Table I.1 of the IAEA General Safety Requirements and the activity of that radionuclide exceeds the activity limit specified in that Table for that radionuclide; or

- (b) it contains 2 or more of the radionuclides specified in Table I.1 of the IAEA General Safety Requirements and the sum of the activities of the individual radionuclides when determined in accordance with the following formula is equal to or exceeds 1:

$$\sum_{x=1}^n \frac{Ax}{Alx} \geq 1$$

Where:

Ax is the activity of the radionuclide

Alx is the activity limit specified in Table I.1 of the IAEA General Safety Requirements for that radionuclide.

- (3) Where 1 or more radioactive elements or compounds are present as a contaminant on the surface of an object, device or thing, the prescribed concentration of the radioactive elements or compounds is (when averaged over an area of 300 cm²)—
- (a) in respect of beta and gamma emitters and low toxicity alpha emitters—0.4 Bq/cm²; and
 - (b) in respect of any other alpha emitters—0.04 Bq/cm².
- (4) The prescribed concentration of Radon-222, when present in air, is 1000 Bq/m³.

9—Identity check

For the purposes of the definition of *identity check* in section 3(1) of the Act, an identity check is as specified in Schedule E of the Code of Practice for the Security of Radioactive Sources for a person who is intended to have access to a security enhanced source.

10—Security background check

For the purposes of the definition of *security background check* in section 3(1) of the Act, a security background check is as specified in Schedule E of the Code of Practice for the Security of Radioactive Sources for a person who is intended to have access to a security enhanced source.

11—Security enhanced radioactive source

For the purposes of the definition of *security enhanced radioactive source* in section 3 of the Act, a radioactive source or aggregation of radioactive sources categorised as Category 1, 2 or 3 in accordance with Schedule B of the Code of Practice for the Security of Radioactive Sources is designated as a security enhanced radioactive source.

Part 3—Authorisations and accreditations

Division 1—Radiation management licences

12—Testing for developmental purposes

- (1) For the purposes of section 18(2)(c) of the Act, the following operations are included within the ambit of that section:
- (a) the storage of radioactive minerals and ores associated with testing for developmental purposes;

- (b) the care and maintenance of facilities and equipment used in operations for testing for developmental purposes.
- (2) For the purposes of section 18(3) of the Act, the following classes of operations are prescribed:
- (a) developmental testing operations involving the processing of a prescribed radioactive material if—
 - (i) the radioactive material is not subjected to a process of chemical treatment, hydrometallurgical treatment, pyrometallurgical treatment or electrometallurgical treatment; and
 - (ii) the amount of radioactive material processed or generated is less than 10 t per month;
 - (b) developmental testing operations involving the processing of a prescribed radioactive material if—
 - (i) the radioactive material is subjected to a process of chemical treatment, hydrometallurgical treatment, pyrometallurgical treatment or electrometallurgical treatment; and
 - (ii) the amount of radioactive material processed or generated is less than 10 t in any year;
 - (c) developmental testing operations in respect of which the Minister has made a determination that in the Minister's opinion the operation will not, in any reasonably foreseeable circumstances (which may include circumstances involving the failure of control systems), result in an annual dose above 1 mSv per year to any person;
 - (d) any other class of operations determined by the Minister by notice in the Gazette.
- (3) For the purposes of the definition of *prescribed radioactive material* in section 18(6) of the Act, the prescribed concentration of a naturally occurring radioactive element or compound is as follows:
- (a) in relation to a radionuclide in the Uranium decay chain—an activity concentration of 1 Bq/g;
 - (b) in relation to a radionuclide in the Thorium decay chain—an activity concentration of 1 Bq/g;
 - (c) in relation to the radionuclide K-40—an activity concentration of 10 Bq/g.

13—Mining or mineral processing operations

- (1) For the purposes of section 19(2)(c) of the Act, the care and maintenance of facilities and equipment used in operations for mining or mineral processing are included within the ambit of that section.
- (2) For the purposes of section 19(3) of the Act, the following classes of operations are prescribed:
 - (a) operations for the mining or processing of a prescribed radioactive material in which the radioactive material is not subjected to a process of chemical treatment and the amount of the radioactive material processed is less than 10 tonnes per calendar month;

- (b) operations for the processing of a prescribed radioactive material in which the radioactive material is subjected to a process of chemical treatment including leaching, dissolution, solvent extraction or ion exchange and the amount of the radioactive material involved in the operation is less than 10 t in any 1 year;
 - (c) operations for mining or mineral processing in respect of which the Minister has made a determination that in the Minister's opinion the operations will not, in any reasonably foreseeable circumstances (which may include circumstances involving the failure of control systems), result in an annual dose above 1 mSv per year to any person;
 - (d) any other class of operations determined by the Minister by notice in the Gazette.
- (3) For the purposes of the definition of *prescribed radioactive material* in section 19(7) of the Act, the prescribed concentration of a naturally occurring radioactive element or compound is as follows:
- (a) in relation to a radionuclide in the Uranium decay chain—an activity concentration of 1 Bq/g;
 - (b) in relation to a radionuclide in the Thorium decay chain—an activity concentration of 1 Bq/g;
 - (c) in relation to the radionuclide K-40—an activity concentration of 10 Bq/g.

14—Radiation facilities—classes of persons not required to hold licence

For the purposes of section 20(2) of the Act, a person is not required to hold a radiation management licence authorising activities of a kind referred to in section 20(1) of the Act in respect of a radiation facility if—

- (a) the person holds a radiation management licence authorising activities of a kind referred to in section 18(1) or 19(1) of the Act at that facility; or
- (b) the person is of a class determined by the Minister by notice in the Gazette.

15—Transport of radioactive material

- (1) For the purposes of section 21(2)(a) of the Act, the following circumstances are prescribed:
- (a) circumstances in which an individual transports radioactive material in respect of which the individual—
 - (i) holds a radiation use licence authorising the use or handling of the radioactive material; and
 - (ii) is not required under the Act to hold a radiation management licence authorising possession of the radioactive material;
 - (b) any other circumstances determined by the Minister by notice in the Gazette.
- (2) For the purposes of section 21(2)(b) of the Act, a class of persons determined by the Minister by notice in the Gazette is a prescribed class of persons.
- (3) For the purposes of section 21(2)(b) of the Act, the following classes of radioactive materials are prescribed:
- (a) radioactive material that is, or is contained in, an excepted package;
 - (b) radioactive material that is contained within the body of a person or animal (whether living or dead);

- (c) any other radioactive material to which the Transport Code does not apply;
- (d) radioactive elements or compounds that are present as a contaminant on the surface of an object, device or thing where—
 - (i) the total prescribed concentration of the radioactive elements or compounds when averaged over an area of 300 cm² does not exceed—
 - (A) in respect of beta and gamma emitters and low toxicity alpha emitters—4 Bq/cm²; and
 - (B) in respect of any other alpha emitters—0.4 Bq/cm²; and
 - (ii) the total activity of the radioactive elements or compounds does not exceed the prescribed amount as determined under regulation 8(2);
- (e) any other class of radioactive material determined by the Minister by notice in the Gazette.

16—Possession of radiation source

- (1) For the purposes of section 22(2)(a) of the Act, the following circumstances are prescribed:
 - (a) circumstances in which a person is in possession of a category 4 or category 5 radiation source (as determined in accordance with the Code of Practice for the Security of Radioactive Sources) during, or for the purposes of, its transportation;
 - (b) any other circumstances determined by the Minister by notice in the Gazette.
- (2) For the purposes of section 22(2)(b) of the Act, a class of persons determined by the Minister by notice in the Gazette is a prescribed class of persons.
- (3) For the purposes of section 22(2)(b) of the Act, the following classes of things are prescribed:
 - (a) an article, device or other thing that only emits non-ionising radiation;
 - (b) a radiation source that is an unsealed radioactive material listed in Schedule 4 clause 2, in the specified circumstances;
 - (c) a radiation source that is a sealed radioactive source of a class prescribed by regulation 20 for the purposes of section 26(3) of the Act;
 - (d) a radiation source that is apparatus of a class prescribed by regulation 21 for the purposes of section 27(2) of the Act;
 - (e) a radiation source (other than an object contaminated by radioactive material on its surface) that only contains or is comprised of a radioactive material that is a prescribed low risk radioactive material;
 - (f) an object contaminated by radioactive material on its surface if the activity of a radioactive element or compound contained in the radioactive material does not exceed the prescribed amount as determined under regulation 8(2);
 - (g) Radon when present in air;
 - (h) any other class of things determined by the Minister by notice in the Gazette.

Division 2—Radiation use licences

17—Use or handling of radioactive material

- (1) For the purposes of section 23(2) of the Act, the following classes of substances are prescribed:
 - (a) the substances that are listed, or are contained in a device that is listed, in Schedule 4 clause 2, in the specified circumstances;
 - (b) a radioactive material that is a prescribed low risk radioactive material;
 - (c) a radioactive material that is a surface contaminant on an object and the activity of a radioactive element or compound contained in the radioactive material does not exceed the prescribed amount under regulation 8(2).
- (2) For the purposes of section 23(2) of the Act, the following classes of persons are prescribed:
 - (a) persons who use or handle a sealed radioactive source with an activity less than a Category 5 sealed radioactive source and who use or handle the source under the directions of a person who holds a radiation use licence authorising the use or handling (as the case requires);
 - (b) persons enrolled in secondary or tertiary education where the use of radioactive material is required as part of the education curriculum and is under the supervision of a person holding a radiation use licence authorising the use;
 - (c) persons who use or handle radioactive material in the course of undertaking a training program approved by the Minister relating to radiology, radiation therapy, nuclear medicine or radiation oncology where the use or handling is under the supervision of a person holding a radiation use licence authorising the use or handling (as the case requires);
 - (d) persons who use a sealed radioactive source that is contained in a radiation gauge but do not use or handle the source at any time other than by operating the source control mechanism under the directions of a person who holds a radiation use licence authorising the use of the sealed radioactive source;
 - (e) persons who handle a sealed radioactive source that is contained in a radiation gauge under the direct supervision of a person who holds a radiation use licence authorising the handling of the sealed radioactive source, and do not dismantle the source container nor handle the source while it is out of the source container;
 - (f) persons who use or handle an unsealed radioactive material in type C premises and are working under the directions of a person who—
 - (i) supervises the persons who work in those premises; and
 - (ii) holds a radiation use licence entitling the holder to use or handle the radioactive materials used or handled in those premises in the manner in which they are used or handled in those premises;
 - (g) persons, being members of the public, who handle any radioactive material that is packaged for transport in accordance with Part 8;

- (h) persons who, being members of the nursing staff employed in a hospital ward, nursing home or treatment facility in which patients are treated by the use of a radioactive material, are supervised by the worker managing the radiation safety aspects of the treatment who holds a radiation use licence entitling the holder to use or handle such a radioactive material in that ward, nursing home or treatment facility (as the case requires);
 - (i) persons who are patients undergoing diagnosis or treatment by use of a radioactive material;
 - (j) persons who use, for the purpose of industrial radiography, a sealed radioactive source that is located in a fully protected enclosure and who use that source under the supervision of a person who holds a radiation use licence authorising the use of the sealed radioactive source;
 - (k) persons who use or handle any naturally occurring radioactive material in the course of developmental testing operations or operations for or in relation to mining or mineral processing authorised by a radiation management licence;
 - (l) any other class of persons determined by the Minister by notice in the Gazette.
- (3) In this regulation—

category 5 sealed radioactive source means a sealed radioactive source categorised as Category 5 under the Code of Practice for the Security of Radioactive Sources.

18—Operation of radiation apparatus

- (1) For the purposes of section 24(2) of the Act, the following classes of persons are prescribed:
- (a) persons who operate ionising radiation apparatus according to the instructions of a veterinary surgeon who—
 - (i) holds a radiation use licence in respect of the apparatus; and
 - (ii) is present in the room or other place in which the apparatus is located; and
 - (iii) is not able to operate the apparatus himself by reason of the nature of the radiological examination being carried out;
 - (b) persons enrolled in secondary or tertiary education where the operation of ionising radiation apparatus is required as part of the education curriculum and is under the supervision of a person holding a radiation use licence authorising the operation;
 - (c) persons who operate ionising radiation apparatus in the course of undertaking a training program approved by the Minister relating to radiology, radiation therapy, nuclear medicine or radiation oncology where the operation is under the supervision of a person holding a radiation use licence authorising the operation;
 - (d) persons who operate any enclosed X-ray analysis apparatus, but only when the interlocked barriers are in place and who operate such apparatus under the directions of a person who holds a radiation use licence in respect of the apparatus;
 - (e) persons who operate for the purposes of industrial radiography an ionising radiation apparatus that is located in a fully protected enclosure, and who operate that apparatus under the directions of a person who holds a radiation use licence in respect of the apparatus;

- (f) persons undergoing training in the operation of portable x-ray fluorescence spectroscopy instruments where the operation is under the supervision of a person holding a radiation use licence authorising the operation;
 - (g) any other class of persons determined by the Minister by notice in the Gazette.
- (2) For the purposes of subsection 24(2) of the Act, the following classes of apparatus are prescribed:
- (a) ionising radiation apparatus that produces ionising radiation incidental to its function (including electron microscopes and apparatus containing a cathode ray tube or an electronic valve) if the apparatus does not, in normal operating conditions, cause an equivalent dose rate exceeding 1 $\mu\text{Sv/h}$ at a distance of 0.1m from any accessible surface of the apparatus;
 - (b) closed cabinet X-ray equipment for the examination of letters, packages, baggage, freight and other articles that has been designed and constructed so as to prevent a person entering the cabinet while the equipment is being put to its normal use;
 - (c) apparatus listed in Schedule 4 clause 1;
 - (d) any other class of apparatus determined by the Minister by notice in the Gazette.

Division 3—Registration of premises, sealed radioactive sources and radiation apparatus

19—Premises in which unsealed radioactive materials are handled or kept

- (1) For the purposes of section 25(2) of the Act, the following classes of premises are prescribed:
- (a) premises in which radioactive materials are stored in transit during the course of transport in accordance with the Act and these regulations;
 - (b) premises in which unsealed radioactive materials are kept or handled in the course of developmental testing operations, operations for or in relation to mining or mineral processing, or operations of a kind referred to in section 19(1) of the Act, being operations authorised by a radiation management licence;
 - (c) premises in which unsealed radioactive ores that have not been subject to chemical processing are handled or kept in quantities of less than 100 kilograms;
 - (d) any other class of premises determined by the Minister by notice in the Gazette.
- (2) For the purposes of section 25(2) of the Act, the following classes of substances are prescribed:
- (a) the unsealed radioactive materials listed in Schedule 4 clause 2, in the specified circumstances;
 - (b) an unsealed radioactive material that is a prescribed low risk radioactive material;
 - (c) an unsealed radioactive material that is a surface contaminant on an object and the activity of a radioactive element or compound contained in the radioactive material does not exceed the prescribed amount under regulation 8(2).

20—Sealed radioactive sources

For the purposes of section 26(3) of the Act, the following classes of sealed radioactive sources are prescribed:

- (a) sealed radioactive sources listed in Schedule 4 clause 2, in the specified circumstances;
- (b) sealed radioactive sources held within a facility the operations of which are authorised by a radiation management licence;
- (c) sealed radioactive sources that are held only as stock for the purposes of sale and are not used;
- (d) sealed radioactive sources that have been let out on hire for a period of 3 months or less and in respect of which the person receiving the source on hire holds a radiation management licence;
- (e) a sealed radioactive source that is a prescribed low risk radioactive material;
- (f) a sealed radioactive source containing Tritium and held within a registered radiation apparatus;
- (g) a sealed radioactive source that replaces a decayed sealed radioactive source in a registrable device, where—
 - (i) the replaced source remains registered under section 26 of the Act by the original registered owner; and
 - (ii) the half-life of the sealed radioactive source is less than 120 days and is of the same chemical and physical form as the source it is replacing; and
 - (iii) a register of the sealed radioactive sources for the registrable device (which must include the serial numbers of the registrable device and sources) is maintained by the registered owner;
- (h) any other class of sealed radioactive sources determined by the Minister by notice in the Gazette.

21—Radiation apparatus

(1) For the purposes of section 27(2) of the Act, the following classes of apparatus are prescribed:

- (a) ionising radiation apparatus that produces ionising radiation incidental to its function (including electron microscopes and apparatus containing a cathode ray tube or an electronic valve) if the apparatus does not, in normal operating conditions, cause an equivalent dose rate exceeding 1 $\mu\text{Sv/h}$ at a distance of 0.1 m from any accessible surface of the apparatus;
- (b) ionising radiation apparatus made incapable of operation;
- (c) ionising radiation apparatus manufactured in this State that has never been sold, let on hire or loaned out;
- (d) ionising radiation apparatus held as stock for sale by a person who has complied with regulation 36 (other than apparatus operated by another person and located at premises of a person who has not complied with that regulation);

- (e) ionising radiation apparatus that has been let out on hire for a period of 3 months or less and in respect of which the person receiving the apparatus on hire holds a radiation management licence;
 - (f) ionising radiation apparatus being installed by a person who has complied with regulation 36;
 - (g) apparatus listed in Schedule 4 clause 1;
 - (h) any other class of apparatus determined by the Minister by notice in the Gazette.
- (2) For the purposes of this regulation, apparatus is incapable of operation if it would require specialist knowledge to make it operable.

Division 4—Accreditations and authorisations—general provisions

22—Applications, transfers, suspension and cancellation

- (1) For the purposes of sections 34(6)(c), 40(3)(c) and 42(1)(e) of the Act, the following kind of offences are prescribed:
- (a) an offence involving a radiation source;
 - (b) an offence involving a firearm or offensive weapon;
 - (c) an offence involving the misuse of a hazardous material;
 - (d) any other offence against a law of South Australia, the Commonwealth, another State or a foreign country, being a law relating to the health and safety of people or the environment, if—
 - (i) the offence was committed within the period of 10 years immediately before the relevant time; and
 - (ii) the offence was punishable by a fine of \$5 000 or more, or by a term of imprisonment of 1 year or more.
- (2) For the purposes of sections 34(6)(d), 34(6)(e), 40(3)(d) and 40(3)(e) of the Act, the following Acts are prescribed:
- (a) *Environment Protection Act 1993*;
 - (b) *Firearms Act 2015*;
 - (c) *Gene Technology Act 2001*;
 - (d) *Health Care Act 2008*;
 - (e) *Health Practitioner Regulation National Law (South Australia) Act 2010*;
 - (f) *Landscape South Australia Act 2019*;
 - (g) *Mining Act 1971*;
 - (h) *Petroleum and Geothermal Energy Act 2000*;
 - (i) *Petroleum (Submerged Lands) Act 1982*;
 - (j) *Veterinary Practice Act 2003*;
 - (k) *Work Health and Safety Act 2012*;
 - (l) an Act of another jurisdiction substantially corresponding to an Act referred to in a preceding paragraph.

(3) For the purposes of sections 34(6)(g) and 40(3)(g) of the Act, the following are prescribed grounds:

- (a) there would be a material risk to public health and safety if the accreditation or authorisation were to be granted or transferred (as the case requires);
- (b) the proposed use of radiation is inappropriate or unjustified.

(4) For the purposes of section 40(4) of the Act, a radiation use licence is a prescribed kind of authorisation.

(5) In this regulation—

firearm has the same meaning as in the *Firearms Act 2015*;

hazardous material means any substance or material which by its nature poses, directly or indirectly, a risk of serious adverse effect to the health or safety of human beings or the environment, including (without limitation) the following kinds of substances or materials:

- (a) explosive or highly flammable or volatile substances;
- (b) toxic or poisonous substances (including those that may involve delayed or chronic effects to humans or delayed adverse impacts to the environment by means of bioaccumulation);
- (c) highly corrosive or unstable substances;
- (d) substances which, when mixed with air or water, are liable to give off toxic gases in dangerous quantities;
- (e) substances containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans;
- (f) substances capable of yielding another substance or material of a kind referred to in a preceding paragraph (such as after disposal);

offensive weapon means—

- (a) an article or substance made or adapted for use for causing, or threatening to cause, personal injury or incapacity including an explosive or an imitation explosive (that is, an article or substance intended to be taken for an explosive); or
- (b) an article or substance that a person has—
 - (i) for the purpose of causing personal injury or incapacity; or
 - (ii) in circumstances in which another is likely to feel reasonable apprehension that the person has it for the purpose of causing personal injury or incapacity;

relevant time means—

- (a) in relation to an application for an accreditation or authorisation, or transfer of an authorisation—the date of the application; or
- (b) in relation to the suspension or cancellation of an accreditation or authorisation—the date of the suspension or cancellation.

23—Radiation management plans

For the purposes of section 34(4) of the Act, a radiation management plan required to be submitted under that section must comply with the *Code of Compliance for Radiation Management Plans 2022* published by the Department, as in force from time to time.

24—Holder of accreditation or authorisation to notify Minister on failure of security background check

- (1) A notice required to be given under section 44(1)(a) of the Act by the holder of an authorisation or accreditation who has failed a security background check must include the following information:
 - (a) the authorisation holder's name, address, contact phone number and email address;
 - (b) the authorisation number;
 - (c) a copy of the notice of determination of the security background check.
- (2) A notice to which subregulation (1) applies must be given to the Minister within 7 days of receipt of the notice of determination of the security background check.

25—Holder of a radiation use licence to notify Minister on suspension, cancellation, or imposition of conditions on right to practice

- (1) A notice required to be given to the Minister by a health practitioner under section 44(2)(a) of the Act relating to the suspension or cancellation of, or the imposition of conditions on, the health practitioner's accreditation, licence, registration or other authority under the *Health Practitioner Regulation National Law (South Australia) Act 2010* or other law must include the following information:
 - (a) the health practitioner's name, address, contact phone number and email address;
 - (b) details of the affected accreditation, licence, registration or other authority;
 - (c) details of the suspension, cancellation or imposition of conditions including a copy of the notice of determination and reasons given to the health practitioner.
- (2) A notice required to be given to the Minister by a person under section 44(2)(b) of the Act relating to the suspension or cancellation of, or the imposition of conditions on, the person's accreditation, licence, registration or other authority under an Act or law regulating the person's right to practice must include the following information:
 - (a) the person's name, address, contact phone number and email address;
 - (b) details of the affected accreditation, licence, registration or other authority;
 - (c) details of the suspension, cancellation or imposition of conditions including a copy of the notice of determination and reasons given to the person.
- (3) A notice to which this regulation applies must be given to the Minister within 7 days of receipt of the notice of determination of the suspension, cancellation or imposition of conditions (as the case requires).

26—Prescribed circumstances about which holders of accreditations and authorisations must notify Minister

- (1) For the purposes of section 44(1)(b) of the Act, the following circumstances are prescribed circumstances in relation to the holder of an accreditation or authorisation:
 - (a) the holder enters into an agreement to sell or transfer a radiation apparatus or radiation source to another person;
 - (b) there is a change to the address for service of the holder.

- (2) A notice required to be given to the Minister under section 44 of the Act in respect of the circumstances prescribed in subregulation (1)(a)—
- (a) must include the following information:
 - (i) the authorisation holder's name, address, contact phone number and email address;
 - (ii) the name, address, contact phone number and email address of the person to whom the radiation apparatus or radiation source is to be, or has been, transferred;
 - (iii) a description of the radiation apparatus or radiation source including any details of registration under the Act;
 - (iv) evidence of the agreement of the transfer of a kind approved by the Minister; and
 - (b) must be given within 7 days of entering into an agreement to sell or transfer the radiation apparatus or radiation source.
- (3) A notice required to be given to the Minister under section 44 of the Act in respect of the circumstances prescribed in subregulation (1)(b) must include the new address for service of the holder and be given within 14 days of the change of the address for service.

Division 5—Miscellaneous

27—Abandonment of radiation sources—prescribed circumstances

Pursuant to section 29(2) of the Act, section 29(1) of the Act does not apply in respect of a radiation source in circumstances in which—

- (a) a radiation management licence is not required under the Act for the possession or transportation of the radiation source; and
- (b) a radiation use licence is not required under the Act for the use or handling of the radiation source; and
- (c) premises in which the radiation source is kept or handled are not required under the Act to be registered in the name of the occupier of the premises; and
- (d) the radioactive source is not required to be registered under the Act in the name of the owner of the source; and
- (e) if the radiation source forms part of a radiation apparatus—
 - (i) a radiation use licence is not required under the Act to operate the apparatus; and
 - (ii) the apparatus is not required to be registered under the Act in the name of the owner.

28—Minister's determinations

- (1) If the Minister makes a determination for the purposes of a provision of this Part (other than a determination that is made by Gazette notice), notice of the determination—
- (a) must be published on the Department's website; and
 - (b) may also be published in the Gazette.

- (2) As soon as practicable after a determination of the Minister is made for the purposes of a provision of this Part (other than a determination that is made by Gazette notice), a notice in writing setting out the date on which the determination is published and the terms of the determination must be given to a person directly affected by the determination in a manner and form that, in the opinion of the Minister, will bring the determination to the attention of those persons.

Part 4—Ionising radiation sources

Division 1—Preliminary

29—Interpretation

In this Part, a reference to a *radiation source* is a reference to—

- (a) a radiation apparatus; or
- (b) a sealed radioactive source; or
- (c) an unsealed radioactive material,
that emits or may emit ionising radiation.

Division 2—General requirements

30—Radiation sources to comply with relevant codes

A radiation source must comply with the provisions of a relevant code that are expressed as mandatory provisions applying in respect of the radiation source.

31—Prohibition on operation or use of non-complying radiation source

- (1) A person must not operate or use a radiation source that does not comply with the provisions of a relevant code that are expressed as mandatory provisions applying in respect of the radiation source.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) The registered owner of a radiation source must not cause, suffer or permit a person to operate or use a radiation source that does not comply with the provisions of a relevant code that are expressed as mandatory provisions applying in respect of the radiation source.

Maximum penalty: \$10 000.

Expiation fee: \$500.

32—Duties of registered owner of radiation source

- (1) The registered owner of a radiation source—
- (a) must ensure that the source is constructed, shielded, installed, operated, maintained and managed in accordance with the requirements of a relevant code; and
 - (b) must comply with the provisions of a relevant code that are expressed as mandatory provisions imposed on an owner of a radiation source.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) The registered owner of a sealed radioactive source must ensure that the source is contained in accordance with the provisions of a relevant code that are expressed as mandatory provisions.

Maximum penalty: \$10 000.

Expiation fee: \$500.

33—Duty of operator or user of radiation source

A person must, in operating or using a radiation source—

- (a) comply with the provisions of a relevant code applying to the operation or use of the source that are expressed as mandatory provisions; and
- (b) have regard to provisions of a relevant code as to the operation or use of the source that are not expressed as mandatory provisions but are expressed as recommendations in relation to the operation or use of the source.

Maximum penalty: \$10 000.

Expiation fee: \$500.

34—Interaction between regulations and relevant codes

If the provisions of a relevant code are inconsistent with these regulations, these regulations prevail to the extent of the inconsistency.

Division 3—Ionising radiation apparatus

Subdivision 1—Sale or disposal of radiation apparatus

35—Application of Subdivision

This Subdivision applies to a business during the course of which ionising radiation apparatus is sold, installed or maintained.

36—Duty to give Minister notice before selling, installing or maintaining ionising radiation apparatus in course of business

A person must not carry on a business to which this Subdivision applies unless the person has given the Minister notice in writing that—

- (a) contains the full name and address of the person carrying on the business or, in the case of a company, the name of the company and the address of its registered office; and
- (b) states whether it is intended to hold a stock of ionising radiation apparatus, and if so, what kind of apparatus is likely to be held, where it is likely to be held and in what quantities; and
- (c) states whether any ionising radiation apparatus that is likely to be held in stock is likely to be operable; and
- (d) states whether any person (whether the person carrying on the business or an employee at the business) is likely to be called on to operate ionising radiation apparatus in the course of carrying on the business; and

- (e) if ionising radiation apparatus is likely to be sold during the course of carrying on the business—contains a statement setting out full details of the kind of apparatus that is likely to be sold.

Maximum penalty: \$10 000.

Expiation fee: \$500.

37—Duty to give Minister notice of defective apparatus sold or installed

- (1) If, during the course of carrying on a business to which this Subdivision applies, a person sells or installs ionising radiation apparatus and after the sale or installation becomes aware that—
 - (a) the apparatus the person has sold or installed has a defect; or
 - (b) apparatus of the same class or kind as the apparatus the person has sold or installed has a defect,

the person must, within 7 days of becoming aware of the defect, give the Minister notice in writing containing—

- (c) details of the defect; and
 - (d) the class or kind of apparatus affected by the defect; and
 - (e) the likely effects of the defect; and
 - (f) details of the steps the person is taking or intends to take to rectify the defect.
- (2) A person who fails to comply with subregulation (1) is guilty of an offence.
Maximum penalty: \$20 000 or imprisonment for 5 years.
- (3) In this regulation—

defect means a fault in the design or construction of the apparatus that is likely to increase the dose of ionising radiation that may be received by a person from the apparatus.

38—Duty to give Minister notice of changes etc to information supplied about defective apparatus sold or installed

If a person who gives the Minister a notice under regulation 37 becomes aware of—

- (a) a change in any information the person has supplied; or
- (b) additional information relating to the information supplied,

the person must, within 7 days of becoming aware of the changed or additional information, give the Minister a further notice in writing setting out in full the details of the change to or information additional to the information supplied.

Maximum penalty: \$10 000.

Expiation fee: \$500.

39—Duties of person receiving order for sale of apparatus

If a person who carries on a business to which this Subdivision applies receives an order for the sale of ionising radiation apparatus, the person must, if intending to accept the order, give the person making the order a notice in the form determined by the Minister.

Maximum penalty: \$10 000.

Expiation fee: \$500.

40—Duty to give Minister notice of sale or installation of ionising radiation apparatus

If a person who carries on a business to which this Subdivision applies—

- (a) intends to deliver to another person a portable or mobile ionising radiation apparatus; or
- (b) intends to install any fixed ionising radiation apparatus,

the person must, before the intended delivery or installation, give the Minister notice in writing containing—

- (c) the name of the person who sold the apparatus; and
- (d) the name of the person to whom the apparatus was sold; and
- (e) a statement setting out the make, model, class or kind of apparatus that was sold, and the address to which it is to be delivered or installed.

Maximum penalty: \$10 000.

Expiation fee: \$500.

41—Duty to give Minister notice of sale or disposal of apparatus

- (1) If a person who does not carry on a business to which this Subdivision applies sells or otherwise disposes of any ionising radiation apparatus the person must, within 14 days of the sale or disposal, give the Minister notice in writing containing—

- (a) the name and address of the person who sold or disposed of the apparatus; and
- (b) the registration number of the apparatus sold or disposed of; and
- (c) the date of the sale or disposal; and
- (d) the manner of the sale or disposal; and
- (e) whether the apparatus was made incapable of operation before the sale or disposal; and
- (f) if the apparatus was sold—the name and address of the person to whom the apparatus was sold.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) This regulation does not apply in relation to the sale or disposal of ionising radiation apparatus if notice of the sale or disposal has been given to the Minister in accordance with regulation 26.

42—Minister's power to require further information

- (1) If a person has given a notice or supplied information to the Minister in accordance with this Subdivision, the Minister may require the person, by notice in writing, to supply such additional information as the Minister thinks fit.
- (2) A person must comply with the requirements of a notice under subregulation (1) within 28 days, or such longer period as the Minister may approve, of service of the notice.

Maximum penalty: \$10 000.

Expiation fee: \$500.

43—Certain apparatus to be made inoperable before sale or disposal

- (1) A person who sells or otherwise disposes of any ionising radiation apparatus and believes on reasonable grounds that the apparatus will not be operated after the sale or disposal must make the apparatus incapable of operation before the sale or disposal.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) For the purposes of this regulation, apparatus is incapable of operation if it would require specialist knowledge to make it operable.

Subdivision 2—Special requirements for the short-term hire of ionising radiation apparatus

44—Duties applying in relation to short-term hire of ionising radiation apparatus

- (1) A person who carries on a business during the course of which ionising radiation apparatus is let on hire must, if the period of hire for an ionising radiation apparatus is 3 months or less—
- (a) maintain a register of ionising radiation apparatus let on hire (the *register*) and enter in the register the following information in respect of each ionising radiation apparatus:
- (i) the registration number of the apparatus;
 - (ii) if the apparatus is being moved in a vehicle for the purposes of the hire or loan—the registration number of that vehicle;
 - (iii) the site, district or other locality at which the apparatus is to be used while on hire;
 - (iv) the name of the person to whom the apparatus is let on hire;
 - (v) the authorisation number for the radiation management licence held by the person to whom the apparatus is let on hire authorising the possession of the apparatus;
 - (vi) the name of the person who takes charge of the apparatus at the commencement of the hire period;
 - (vii) the date on which the apparatus is taken by the person who has taken charge of the apparatus;
 - (viii) the date on which the apparatus is returned to the premises controlled by the person supplying the apparatus on hire; and
- (b) ensure, before the supply on hire, that the person to whom the source is let on hire holds a radiation management licence authorising the possession of the source; and
- (c) ensure that the apparatus is, before its supply on hire, compliant with a provision of these regulations applying in respect of the apparatus (including any relevant code applying to the apparatus under these regulations); and
- (d) ensure that appropriate systems and processes are in place for the ongoing maintenance of the apparatus during the term of the hire.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) A person who takes charge of ionising radiation apparatus to which subregulation (1) applies must sign the register on the date on which they take charge of the apparatus.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (3) When ionising radiation apparatus to which subregulation (1) applies is returned to the premises controlled by the person supplying the apparatus on hire, the person returning it must sign the register on the date on which it is returned and indicate in the register—

- (a) details of any abnormal occurrence which had occurred while the person was in charge of the apparatus, being an occurrence that—

(i) is indicative of some fault or defect in the apparatus; and

(ii) may have damaged the apparatus; and

- (b) details of any fault or defect the person observed in the apparatus.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (4) A person who takes ionising radiation apparatus on hire for a period of 3 months or less must report any damage occurring to the apparatus during the period of hire to the person who supplied the apparatus for hire as soon as reasonably practicable after the damage occurs.

Maximum penalty: \$10 000.

Expiation fee: \$500.

Subdivision 3—Special requirements for radiation apparatus

45—Prohibition on use of dental radiography apparatus with intra-oral X-ray tube

A person must not use dental radiography radiation apparatus that is designed to be used with the X-ray tube inside a patient's mouth to irradiate a human being.

Maximum penalty: \$10 000.

Expiation fee: \$500.

Division 4—Radioactive materials

Subdivision 1—Sale of radioactive materials and devices containing radioactive material

46—Application of Subdivision

This Subdivision applies to a business during the course of which radioactive material, or a device that contains radioactive material, is sold, installed or maintained.

47—Duty to give Minister notice before carrying on certain business

A person must not carry on a business to which this Subdivision applies unless the person has first given the Minister notice in writing that—

- (a) contains the full name and address of the person carrying on the business or, in the case of a company, the name of the company and the address of its registered office; and

- (b) states the number of persons who will in the course of carrying on the business handle any radioactive material or device containing any radioactive material; and
- (c) states whether or not any radioactive material or any device containing a radioactive material will be stowed or stored during the course of carrying on the business and, if so, where it is likely that it will be stowed or stored; and
- (d) if it is proposed to sell any radioactive material or any device containing a radioactive material—states details of the material or device.

Maximum penalty: \$10 000.

Expiation fee: \$500.

48—Duty to give Minister notice of defective registrable device sold or installed in course of business

- (1) If, during the course of carrying on a business to which this Subdivision applies, a person sells or installs a registrable device and after the sale or installation becomes aware that—
 - (a) the registrable device the person has sold or installed has a defect; or
 - (b) registrable devices of the same class or kind as the registrable device the person has sold or installed have a defect,

the person must, within 7 days of becoming aware of the defect, give the Minister notice in writing containing—

- (c) details of the defect; and
 - (d) the class or kind of registrable device affected by the defect; and
 - (e) the likely effects of the defect; and
 - (f) details of the steps the person is taking or intends to take to rectify the defect.
- (2) A person who fails to comply with subregulation (1) is guilty of an offence.
- (3) If a person gives a notice to the Minister in accordance with subregulation (1), the person must, within 7 days of becoming aware of—

- (a) any change in the information the person has already supplied; or
 - (b) any additional information relating to the information already supplied,

serve on the Minister a further notice in writing setting out full details of the change or the information additional to the information already supplied.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (4) In this regulation—

defect, in relation to a registrable device, means a fault in the design or the construction of the registrable device that is likely to increase the dose of ionising radiation that may be received by any person from the registrable device.

49—Person selling registrable device to give purchaser certain information

If a person who carries on a business to which this Subdivision applies receives an order for the sale of a registrable device, the person must, if intending to sell the device, serve on the person to whom they intend to sell the device the information required by the Minister in the form approved by the Minister.

Maximum penalty: \$10 000.

Expiation fee: \$500.

50—Duty to give Minister notice of sale of mobile registrable device

If a person who carries on a business to which this Subdivision applies intends to deliver a mobile registrable device that the person has sold, the person must, at least 7 days before the intended delivery, give the Minister notice in writing containing—

- (a) the name of the person to whom the device has been sold; and
- (b) the address to which the device is to be delivered; and
- (c) full details of the device sold.

Maximum penalty: \$10 000.

Expiation fee: \$500.

51—Duty to give Minister notice of intention to install fixed registrable device

A person who carries on a business to which this Subdivision applies and who intends to install at any premises a registrable device that is to be fixed in place, the person must, at least 7 days before commencing the installation, give the Minister notice in writing containing—

- (a) the name of the person to whom the device has been sold; and
- (b) the address at which the device is to be installed; and
- (c) full details of the device to be installed.

Maximum penalty: \$10 000.

Expiation fee: \$500.

52—Person supplying registrable device to ensure markings comply with ISO standard

- (1) Subject to subregulation (2), a person must not supply a registrable device unless the marking of the source capsule of the device complies with—
 - (a) in the case of a registrable device built before 1 January 2012—the requirements of International Standard *ISO 2919:1999 (E) Radiation protection – sealed radioactive sources – General requirements and classification* published by the International Organisation for Standardisation, as in force from time to time; or
 - (b) in any other case—the requirements of International Standard *ISO 2919:2012 (E) Radiological protection – sealed radioactive sources – General requirements and classification* published by the International Organisation for Standardisation, as in force from time to time.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) Subregulation (1) does not apply in relation to person who supplies a registrable device if—
- (a) the registrable device contains a sealed radioactive source in respect of which a relevant code applies; and
 - (b) the person can demonstrate compliance with the provisions of the relevant code that are expressed as mandatory provisions applying in relation to the sealed radioactive source.

53—Person selling sealed radioactive source required to be registered to supply certification

- (1) Subject to subregulation (2), a person must not sell a sealed radioactive source that is required by the Act to be registered unless at the time of such sale the person supplies with the source—
- (a) in the case of a source built before 1 January 2012—a certificate that meets the relevant requirements of International Standard *ISO 2919:1999 (E) Radiation protection – sealed radioactive sources – General requirements and classification* published by the International Organisation for Standardisation, as in force from time to time; or
 - (b) in any other case—
 - (i) a certificate that—
 - (A) complies with the requirements of International Standard *ISO 2919:2012 (E) Radiological protection – sealed radioactive sources – General requirements and classification* published by the International Organisation for Standardisation, as in force from time to time; and
 - (B) contains the following information:
 - the radionuclide contained in the device;
 - the activity of the radionuclide and the date on which it was measured;
 - the chemical form of the radionuclide;
 - the manufacturer of the device;
 - the model of the device or details of the encapsulation;
 - the recommended working life specified by the manufacturer; and
 - (ii) if applicable—
 - (A) a special form certificate; and
 - (B) a container certificate.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) Subregulation (1) does not apply in relation to person who sells a sealed radioactive source if—
- (a) the sealed radioactive source is contained in a device in respect of which a relevant code applies; and

- (b) the person can demonstrate compliance with the provisions of the relevant code that are expressed as mandatory provisions applying in relation to the device.

54—Duty to give Minister notice of sale of registered sealed radioactive source

- (1) If a person, not being a person who carries on a business to which this Subdivision applies, sells a sealed radioactive source that is registered by the Minister under the Act, the person must, within 7 days of the sale, give the Minister notice in writing containing—
 - (a) the name and address of the registered owner of the source prior to the sale; and
 - (b) the name and address of the person to whom the source has been sold; and
 - (c) the registered number of the source.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) This regulation does not apply in relation to the sale or disposal of a sealed radioactive source if notice of the sale or disposal has been given to the Minister in accordance with regulation 26.

55—Duty to give Minister notice of sales of radioactive material

A person who carries on a business to which this Subdivision applies must—

- (a) within 3 months of first notifying the Minister in accordance with regulation 47; and
- (b) thereafter at intervals of not longer than 3 months,

give the Minister notice in writing containing—

- (c) details of all sales of radioactive material made by the person during the preceding 3 months or since the last notice given by the person in accordance with this regulation; and
- (d) in respect of each sale—
 - (i) the name and address of the person to whom the sale was made; and
 - (ii) the radionuclides sold and total activity of each radionuclide sold; and
 - (iii) if the device sold is a sealed radioactive source larger than 50 MBq—the activity of each such sealed radioactive source sold; and
 - (iv) for each radionuclide sold, the total activity of each such radionuclide supplied in unsealed form.

Maximum penalty: \$10 000.

Expiation fee: \$500.

56—Minister's power to require additional information

- (1) The Minister may, by notice in writing served on a person who has given notice in accordance with this Subdivision, require the person to supply such additional information as the Minister thinks fit.

- (2) A person on whom notice is served under subregulation (1) must comply with the notice within 28 days, or such longer period as the Minister may approve, of service of the notice.
- Maximum penalty: \$10 000.
- Expiation fee: \$500.

57—Prohibition on selling consumer products

- (1) A person must not sell a consumer product.
- Maximum penalty: \$10 000.
- Expiation fee: \$500.
- (2) In this regulation—
- consumer product*** means a device, article or thing that contains a radioactive material and is designed and constructed for personal or domestic use and not for use during the course of employment or the carrying on of an occupation, but does not include an approved ionisation chamber smoke detector or any device article or thing built before 1 January 1982.

58—Prohibition on selling non-complying ionisation chamber smoke detector

A person must not sell an ionisation chamber smoke detector unless that model of detector complies with AS 3786–2014 *Smoke alarms using scattered light, transmitted light or ionization* as in force from time to time.

Maximum penalty: \$10 000.

Expiation fee: \$500.

Subdivision 2—Special requirements for the short-term hire of sealed radioactive sources

59—Duties applying in relation to short-term hire of sealed radioactive sources

- (1) A person who carries on a business during the course of which sealed radioactive sources are let on hire must, if the period of hire for a sealed radioactive source is 3 months or less—
- (a) maintain a register of sealed radioactive sources let on hire (the ***register***) and enter in the register the following information in respect of each sealed radioactive source:
- (i) the registered number of the source;
 - (ii) if the source is being moved in a vehicle for the purposes of the hire or loan—the registration number of that vehicle;
 - (iii) the site, district or other locality at which the source is to be used while on hire;
 - (iv) the name of the person to whom the source is let on hire;
 - (v) the authorisation number for the radiation management licence held by the person to whom the source is let on hire authorising the possession of the source;
 - (vi) the name of the person who takes charge of the source at the commencement of the hire period;
 - (vii) the date on which the source is taken by the person who has taken charge of the source;

- (viii) the date on which the source is returned to the premises controlled by the person supplying the source on hire; and
- (b) ensure, before the supply on hire, that the person to whom the source is let on hire holds a radiation management licence authorising the possession of the source; and
- (c) ensure that the source is, before its supply on hire, compliant with a provision of these regulations applying in respect of the source (including any relevant code applying to the source under these regulations); and
- (d) ensure that appropriate systems and processes are in place for the ongoing maintenance of the source during the term of the hire.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) A person who takes charge of a sealed radioactive source to which subregulation (1) applies must sign the register on the date on which they take charge of the source.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (3) When a source to which subregulation (1) applies is returned to the premises controlled by the person supplying the source on hire, the person returning it must sign the register on the date on which it is returned and indicate in the register—

- (a) details of any abnormal occurrence which had occurred while the person was in charge of the source, being an occurrence that—
 - (i) is indicative of some fault or defect in the source, its capsule, container or source control mechanism; and
 - (ii) may have damaged the source, its capsule, container or source control mechanism; and
- (b) details of any fault or defect the person observed in the source, source capsule, source container or source control mechanism.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (4) A person who takes a sealed radioactive source on hire for a period of 3 months or less must report any damage occurring to the source during the period of hire to the person who supplied the source for hire as soon as reasonably practicable after the damage occurs.

Maximum penalty: \$10 000.

Expiation fee: \$500.

Subdivision 3—Accounting for and storage and labelling of radioactive materials

60—Registered occupier of premises in which unsealed radioactive material is kept or handled to maintain register of unsealed radioactive materials

- (1) The registered occupier of premises in which an unsealed radioactive material is kept or handled must—
- (a) maintain a register of unsealed radioactive materials; and
 - (b) within 24 hours after each unsealed radioactive material kept or handled at the premises is first taken onto the premises, enter in the register an entry containing—

- (i) the radionuclide contained in the material; and
- (ii) the activity or nominal activity; and
- (iii) the date to which the activity refers; and
- (iv) the name of the person in whose care the material has been placed; and
- (v) the date upon which the material was first taken onto the premises.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) Subregulation (1) does not apply in relation to premises in respect of which a radiation management licence authorising activities of a kind referred to in section 18(1) or 19(1) of the Act applies.

61—Person in possession of sealed radioactive source to maintain register of sealed radioactive sources

A person in possession of a sealed radioactive source (whether or not registered by the Minister under the Act) must—

- (a) maintain a register of sealed radioactive sources; and
- (b) within 24 hours of taking possession of a sealed radioactive source, enter in the register the following information in respect of the source:
 - (i) the name of the manufacturer of the source;
 - (ii) the manufacturer's model or type number for the source;
 - (iii) the serial number of the source;
 - (iv) the radionuclide enclosed in the source;
 - (v) if it is a non-fissile neutron source—the target element;
 - (vi) the activity or nominal activity of the radionuclide in the source;
 - (vii) the date to which the activity of the radionuclide in the source refers;
 - (viii) if the source is incorporated or mounted in an instrument or other equipment—sufficient information to identify the instrument or other equipment, including—
 - (A) its manufacturer; and
 - (B) its model; and
 - (C) its serial number; and
 - (D) its date of manufacture; and
 - (E) the place where it is located (in the case of an instrument or other equipment installed in a fixed position) or the location where it is usually stored (in the case of an instrument or other equipment not so installed);
 - (ix) the name of the person in whose care the source has been placed;
 - (x) the date on which the person took possession of the source.

Maximum penalty: \$10 000.

Expiation fee: \$500.

62—Storage of sealed radioactive sources and unsealed radioactive materials

- (1) If—
- (a) a sealed radioactive source or an unsealed radioactive material that is not incorporated into an instrument or in other equipment is not being used or handled; or
 - (b) a sealed radioactive source or an unsealed radioactive material that is usually installed in a fixed position has been removed from that position; or
 - (c) a sealed radioactive source or an unsealed radioactive material has been incorporated into a portable or mobile instrument or portable or mobile equipment that is not likely to be used in the near future,

the person in possession of the sealed radioactive source or the registered occupier of the premises in which the unsealed radioactive material is kept (as the case may be) must—

- (d) store the source or material—
 - (i) in the case of a sealed radioactive source—in accordance with the Code of Practice for the Security of Radioactive Sources; or
 - (ii) in the case of an unsealed radioactive material—in accordance with the *Code of Compliance for Facility Design and Shielding 2022* published by the Department, as in force from time to time; or
 - (iii) in a manner approved by the Minister; and
- (e) take reasonable precautions to prevent unauthorised access to the source or material or unauthorised removal of the source or material from the place of storage; and
- (f) if it is reasonably foreseeable that, during a period of time, chemical, radiation or other action may weaken or rupture a container in which the source or material is stored so as to cause leakage from that container—provide suitable secondary containment adequate to contain the entire quantity of radioactive material.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) Subregulation (1) does not apply in relation to person who is in possession of a sealed radioactive source if—
- (a) a relevant code applies in relation to the sealed radioactive source; and
 - (b) the person can demonstrate compliance with the provisions of the relevant code that are expressed as mandatory provisions applying in relation to the sealed radioactive source.

63—Person in possession of sealed radioactive source etc to mark doors and entrances to areas where source or unsealed radioactive material kept

- (1) A person who is in possession of a sealed radioactive source or is the registered occupier of premises in which an unsealed radioactive material is kept, handled or stored must mark every door and every entrance to the area in which the source or material is kept, handled or stored with a sign that—
- (a) complies with the requirements of AS 1319–1994 *Safety Signs for the Occupational Environment* (as in force from time to time) applying to warning signs; and

- (b) if it bears words—bears the words "RADIATION AREA" or "STORE FOR RADIOACTIVE MATERIAL" or other words to that effect; and
- (c) bears the name and telephone number of a person to contact in the event of any emergency arising within or emanating from that area; and
- (d) bears the radiation symbol; and
- (e) has a total surface area of not less than 4 500 mm²; and
- (f) is clearly legible from a distance of 2 m.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) Subregulation (1) does not apply in relation to person who is in possession of a sealed radioactive source if—
- (a) the sealed radioactive source is contained in a device in respect of which a relevant code applies; and
 - (b) the person can demonstrate compliance with the provisions of the relevant code that are expressed as mandatory provisions applying in relation to the device.

Subdivision 4—Disposal of radioactive material

64—Application of Subdivision

This Subdivision does not apply in relation to—

- (a) the discharge from a place (other than a hospital, health service or veterinary service that located at registered premises or a radiation facility) into a sewerage system of a radioactive material contained in excreta from a person or animal undergoing medical diagnosis or treatment with a radioactive material; or
- (b) radioactive elements or compounds that are present as a contaminant on the surface of an object, device or thing where—
 - (i) the total prescribed concentration of the radioactive elements or compounds when averaged over an area of 300 cm² does not exceed—
 - (A) in respect of beta and gamma emitters and low toxicity alpha emitters—4 Bq/cm²; and
 - (B) in respect of any other alpha emitters—0.4 Bq/cm²; and
 - (ii) the total activity of the radioactive elements or compounds does not exceed the prescribed amount as determined under regulation 8(2).

65—Prohibition on disposal of radioactive material without Minister's approval

A person must not dispose of a radioactive material without the prior approval of the Minister.

Maximum penalty: \$10 000.

Expiation fee: \$500.

66—Application for approval to dispose of unsealed radioactive material

- (1) An application for approval to dispose of unsealed radioactive material must be made by—
 - (a) in the case of a material kept or handled in registered premises—the occupier of the registered premises;
 - (b) in any other case—the owner of the material.
- (2) An application may relate to the disposal of 1 or more unsealed radioactive materials on 1 occasion or a proposal to dispose of more than 1 or a variety of unsealed radioactive materials on more than 1 occasion extending over a period of up to 12 months, or longer period as may be approved by the Minister, from the date of the approval.
- (3) An application must—
 - (a) be in writing; and
 - (b) specify the material or materials to be disposed of; and
 - (c) contain details of the material or materials to be disposed of including their chemical and physical form and activities; and
 - (d) contain details of the place or places where the material or materials will be disposed of; and
 - (e) contain the approximate date or dates when the material or materials will be disposed of.

67—Application for approval to dispose of sealed radioactive source

- (1) An application for approval to dispose of a sealed radioactive source must be made by—
 - (a) in the case of a registered source—the registered owner of the source; or
 - (b) in any other case—the owner of the source.
- (2) An application may relate to the disposal of 1 or more sealed radioactive sources.
- (3) An application must—
 - (a) be in writing; and
 - (b) specify the source or sources to be disposed of; and
 - (c) contain details of the source or sources to be disposed of including their chemical and physical form and the activity of such source or sources; and
 - (d) contain details of the place or places where the source or sources will be disposed of; and
 - (e) contain the approximate date or dates when the source or sources will be disposed of.

68—Minister's power to require applicant to supply further information

Before the Minister determines an application for approval to dispose of a radioactive material—

- (a) the Minister may, by notice in writing, direct the applicant to supply the Minister with such further information as the Minister considers is necessary to enable the Minister to give full consideration to the application; and

- (b) the Minister must, if the Minister gives such a notice to the applicant, defer consideration of the application until the applicant has complied with the notice.

69—Matters to be taken into account by Minister in deciding application for approval

The Minister may grant or refuse an application for approval to dispose of an unsealed radioactive material or a sealed radioactive source and, in deciding whether to grant or refuse such an application, must have regard to the following matters:

- (a) the nature of the material or source;
- (b) the activity of the material or source;
- (c) whether the material or source may be safely disposed of;
- (d) whether the method of disposal proposed by the applicant is appropriate;
- (e) whether the place at which it is proposed to dispose of the material or source is appropriate;
- (f) whether the proposed disposal will adversely affect the health of any person, any class of person or members of the public generally;
- (g) whether the proposed disposal is appropriate having regard to the radiation protection principle and the principles of ecologically sustainable development.

70—Approval of application

- (1) If the Minister grants an approval to a proposal to dispose of an unsealed radioactive material or a sealed radioactive source, the Minister may do so unconditionally or subject to such conditions as the Minister considers ought to be imposed so that the disposal is appropriate having regard to the radiation protection principle and the principles of ecologically sustainable development.
- (2) An approval of the Minister may relate to the disposal of 1 or more sealed radioactive sources or to 1 or more unsealed radioactive materials on 1 occasion, or to the disposal of more than 1 or a variety of unsealed radioactive materials on more than 1 occasion extending over a period of up to 12 months, or longer period as may be approved by the Minister, from the date of the approval.

71—Minister to notify applicant of decision on application

- (1) If the Minister approves an application to dispose of an unsealed radioactive material or a sealed radioactive source, the Minister must give the applicant notice in writing of the granting of the approval and of the precise nature of any conditions to which the approval is subject.
- (2) If the Minister refuses an application for approval to dispose of an unsealed radioactive material or a sealed radioactive source, the Minister must give the applicant notice in writing stating—
 - (a) that the application is refused; and
 - (b) the reasons for its refusal.

72—Minister's power to vary or impose conditions during currency of approval

- (1) The Minister may, at any time during the period for which an approval has been granted, by notice in writing given to the applicant—
 - (a) vary any condition imposed on the approval; or
 - (b) impose a condition on an approval that had been granted unconditionally; or
 - (c) impose an additional condition on the approval.
- (2) An applicant must comply with a condition imposed on an approval.
Maximum penalty: \$10 000.
Expiation fee: \$500.

73—Right to apply for reconsideration of decision refusing application or imposing or varying condition

- (1) If the Minister—
 - (a) refuses an application; or
 - (b) imposes a condition on an approval; or
 - (c) varies a condition to which an approval is subject,the applicant may, within 14 days of receiving notice of the refusal or imposition or variation of conditions, apply to the Minister for a reconsideration of the Minister's decision.
- (2) An application for reconsideration must be in writing and set out fully any representations the applicant wishes to make in support of the application.
- (3) The Minister must, within 28 days of receiving an application, reconsider the decision the subject of the application and inform the applicant of the Minister's further decision.
- (4) In reconsidering an application the Minister must have regard to the matters contained in regulation 69 and to any written representations made by the applicant.

Subdivision 5—Special requirements for sealed radioactive sources**74—Design and construction of capsules and source holders**

- (1) A capsule must be designed and constructed so that any radioactive material within the capsule remains effectively enclosed within the capsule—
 - (a) during all the conditions that are likely to arise when the source is being put to its normal use; and
 - (b) during all the conditions that are likely to arise if the source is involved in an accident of a kind that could arise when the source is being put to its normal use.
- (2) For the purposes of this regulation, a capsule complies with the requirements of subregulation (1) if it complies with—
 - (a) in the case of a capsule for a source built before 1 January 2012—the requirements of International Standard *ISO 2919:1999 (E) Radiation protection – sealed radioactive sources – General requirements and classification* published by the International Organisation for Standardisation as in force from time to time; or

- (b) in any other case—the requirements of the International Standard *ISO 2919:2012 (E) Radiological protection – sealed radioactive sources – General requirements and classification* published by the International Organisation for Standardisation as in force from time to time, as those requirements relate to the usage to which the sealed radioactive source is to be put, as expressed in Table 4 of that standard.
- (3) Subregulation (1) does not apply in relation to a capsule if—
- (a) the capsule is contained in a device in respect of which a relevant code applies; and
 - (b) the device is compliant with the relevant code.

75—Sealed radioactive source to be used in device etc

If a sealed radioactive source is to be used in a device, article or thing, the radionuclide to be used in the source must be one—

- (a) the activity of which is not greater than is necessary for the satisfactory operation of the device, article or thing beyond its normal working life; and
- (b) the energy and type of radiation emitted from which are appropriate to the use for which the device, article or thing has been designed; and
- (c) the half life of which is as short as is practicable; and
- (d) is not an alpha emitter unless there are no other radionuclides readily available with the necessary properties.

76—Minister's power to require owner of sealed radioactive source to carry out tests

- (1) The Minister may, by notice in writing given to the owner of a sealed radioactive source, direct the owner to carry out in respect of the source such tests as the Minister directs.
- (2) A notice under subregulation (1) must—
- (a) identify the source to be tested; and
 - (b) specify the method to be used in carrying out the tests; and
 - (c) specify the time within which the tests must be carried out; and
 - (d) specify the frequency at which the tests are to be carried out; and
 - (e) specify the criteria to be used in deciding whether or not the source passes the tests.
- (3) A person who has been required by the Minister to carry out tests in accordance with this regulation must—
- (a) carry out the tests as directed; and
 - (b) keep a register for the purpose of recording such tests; and
 - (c) within 14 days of carrying out tests in accordance with this regulation—make an entry in the register containing—
 - (i) sufficient details to identify the source tested; and
 - (ii) the date of the tests; and
 - (iii) the results of the tests; and

(d) if directed by the Minister to do so—submit the results of the test to the Minister.

Maximum penalty: \$10 000.

Expiation fee: \$500.

(4) If a source fails to pass a test carried out under this regulation, the owner of the source must immediately—

(a) cease to use the source; and

(b) prevent any other person from using the source; and

(c) notify the Minister that the source has failed to pass the test.

Maximum penalty: \$10 000.

Expiation fee: \$500.

77—Owner of sealed radioactive source to keep register of location if moved for use

(1) If in order to use a sealed radioactive source it is necessary for that source to be moved away from the premises controlled by the owner of the source, the owner must, in respect of the source—

(a) keep a separate register for the purpose of establishing, so far as is possible, the location of a sealed radioactive source at any given time; and

(b) in respect of the source, make entries in the register containing—

(i) registered number of the source; and

(ii) if the source is being moved in a vehicle—the vehicle's registration number under the *Motor Vehicles Act 1959*; and

(iii) the site, district or other locality at which the source is to be used; and

(iv) if the source is to be used under a contract between the owner and another person—the name of the other person; and

(v) the name of the person who has taken charge of the source; and

(vi) the date on which the source was taken by the person who has taken charge of the source; and

(vii) the date on which the source was returned to the premises controlled by the owner.

Maximum penalty: \$10 000.

Expiation fee: \$500.

(2) A person who takes charge of a sealed radioactive source to which subregulation (1) applies must sign the register on the date on which they take charge of the source.

Maximum penalty: \$10 000.

Expiation fee: \$500.

(3) When the source is returned to the premises controlled by the owner, the person returning it must sign the register on the date on which it is returned and indicate in the register—

(a) details of any abnormal occurrence which had occurred while the person was in charge of the source, being an occurrence that—

(i) is indicative of some fault or defect in the source, its capsule, container or source control mechanism; and

- (ii) may have damaged the source, its capsule, container or source control mechanism; and
- (b) details of any fault or defect the person observed in the source, source capsule, source container or source control mechanism.

Maximum penalty: \$10 000.

Expiation fee: \$500.

78—Duty of person administering human brachytherapy using sealed radioactive source

- (1) If a sealed radioactive source is used for the purpose of human brachytherapy, the person administering the brachytherapy must, if the patient undergoing treatment is in hospital, post on the patient's bed a sign containing—
 - (a) the radiation symbol; and
 - (b) the number of sealed radioactive sources being used to treat the patient; and
 - (c) the type and activity of each source being used to treat the patient; and
 - (d) the equivalent dose rate 1m from the patient and the time the equivalent dose rate was measured; and
 - (e) the date on which the equivalent dose rate was measured; and
 - (f) the name and signature of the person who measured the equivalent dose rate; and
 - (g) the name and phone number of the person to be contacted in the event of a radiation incident involving any of the sealed radioactive sources being used to treat the patient.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) If a sign has been placed on a patient's bed under subregulation (1), a person must not interfere with or remove the sign unless the person is removing it to make an entry on it or until—
 - (a) the patient is discharged from the hospital; or
 - (b) all sealed radioactive sources are removed from the patient; or
 - (c) the equivalent dose rate 1m from the patient falls below 1 $\mu\text{Sv/h}$.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (3) This regulation does not apply to the use of a sealed radioactive source for brachytherapy if that source is used in a remote controlled afterloading device.

Part 5—Radiation control—duties of employers and workers

Division 1—General provisions

79—Employer to prepare radiation incidents contingency plan

- (1) An employer must, in respect of every kind of operation carried out by the employer that involves the operation of ionising radiation apparatus or the use, handling, storage or disposal of any radioactive material—
 - (a) prepare a radiation incidents contingency plan that complies with this regulation; and
 - (b) if the employer is the holder of a radiation management licence and required to comply with the radiation management plan submitted under section 34 of the Act—incorporate the radiation incidents contingency plan in the employer's radiation management plan.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) An employer must ensure that a radiation incidents contingency plan is prepared before the commencement of the kind of operation to which it relates.
- (3) A radiation incidents contingency plan must—
 - (a) take into account every radiation incident that is reasonably foreseeable; and
 - (b) contain specific instructions as to how each incident is to be dealt with and brought under control, paying particular regard as to how control may be restored and the exposure of persons may be kept as low as reasonably achievable.
- (4) If an employer's practice is such that a radiation incident could result in exposures of persons to high doses of ionising radiation or severe contamination of the environment by ionising radiation, the employer's radiation incidents contingency plan must make provision for—
 - (a) obtaining appropriate medical care for persons exposed to ionising radiation as a result of the radiation incident; and
 - (b) identifying the roles and functions of relevant organisations that may be involved in dealing with the radiation incident; and
 - (c) the availability of personnel trained to deal with the situation resulting from the radiation incident; and
 - (d) the availability of appropriate emergency equipment; and
 - (e) arrangements with relevant first responders and rescue services; and
 - (f) the provision of information to the workers on the site affected by the radiation incident; and
 - (g) the provision of relevant information to the public; and
 - (h) appropriate counselling to any persons affected by the radiation incident; and
 - (i) the acquisition of information for assessing the cause of the radiation incident; and
 - (j) the classification of the radiation incident; and
 - (k) the reporting of the radiation incident to line management, the employer and the Minister; and

- (l) the consideration of non-radiological consequences of the radiation incident in the context of the possible evacuation of the workplace affected by the incident; and
 - (m) the conditions, criteria and objectives to be met for declaring the radiation incident terminated.
- (5) An employer must provide the equipment and facilities (including any monitoring instrument, detector or alarm) that is necessary for the effective operation of the radiation incidents contingency plan, including the assessment of doses of ionising radiation received as a result of a radiation incident.
- Maximum penalty: \$10 000.
Expiation fee: \$500.
- (6) If an employer discovers that a monitoring instrument, detector, or alarm that is required by subregulation (5) is not in correct working order, the employer must immediately replace it with a monitoring instrument, detector, or alarm that is in correct working order.
- Maximum penalty: \$10 000.
Expiation fee: \$500.
- (7) The Minister may, by notice in writing given to an employer, require the employer to supply to the Minister a copy of a radiation incidents contingency plan that the employer has prepared under this regulation.
- (8) An employer must not fail to comply with a notice given by the Minister to the employer under subregulation (7).
- Maximum penalty: \$10 000.
Expiation fee: \$500.
- (9) In this regulation—
- high dose*, in relation to the exposure of a person to ionising radiation, means exposure in any single event equal to or exceeding 50% of the dose limits applying in respect of the person under regulation 85(1) or (2);
- severe contamination*, of the environment by ionising radiation, means contamination at a place resulting in the cessation of normal operations (in whole or part) for a period of 12 hours or more while the contamination is removed.

80—Employer to keep certain articles, devices and things in good working order

- (1) This regulation applies to—
- (a) ionising radiation apparatus; and
 - (b) plant, structures and facilities containing a radiation source; and
 - (c) source control mechanisms and other devices containing a sealed radioactive source; and
 - (d) radiation monitoring equipment; and
 - (e) radiation warning devices; and
 - (f) protective clothing, fume cupboards, interlocks, signs, labels and any other radiation protection equipment or devices,

supplied by an employer for use during the course of the employer's profession, trade or occupation or for the use of any worker during the course of the worker's employment with the employer.

- (2) An employer must at all times keep or cause to be kept in good working order and condition any article, device or thing to which this regulation applies.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (3) If an employer discovers in an article, device or thing to which this regulation applies a fault or defect that is likely to increase the exposure to ionising radiation of any person, the employer must—

- (a) immediately inform all persons who—
- (i) use, work with, inspect, test or handle the article, device or thing; or
 - (ii) are protected from exposure to ionising radiation by the article, device or thing; or
 - (iii) otherwise deal with the article, device or thing,
- of the nature of the fault or defect; and
- (b) cause the fault or defect to be remedied as soon as is reasonably practicable.

Maximum penalty: \$10 000.

Expiation fee: \$500.

81—Employer to give worker certain information

- (1) An employer must, before a worker employed by the employer first commences any duties as a worker—

- (a) inform the worker of the requirements of—
- (i) the Act and these regulations, including applicable relevant codes, guidelines and standards; and
 - (ii) the employer's radiation incidents contingency plan required under regulation 79; and
 - (iii) if the employer is the holder of a radiation management licence and required to comply with the radiation management plan submitted under section 34 of the Act—the employer's radiation management plan; and
- (b) provide the worker with appropriate information and training so that the worker can discharge their duties safely and in accordance with the employer's radiation management plan (if any), the Act and these regulations.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) If there is a change in a radiation management plan referred to in subregulation (1)(a)(iii), the Act or these regulations, the employer must immediately inform a worker who is likely to be affected by any such change of the particulars of the change.

82—Employer to consult specified person if required by Minister

- (1) The Minister may give an employer a notice in writing requiring the employer to consult a person with approved qualifications and experience in aspects of radiation protection applicable to the activities undertaken by the employer.
- (2) An employer must comply with a notice given by the Minister to the employer under subregulation (1).

Maximum penalty: \$10 000.

Expiation fee: \$500.

83—Duties of worker

- (1) A worker must—
 - (a) obey all notices displayed in accordance with these regulations; and
 - (b) not wilfully or recklessly do any act, or omit to do any act, the doing or omission of which is likely to result in a radiation incident; and
 - (c) report immediately to the worker's supervisor any fault or defect in any device, article or thing that the worker uses, inspects, tests, handles or otherwise deals with during the course of employment, being a fault or defect that is likely to result in a radiation incident; and
 - (d) comply with all reasonable measures to control and assess exposure to radiation in the workplace, including, by—
 - (i) if the employer is the holder of a radiation management licence and required to comply with the radiation management plan submitted under section 34 of the Act—following the radiation protection requirements set out in the employer's radiation management plan; and
 - (ii) complying with the legitimate instructions of the employer in relation to radiation protection; and
 - (iii) participating in training related to radiation protection; and
 - (iv) making proper use of training undertaken by the worker to ensure their own health and safety and that of other persons; and
 - (v) making proper use of protective and monitoring equipment provided by the employer.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) A worker who is or becomes aware of a matter that may compromise radiation protection must report the matter to their employer.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (3) On becoming employed as a worker, a person must, if required by the employer, provide the employer with, or assist the employer in obtaining, information about any occupational radiation exposure of the person that may have previously occurred.

Maximum penalty: \$10 000.

Expiation fee: \$500.

84—Display of radiation symbol

A person must not exhibit, display or otherwise use, or cause or permit another to exhibit, display or otherwise use, the radiation symbol except—

- (a) on a container used for the storage of a sealed radioactive source; or
- (b) on ionising radiation apparatus; or
- (c) on a sign erected in connection with—
 - (i) premises registered under section 25 of the Act; or
 - (ii) a place in which a radioactive material is stored; or
 - (iii) a place in which radioactive materials are stored in transit during the course of transport in accordance with the Act and these regulations; or
 - (iv) a place in which ionising radiation apparatus is installed, stored or used; or
- (d) as required by these regulations or any other law.

Maximum penalty: \$10 000.

Expiation fee: \$500.

Division 2—Radiation protection standards and limits

85—Employer to prevent exposures above certain dose limits

- (1) Subject to this regulation, an employer must not—
 - (a) expose, or cause, suffer or permit the exposure of, themselves or a worker employed by them to—
 - (i) an annual effective dose exceeding—
 - (A) 20 mSv averaged over a period of 5 consecutive years; or
 - (B) 50 mSv in any single year; or
 - (ii) an equivalent dose, during any calendar year or financial year, exceeding—
 - (A) 20 mSv in the lens of the eye; or
 - (B) 500 mSv in the skin, averaged over any 1 cm² of the skin, regardless of the total area exposed; or
 - (C) 500 mSv in the hands and feet; or
 - (b) expose, or cause, suffer or permit the exposure of, a member of the public to—
 - (i) an annual effective dose exceeding 1 mSv; or
 - (ii) an equivalent dose, in any calendar year or financial year, exceeding—
 - (A) 15 mSv in the lens of the eye; or
 - (B) 50 mSv in the skin, averaged over any 1 cm² of the skin, regardless of the total area exposed.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) Subject to this regulation, if—
 - (a) an employer is pregnant; or

- (b) a worker employed by an employer is pregnant and the worker has informed the employer of the pregnancy,

the employer must not expose, or cause, suffer or permit the exposure of, the embryo or fetus *in utero* to an annual effective dose or equivalent dose exceeding the limit prescribed by subregulation (1)(b) in relation to a member of the public for the remainder of the pregnancy.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (3) The obligations of an employer in relation to a worker under subregulations (1) and (2) apply only in relation to exposure that occurs in the course of work performed as part of the worker's employment by the employer.
- (4) The Minister may, on application by an employer, if satisfied that exceptional circumstances exist, grant the employer permission to exceed the annual effective dose limit prescribed by subregulation (1)(a)(i).
- (5) The Minister may, on application by an employer, if satisfied that special circumstances exist—
- (a) grant the employer permission to exceed the annual effective dose limit prescribed by subregulation (1)(b)(i) subject to a condition that the employer does not expose, or cause, suffer or permit the exposure of, an embryo or fetus *in utero* referred to in subregulation (2) to an annual effective dose exceeding 1 mSv for the remainder of the pregnancy; or
 - (b) grant the employer permission to exceed the annual effective dose limit prescribed by subregulation (1)(b)(i) subject to a condition that the employer does not expose, or cause, suffer or permit the exposure of a member of the public to an annual effective dose exceeding 1 mSv averaged over a period of 5 consecutive years.
- (6) An employer must not contravene a condition imposed on a permission granted by the Minister to the employer under this regulation.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (7) In calculating doses for the purposes of this regulation, the following must be disregarded:
- (a) except if directed otherwise by the Minister—doses received by a person due to natural background radiation;
 - (b) except if directed otherwise by the Minister—doses received by a person as a result of an existing exposure situation;
 - (c) doses received by a person participating as a volunteer in medical research approved in accordance with regulation 108;
 - (d) doses received by a person as a patient for the purposes of diagnosis or treatment;
 - (e) doses received by a person (other than a worker) who knowingly and willingly supports a patient undergoing an exposure for the purposes of diagnosis or treatment;
 - (f) doses received by a person as a result of an emergency exposure situation.

Division 3—Monitoring

86—Employer to provide for radiation monitoring and dose assessment

- (1) An employer must ensure that the time integrated exposure to ionising radiation for each worker to whom this regulation applies is measured using an approved personal radiation monitoring device or approved method while the worker is at a work site.
Maximum penalty: \$10 000.
Expiation fee: \$500.
- (2) This regulation applies to a worker who, in the course of work associated with one or more facilities or premises operated by an employer, will receive a radiation dose that exceeds—
 - (a) under all foreseeable scenarios (including credible accident scenarios)—1 mSv per year; or
 - (b) under low probability scenarios (where the probability of occurrence of a scenario does not exceed 10^{-2} per year)—a dose limit specified in regulation 85(1)(a) or (2).
- (3) If the type of ionising radiation emitted by a source of ionising radiation is of such a nature that there is no approved personal monitoring device for measuring a worker's exposure to that type of radiation, the employer must—
 - (a) immediately advise the Minister accordingly and set out the arrangements the employer proposes to make to monitor or model the exposure to ionising radiation of workers employed by the employer; and
 - (b) make such arrangements as the Minister directs in writing for the monitoring or modelling of that type of radiation and for the calculation of personal exposures from that monitoring or modelling (as the case requires).

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (4) A worker to whom a personal monitoring device is issued must wear, operate or use, as the case requires, the personal monitoring device—
 - (a) in accordance with any instructions or approved instructions given to the worker; and
 - (b) whenever the worker is likely to be exposed to ionising radiation as a result of the worker's employment.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (5) An employer who has issued to a worker a personal monitoring device must, whenever it is necessary for the device to be examined or processed—
 - (a) cause the device to be examined or processed, as the case requires; and
 - (b) cause the effective dose to be calculated and recorded,

by such persons, in such manner and at such times as are approved by the Minister.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (6) An employer who issues a personal monitoring device to a worker must not subsequently issue the same device to any other person unless the dose measured by the device has been assessed and recorded.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (7) A worker must not permit any other person to wear, operate or use a personal monitoring device issued to the worker during the period for which it is so issued.

Maximum penalty: \$10 000.

Expiation fee: \$500.

87—Minister's power to direct employer to place monitoring equipment on premises where worker employed

- (1) An employer must, if directed in writing by the Minister to do so, place on any premises at which a worker is employed by the employer, from time to time in accordance with that direction, approved equipment or devices for detecting and measuring ionising radiation for the purpose of monitoring the presence and amounts of ionising radiation on those premises.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) A person who has placed approved equipment or devices in accordance with a direction given under subregulation (1) must, whenever it is necessary for the approved equipment or devices to be examined, or for any film or other substance used to detect ionising radiation in the device to be processed in order to ascertain the amount of radiation present on the premises concerned, cause the approved equipment or devices to be examined, or that film or substance to be processed or changed, and the amount of ionising radiation detected to be measured, in such manner, by such persons and at such times as the Minister directs in writing.

Maximum penalty: \$10 000.

Expiation fee: \$500.

88—Minister's power to direct employer to place monitoring equipment on affected premises

- (1) If any premises are in proximity to any other premises at which an activity is carried on by an employer involving the use or handling of a source of ionising radiation and the Minister is of the opinion that the first-mentioned premises (the *affected premises*) are likely to be affected by ionising radiation emanating from the second-mentioned premises, the Minister may, by notice in writing—

- (a) direct the employer to place on the affected premises, from time to time, in accordance with such direction, approved equipment or devices for detecting and measuring ionising radiation for the purpose of monitoring the presence and amounts of ionising radiation on the affected premises; and
- (b) direct the owner of the affected premises to permit the employer to enter into and on the affected premises from time to time and to place on the affected premises in accordance with that direction approved equipment or devices for detecting and measuring ionising radiation for the purpose of monitoring the presence and amounts of ionising radiation on the affected premises.

- (2) A person who fails to comply with a direction made under subregulation (1) is guilty of an offence.
Maximum penalty: \$10 000.
Expiation fee: \$500.
- (3) A person who has placed approved equipment or devices in accordance with a direction given under subregulation (1) must, whenever it is necessary for the approved equipment or devices to be examined, or for any film or other substance used to detect ionising radiation in the device to be processed in order to ascertain the amount of radiation present on the premises concerned, cause the approved equipment or devices to be examined, or that film or substance to be processed or changed, and the amount of ionising radiation detected to be measured, in such manner, by such persons and at such times as the Minister directs in writing.
Maximum penalty: \$10 000.
Expiation fee: \$500.
- (4) The owner of any affected premises on which an employer has placed approved equipment or devices under this regulation must permit the employer to enter into and on the affected premises at all reasonable times so as to enable the employer to comply with subregulation (3).
Maximum penalty: \$10 000.
Expiation fee: \$500.

89—Minister's power to approve monitoring devices

- (1) The Minister may, by notice in the Gazette—
 - (a) approve a specified monitoring device or kind or class of monitoring device to be an approved monitoring device for the purposes of this Division; or
 - (b) vary or revoke an approval under paragraph (a).
- (2) The Minister may, by notice in writing served on the person to whom the notice is addressed, give such directions and indicate such approvals as are referred to in this Division.

Division 4—Records, reports and investigations

90—Employer to keep personal radiation exposure record for each worker

- (1) An employer must immediately establish a personal radiation exposure record in respect of each worker employed by the employer to whom a personal monitoring device is issued or an approved method applied pursuant to regulation 86.
Maximum penalty: \$10 000.
Expiation fee: \$500.
- (2) An employer must maintain the record and keep it up to date at all times.
Maximum penalty: \$10 000.
Expiation fee: \$500.
- (3) An employer must—
 - (a) immediately after establishing a personal exposure record, inform the worker that the record has been established and is being maintained; and

- (b) allow each worker to have access to the worker's own personal radiation exposure record.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (4) An employer must not destroy or dispose of a personal radiation exposure record except in accordance with an approval given by the Minister in accordance with regulation 123.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (5) A personal radiation exposure record must contain the following information:

- (a) the full name, sex and date of birth of the worker;
- (b) the current home address of the worker and, if no longer employed by the employer, the worker's last known home address;
- (c) the date of commencement of employment (and if applicable the date of cessation) as a worker;
- (d) the kind of work performed by the worker;
- (e) details of the types of ionising radiation to which the worker may have been exposed as a result of their work, including information about radioactive material in unsealed form (if any) to which the worker may have been exposed;
- (f) the monitoring devices worn by the worker (if any);
- (g) the results of measuring the levels of radiation exposure of the worker in accordance with these regulations, and the conditions, if any, on the authority of the employer, indicating—
 - (i) the measurement periods, the result for each period, and the cumulative result since the beginning of the calendar year; and
 - (ii) the cumulative result for each calendar year; and
 - (iii) the cumulative result for previous calendar years and the calendar year being recorded.

91—Alteration of personal radiation exposure records

If an entry has been made in a personal radiation exposure record relating to the levels of radiation exposure received by a worker, a person must not change the entry unless the change—

- (a) is to correct an arithmetical error or transcription error; or
- (b) is made following a report signed by the employer and the worker stating that the entry to be changed does not accurately record the levels of radiation exposure received by the worker.

Maximum penalty: \$10 000.

Expiation fee: \$500.

92—Confidentiality of personal radiation exposure records

A person must not disclose to another person information contained in a personal radiation exposure record established under this Division unless—

- (a) to do so is a normal part of the person's duties as an employee; or
- (b) being an employer, the person does so in order to comply with these regulations; or
- (c) the disclosure is authorised by the worker to whom the record relates; or
- (d) the disclosure is approved by the Minister; or
- (e) the disclosure is made to ARPANSA for the purposes of the Australian National Dose Register; or
- (f) the disclosure is authorised by law; or
- (g) the disclosure is in the form of statistical or other information that could not reasonably be expected—
 - (i) to identify any particular worker; or
 - (ii) to relate to any particular worker.

Maximum penalty: \$10 000.

Expiation fee: \$500.

93—Employer to maintain records of certain measurements

- (1) An employer who receives a direction from the Minister under regulation 87 or 88 must maintain records of all measurements made by the employer in accordance with the direction.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) The records maintained under subregulation (1) must contain—
- (a) the type of measurements made; and
 - (b) the times and places at which the measurements were made; and
 - (c) the results of the measurements; and
 - (d) details of the instruments and methods used to make the measurements; and
 - (e) details of the calibration of the radiation monitoring equipment used to make the measurements; and
 - (f) such additional information relating to the matters referred to in a preceding paragraph as the Minister may, by notice in writing given to the employer, direct the employer to make.
- (3) An employer must not destroy or dispose of any records kept under this regulation unless—
- (a) the records have been deposited with State Records or a repository approved by the Minister; or
 - (b) the Minister has approved the destruction or disposal of the records in accordance with regulation 123.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (4) An employer must, if directed in writing to do so by the Minister, supply the Minister with a copy of any record kept by the employer under this regulation.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (5) An employer must, on the termination of the employer's practice, forward to the Minister any records relating to doses of radiation assessed to have been received by workers employed by the employer.

Maximum penalty: \$10 000.

Expiation fee: \$500.

94—Employer to review and investigate exposure of workers to certain ionising radiation doses

If workers or members of the public receive doses of ionising radiation—

- (a) exceeding dose constraints specified in an employer's radiation management plan; or
- (b) exceeding—
- (i) unless subparagraph (ii) applies, the effective dose limits or equivalent dose limits prescribed by regulation 85(1) or (2); or
 - (ii) if the Minister has, under regulation 85, given an employer permission to exceed the annual effective dose limits prescribed by regulation 85(1) or (2)—the annual effective dose limits prescribed by the conditions of the Minister's permission,

the employer must—

- (c) investigate the exposure of the workers or members of the public to those doses of ionising radiation; and
- (d) if a radiation management plan applies—
- (i) review the employer's radiation management plan and make such changes as may be necessary to prevent such exposures in the future; and
 - (ii) take action to implement any changes made to the employer's radiation management plan.

Maximum penalty: \$10 000.

Expiation fee: \$500.

Division 5—Notifiable radiation incidents

95—Interpretation

In this Division—

notifiable radiation incident means a radiation incident declared by Schedule 3 to be a notifiable radiation incident, but does not include an incident in which there is a discharge of radioactive material into a structure or designated area that is designed to contain and manage discharges as part of controls or contingencies outlined in an applicable radiation management plan.

96—Worker to report notifiable radiation incidents involving worker

- (1) A worker who is involved in a notifiable radiation incident during the course of their employment must, as soon as is reasonably practicable, report the incident to the worker's employer.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) For the purposes of this regulation, a report to the employer must—
- (a) be made in writing; and
 - (b) be signed by the worker; and
 - (c) contain—
 - (i) full details of the incident, indicating the time the source of ionising radiation was out of control, and the extent of any dispersal of any radioactive material; and
 - (ii) the time it was reported to the employer; and
 - (iii) the probable cause of the incident.
- (3) If more than 1 worker is involved in a notifiable radiation incident it is not necessary for each worker to report the incident to the employer, provided that—
- (a) 1 of the workers makes a report in accordance with this regulation; and
 - (b) each of the workers involved in the incident—
 - (i) has assisted in compiling the report; and
 - (ii) has signed the report.

97—Employer to investigate notifiable radiation incidents reported to employer

- (1) An employer must—
- (a) immediately investigate all notifiable radiation incidents reported to the employer under regulation 96; and
 - (b) maintain a register of notifiable radiation incidents reported to the employer.
- Maximum penalty: \$10 000.
- Expiation fee: \$500.
- (2) The investigation referred to in subregulation (1) must include the making of estimates of any doses that may have been received by any person.
- (3) An employer who receives a report of a notifiable radiation incident under regulation 96 must immediately enter in the register of radiation incidents—
- (a) the date, time and place of the incident; and
 - (b) the name of any worker involved in the incident; and
 - (c) full details of the incident, including the length of time the source of ionising radiation was out of control, the extent of any dispersal of any radioactive material, the estimate of doses received by any person, the time it was reported to the employer and the probable cause; and
 - (d) the result of any investigation undertaken in respect of the incident; and

- (e) details of steps taken to minimise the possibility of any similar incident occurring in the future.

98—Employer to report notifiable radiation incidents to Minister

- (1) An employer must report a notifiable radiation incident to the Minister as follows:
 - (a) in the case of an incident of a kind referred to in Schedule 3 clause 1, 4 or 6—in writing within 7 days of the incident being reported to the employer;
 - (b) in the case of an incident of a kind referred to in Schedule 3 clause 2—
 - (i) orally as soon as reasonably practicable after the employer becomes aware of the incident; and
 - (ii) in writing within 7 days of the incident being reported to the employer;
 - (c) in the case of an incident of a kind referred to in Schedule 3 clause 3—
 - (i) if the radiation source is a security enhanced radiation source—
 - (A) orally as soon as reasonably practicable after the employer becomes aware of the incident (in any case not more than 24 hours after the employer becomes aware of the incident); and
 - (B) in writing within 7 days of the incident being reported to the employer;
 - (ii) in any other case—
 - (A) orally within 24 hours of the employer becoming aware of the incident; and
 - (B) in writing within 7 days of the incident being reported to the employer;
 - (d) in the case of an incident of a kind referred to in Schedule 3 clause 5, 7 or 8—
 - (i) orally as soon as reasonably practicable after the employer becomes aware of the incident (in any case not more than 24 hours after the employer becomes aware of the incident); and
 - (ii) in writing within 7 days of the incident being reported to the employer.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) A report of a notifiable radiation incident under subregulation (1) must contain all the information entered by the employer in the register of radiation incidents in relation to the incident.

Division 6—Medical examinations

99—Minister's power to direct employer or worker to undergo medical examination

- (1) The Minister may, by notice in writing served on an employer, direct—
 - (a) the employer; or
 - (b) a worker employed by the employer,to undergo a medical examination to be conducted in accordance with the notice.

- (2) The notice must specify—
- (a) the name of the person to be medically examined; and
 - (b) the purpose for which the medical examination is to be carried out; and
 - (c) the nature and content of the medical examination; and
 - (d) the period within which the medical examination is to be carried out.
- (3) An employer who is served with a notice under subregulation (1) that relates to a worker employed by the employer must—
- (a) inform the worker that the employer has been served with such a notice; and
 - (b) request the worker to undergo the medical examination; and
 - (c) arrange for the worker to undergo the medical examination; and
 - (d) organise the worker's duties so that the worker is able to undergo the medical examination.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (4) If an employer—
- (a) informs a worker that the employer has been served with a notice under subregulation (1) that relates to that worker; and
 - (b) requests the worker to undergo the medical examination as required by the notice; and
 - (c) arranges for the worker to undergo the medical examination; and
 - (d) organises the worker's duties so that the worker is able to undergo the medical examination,

the worker must undergo the medical examination as required by the notice.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (5) If an employer is directed by notice under subregulation (1) to undergo a medical examination, the employer must undergo the examination as required by the notice.

Maximum penalty: \$10 000.

Expiation fee: \$500.

100—Duties of health practitioner carrying out medical examinations

- (1) A health practitioner who carries out a medical examination for the purposes of regulation 99 must conduct the medical examination in accordance with the Minister's notice under that regulation.
- (2) If a health practitioner carries out a medical examination of—
- (a) an employer; or
 - (b) a worker,

for the purposes of regulation 99, the health practitioner must prepare a report on their findings.

- (3) If a health practitioner carries out a medical examination of an employer for the purposes of regulation 99, the health practitioner must send a copy of the report to the employer and the Minister within 21 days after carrying out the medical examination.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (4) If a health practitioner carries out a medical examination of a worker for the purposes of regulation 99, the health practitioner must send a copy of the report to the worker, the worker's employer and the Minister within 21 days after carrying out the medical examination.

Maximum penalty: \$10 000.

Expiation fee: \$500.

101—Employer to retain and keep confidential reports etc relating to medical examinations

- (1) If a copy of a report prepared in accordance with this Division is received by an employer, the employer must retain it for as long as the person examined is employed by them.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) An employer must not disclose the contents of such a report except to—

- (a) the person examined; or
- (b) an officer or employee of the Department.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (3) A worker who is not the person examined must not disclose the contents of such a report except to—

- (a) the person examined; or
- (b) an officer or employee of the Department.

Maximum penalty: \$10 000.

Expiation fee: \$500.

102—Costs of medical examination to be borne by specified employer

The cost of a medical examination conducted in accordance with this Division and of any report supplied on the examination must be borne by the employer if—

- (a) the employer is the person examined; or
- (b) the person examined is a worker employed by the employer.

Part 6—Irradiation of people for diagnostic, therapeutic or research purposes

Division 1—Interpretation

103—Interpretation

In this Part—

Code for Radiation Protection in Medical Exposure means the *Code for Radiation Protection in Medical Exposure (2019)* published by ARPANSA (as in force from time to time);

Code of Practice and Safety Guide for Radiation Protection in Dentistry means the *Code of Practice and Safety Guide for Radiation Protection in Dentistry (2005)* published by ARPANSA, as in force from time to time;

Code of Practice for Radiation Protection in the Application of Ionizing Radiation by Chiropractors means the *Code of Practice for Radiation Protection in the Application of Ionizing Radiation by Chiropractors (2009)* published by ARPANSA, as in force from time to time;

exposure authorisation means an authorisation under Division 2 authorising the exposure of a person to ionising radiation for the purpose of diagnosis or treatment.

Division 2—Diagnostic and therapeutic purposes

104—Prohibition on exposures to ionising radiation without authorisation and justification

A person must not expose themselves or any other person to ionising radiation for the purposes of diagnosis or treatment unless the exposure has first been justified and authorised in accordance with this Division.

Maximum penalty: \$10 000.

Expiation fee: \$500.

105—Justification and optimisation of medical, dental and chiropractic procedures

- (1) An employer must have protocols in place to ensure that a procedure involving the exposure of a person to ionising radiation for the purposes of diagnosis or treatment is not carried out unless the procedure has been justified by a health practitioner of a class who may, under regulation 106, authorise the procedure.

Maximum penalty: \$10 000.

- (2) An employer must have protocols in place to ensure that a procedure involving the exposure of a woman to ionising radiation for the purposes of diagnosis or treatment is not carried out unless—
 - (a) in the case of a procedure that may result in a dose of ionising radiation of more than 1 mSv to an embryo or fetus—the health practitioner authorising the procedure has taken reasonable steps to determine the pregnancy status of the person; or

- (b) in the case of a procedure involving the administration of a radiopharmaceutical that may result in a dose of ionising radiation of more than 1 mSv to a breast-fed child—the health practitioner authorising the procedure has taken reasonable steps to determine the breast-feeding status of the person.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (3) For the purposes of subregulation (1), in determining whether a procedure involving the exposure of a person to ionising radiation for the purposes of diagnosis or treatment is justified, the health practitioner authorising the procedure must determine the net benefit to the person from the procedure, taking into account—
 - (a) the specific objectives of the procedure; and
 - (b) the characteristics of the person; and
 - (c) the total potential clinical benefits, including—
 - (i) direct health benefits to the person; and
 - (ii) if relevant—benefits to society in general; and
 - (d) the individual detriment to the person that may result from the procedure; and
 - (e) the efficacy, benefits and risks of available alternate techniques having the same objectives with less exposure, or no exposure, to ionising radiation; and
 - (f) any medical data and patient records relevant to the procedure; and
 - (g) if the person is a female of child-bearing capacity—the pregnancy status of the person; and
 - (h) if there is the potential for a dose of ionising radiation of more than 1 mSv to a breast-fed child from the administration of a radiopharmaceutical to a female person—the breast-feeding status of the person.
- (4) A health practitioner who is responsible for the overall conduct of a procedure involving the exposure of a person to ionising radiation for the purposes of diagnosis or treatment must ensure that the radiation dose to be received by the person as a result of the procedure is optimised.
- (5) The operator of radiation apparatus must ensure that, in delivering a procedure involving the exposure of a person to ionising radiation for the purposes of diagnosis or treatment—
 - (a) the person is not exposed unless—
 - (i) a health practitioner of a class who may, under regulation 106, authorise such a procedure has given an exposure authorisation; and
 - (ii) that exposure authorisation has not been revoked by a health practitioner of a class who may, under regulation 106, revoke the authorisation; and
 - (b) the established protocol for the procedure is followed in accordance with the radiation management plan of the employer of the operator (if the employer is the holder of a radiation management licence and required to comply with the radiation management plan submitted under section 34 of the Act); and
 - (c) the protection of the patient is optimised within the scope of the parameters under the control of the operator; and

- (d) the protection of persons other than the patient to ionising radiation from the procedure is optimised; and
- (e) in the case of radiation therapy—
 - (i) a radiation treatment plan for the person has been approved by the health practitioner who authorised the radiation therapy; and
 - (ii) the dose of ionising radiation from the radiation therapy is delivered to the person in accordance with the person's radiation treatment plan; and
 - (iii) there is continuous oversight of the operating parameters of the radiation apparatus during the delivery of the dose of ionising radiation; and
 - (iv) the exposure to ionising radiation from the radiation apparatus is immediately terminated if there is any concern that the apparatus will not deliver the correct dose of ionising radiation to the person.

Maximum penalty: \$10 000.

Expiation fee: \$500.

106—Exposure authorisation

- (1) The Minister may, by notice in the Gazette—
 - (a) specify the classes of health practitioners who may authorise exposure to ionising radiation from specified classes of procedures carried out for the purposes of diagnosis or treatment; and
 - (b) specify the classes of health practitioners who may vary or revoke an exposure authorisation given in relation to specified classes of procedures carried out for the purposes of diagnosis or treatment.
 - (2) Subject to this regulation, a health practitioner making an exposure authorisation must ensure that the authorisation—
 - (a) is given in writing or by an approved electronic system; and
 - (b) contains the full name and date of birth of the person to be examined or treated; and
 - (c) contains details of the examination or treatment that is authorised; and
 - (d) contains the clinical indications for the examination or treatment; and
 - (e) is signed by the health practitioner.
- Maximum penalty: \$10 000.
- Expiation fee: \$500.
- (3) An exposure authorisation, or variation or revocation of an exposure authorisation, must be given before the examination or treatment that is that the subject of the authorisation has been carried out.
 - (4) If an exposure authorisation is varied, the person making the variation must ensure that the variation—
 - (a) is given in writing or by an approved electronic system; and
 - (b) contains the full name and date of birth of the person to be examined or treated; and
 - (c) contains details of the examination or treatment that is authorised; and

- (d) contains in detail the reason for which the authorisation must be varied (including clinical indications for why the examination or treatment must be varied); and
- (e) is signed by the person making the variation.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (5) If an exposure authorisation is revoked by a person, the person must ensure that the revocation—

- (a) is given in writing or by an approved electronic system; and
- (b) contains the full name and date of birth of the person that was to be examined or treated; and
- (c) contains in detail the reason for which the authorisation must be revoked (including clinical indications for why the examination or treatment must not be carried out); and
- (d) is signed by the person making the revocation.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (6) If—

- (a) a person authorises an examination or treatment under this Division; and
- (b) the person certifies in writing that they reasonably consider that the health of the patient will be compromised if the examination or treatment that is the subject of the authorisation is not carried out,

the examination or treatment may be carried out without compliance with subregulation (2), provided that—

- (c) the authorisation is given before the examination or treatment begins; and
- (d) the person who gave the authorisation confirms the authorisation within 24 hours of giving the authorisation; and
- (e) the confirmation of the authorisation is—
 - (i) given in writing or by an approved electronic system; and
 - (ii) contains details of the examination or treatment that had been authorised; and
 - (iii) contains the clinical indications for the examination or treatment; and
 - (iv) is signed by the person who gave the authorisation.

- (7) A person who fails to confirm an authorisation as required under subregulation (6)(d) or (e) is guilty of an offence.

Maximum penalty: \$10 000.

Expiation fee: \$500.

107—Duties of persons giving authorisation and carrying out treatment to make records

- (1) A person who authorises the exposure of a person to ionising radiation for the purposes of radiation therapy must, immediately after giving the authorisation, make a record containing the following information:
- (a) the full name, date of birth and residential address of the person to be treated;
 - (b) the type of ionising radiation to be given as treatment;
 - (c) the date on which treatment was authorised;
 - (d) the equivalent doses to be given;
 - (e) details of the organs and tissues (or anatomical regions) to be given those equivalent doses;
 - (f) the indications for the treatment.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) A person carrying out a treatment referred to in subregulation (1) must, immediately after carrying out that treatment—
- (a) enter in the record—
 - (i) the date on which the treatment was carried out; and
 - (ii) full details of the treatment factors and parameters actually employed to deliver the dose to the patient; and
 - (b) sign the entry immediately after it has been made.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (3) A person must not destroy or dispose of a record made under this regulation except as is approved by the Minister.

Maximum penalty: \$10 000.

Expiation fee: \$500.

Division 3—Research purposes

108—Prohibition on *in vivo* research without prior approval

- (1) In this regulation—

Code of Practice for the Exposure of Humans to Ionizing Radiation for Research

Purposes means the *Code of Practice for the Exposure of Humans to Ionizing Radiation for Research Purposes (2005)* published by ARPANSA, as in force from time to time and as modified by subregulation (2);

in vivo research means research *in vivo*, the subject of which is a human being and during the course of which that human being is exposed to ionising radiation which they would not have received but for the research.

- (2) The Code of Practice for the Exposure of Humans to Ionizing Radiation for Research Purposes is modified as follows:
- (a) a reference to the relevant regulatory authority is to be taken to be a reference to the Minister;
 - (b) a reference to the responsible person for radioactive material, radiation apparatus, facility or premises is to be taken to be a reference to the owner of the radioactive material, radiation apparatus, facility or premises.
- (3) A person must not undertake *in vivo* research or expose themselves or any other person to ionising radiation in the course of *in vivo* research unless the research has been approved in accordance with the requirements of the Code of Practice for the Exposure of Humans to Ionizing Radiation for Research Purposes.
- Maximum penalty: \$10 000.
Expiation fee: \$500.
- (4) A person who undertakes *in vivo* research must ensure that the research is conducted in accordance with the Code of Practice for the Exposure of Humans to Ionizing Radiation for Research Purposes.
- Maximum penalty: \$10 000.
Expiation fee: \$500.

Part 7—Prohibition on provision of commercial cosmetic tanning services

109—Prohibition on provision of commercial cosmetic tanning services

- (1) A person must not, for fee or reward, or in the course of carrying on a business (whether or not for fee or reward), provide or offer to provide, a cosmetic tanning service to another person.
- Maximum penalty: \$10 000.
Expiation fee: \$500.
- (2) If a person sells or otherwise disposes of a tanning unit that the person has used to provide a cosmetic tanning service for fee or reward, that person must—
- (a) make a written record of the date on which the unit was sold or otherwise disposed of and the name and address of the new owner of the unit; and
 - (b) retain the record for at least 2 years after the sale; and
 - (c) keep the record readily available for inspection by an authorised officer; and
 - (d) give the new owner a copy of any records relating to the maintenance and servicing of the unit undertaken in the 2 years preceding the sale or other disposal.
- Maximum penalty: \$5 000.
Expiation fee: \$315.
- (3) In this regulation—
- cosmetic tanning service*** means a service of tanning human skin for cosmetic purposes by use of a tanning unit;

tanning unit means electrically powered apparatus designed to produce tanning of human skin by exposure of the skin to ultraviolet radiation emitted by the apparatus;

ultraviolet radiation means radiation for which the wavelengths are within the range of 100 to 400 nanometres.

Part 8—Transport of Radioactive Materials

110—Interpretation

(1) In this Part—

dangerous situation has the same meaning as in section 46 of the Act;

emergency services officer means—

- (a) a police officer; or
- (b) an officer or employee of the South Australian Metropolitan Fire Service, the South Australian Country Fire Service or the South Australian State Emergency Service; or
- (c) an ambulance officer;

International Regulations means Schedule A of the Transport Code as modified by Schedule 6.

(2) If an expression used in this Part is defined in the Transport Code, that expression has, unless the contrary intention appears, the same meaning as in the Transport Code.

111—Responsibilities of consignors, consignees and carriers

(1) A consignor must, in relation to the consignment of radioactive material, comply with the requirements of the International Regulations specified in clause 2.8 of the Transport Code (other than paragraphs 311, 312, 313, 314 and 315 of the International Regulations).

Maximum penalty: \$10 000.

Expiation fee: \$500.

(2) A carrier must, in relation to the transport of radioactive material, comply with the requirements of the International Regulations specified in clause 2.9 of the Transport Code (other than paragraphs 311, 312, 313, 314 and 315 of the International Regulations).

Maximum penalty: \$10 000.

Expiation fee: \$500.

(3) A carrier must ensure that, at all times during the course of the carriage of packages of radioactive material in a freight container or in or on a vehicle, each package is stowed and secured in such a manner that—

- (a) the package will remain in position despite movements of starting, stopping, jolting or swaying to which the container or vehicle may be subject; and
- (b) the package is kept away from heavy articles or goods likely to cause damage to it in the ordinary course of transport or in the event of accident; and
- (c) if carried on a vehicle—the package does not project beyond the periphery of the vehicle.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (4) If a vehicle carrying radioactive material is involved in an incident resulting in a dangerous situation—
- (a) the consignor of the radioactive material must, as soon as practicable after being asked by an authorised officer or emergency services officer—
 - (i) give the officer the information the officer requires about—
 - (A) the properties of the radioactive materials being transported; and
 - (B) safe methods of handling the radioactive materials; and
 - (C) safe methods of containing and controlling the radioactive materials in a dangerous situation; and
 - (ii) provide the equipment and other resources necessary—
 - (A) to control the dangerous situation; and
 - (B) to contain, control, recover and dispose of radioactive material that has leaked, spilled or accidentally escaped;
 - (b) the carrier of the radioactive material must, as soon as practicable after being asked by an authorised officer or emergency services officer—
 - (i) give the officer the information the officer requires about the vehicle's construction, properties and equipment; and
 - (ii) provide the equipment and other resources necessary—
 - (A) to control the dangerous situation; and
 - (B) to recover the vehicle or its equipment.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (5) If the consignor and the carrier of radioactive material are asked to give the same information or provide the same resources for an incident referred to in subregulation (4), it is sufficient if the consignor or, as the case may be, the carrier, gives the information or provides the resources.
- (6) A consignor or carrier who employs or engages a person to perform a task involved in the transportation of radioactive material must ensure that—
- (a) the person has received appropriate instruction and training to ensure that the person is at all times able to perform the task safely and in accordance with these regulations and the International Regulations; and
 - (b) the person is at all times appropriately supervised in performing the task to ensure that the person is able to perform the task safely and in accordance with these regulations and the International Regulations; and
 - (c) records of all safety training undertaken by the person are kept and made available to the person if requested.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (7) Without limiting subregulation (6), a consignor or carrier must ensure that a person employed or engaged by them to perform a task involved in the transportation of radioactive material—
- (a) receives training designed to familiarise the person with the general provisions of the International Regulations; and
 - (b) receives training that includes—
 - (i) a description of the different categories of radioactive material; and
 - (ii) requirements relating to the labelling, marking, placarding and packaging and segregation requirements of the International Regulations; and
 - (iii) a description of the purpose and content of radioactive material transport documents; and
 - (iv) a description of available emergency response documents; and
 - (c) receives training specific to the radioactive material transport requirements that are applicable to the task that the person has been employed or engaged to perform; and
 - (d) receives safety training that—
 - (i) is commensurate with the risk of exposure in the event of the release of radioactive material; and
 - (ii) is relevant to the task that the person has been employed or engaged to perform,including—
 - (iii) training on methods and procedures for avoiding accidents (such as the proper use of package handling equipment and appropriate methods of stowage of radioactive material); and
 - (iv) training on available emergency response information and how to use it; and
 - (v) training on the dangers presented by the different categories of radioactive material and how to prevent exposure to such dangers (including, if appropriate, the use of personal protective clothing and equipment); and
 - (vi) training on the immediate procedures to be followed in the event of an unintentional release of radioactive material, including—
 - (A) any emergency response procedures for which the person is responsible; and
 - (B) any personal protection procedures.
- (8) A consignor or carrier must ensure that a person employed or engaged by them to perform a task involved in the transportation of radioactive material has received the training referred to in subregulation (7) before the person commences to perform any such task and thereafter at intervals of 3 years (or at such other intervals as may be directed by the Minister).

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (9) A person must not manage, control or supervise a task involved in the transportation of radioactive material unless the person has received instruction and training to enable the person to manage, control or supervise (respectively) another person to perform the task safely and in accordance with these regulations and the International Regulations.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (10) For the purposes of this regulation, a task involved in the transportation of radioactive material includes the following:
- (a) the classifying of radioactive material to be transported;
 - (b) the packing or unpacking of radioactive material;
 - (c) the marking or labelling of radioactive material;
 - (d) the marking or placarding of packages of radioactive material and vehicles carrying radioactive materials;
 - (e) the consigning of radioactive material for transport;
 - (f) the loading or unloading of packages of radioactive material;
 - (g) the carrying or handling of radioactive material in transport;
 - (h) the storage of radioactive material during the course of, or in connection with, its transport;
 - (i) the preparation of transport documentation for radioactive material;
 - (j) the driving of vehicles transporting radioactive material;
 - (k) the maintenance of vehicles or equipment used in the transport of radioactive material;
 - (l) the acceptance or receiving of a consignment of radioactive material (as the consignee).

112—Responsibilities of drivers and storekeepers

- (1) If, while a package of radioactive material is being transported—
- (a) the package is lost, wrongfully interfered with or damaged; or
 - (b) radioactive material leaks from the package,

the driver of the vehicle being used to transport the package must—

- (c) forthwith report the matter to all relevant persons, giving details of the package and the circumstances of the loss, interference, damage or leak and such other details as are reasonably required by the relevant person to whom the report is being made; and
- (d) prevent, as far as practicable, access to the package by anyone other than a person authorised by a relevant person; and
- (e) obey any directions given by the Minister in respect of the package.

Maximum penalty: \$10 000.

Expiation fee: \$500.

- (2) If, while a package of radioactive material is being stored in the course of transit—
- (a) the package is lost, wrongfully interfered with or damaged; or
 - (b) radioactive material leaks from the package,
- the person in charge of the place of storage of the package must—
- (c) forthwith report the matter to all relevant persons, giving details of the package and the circumstances of the loss, interference, damage, leak or accident and such other details as are reasonably required by the relevant person to whom the report is being made; and
 - (d) prevent, as far as practicable, access to the package by anyone other than a person authorised by a relevant person; and
 - (e) obey any directions given by the Minister in respect of the package.
- Maximum penalty: \$10 000.
Expiation fee: \$500.
- (3) It is a defence to a charge of an offence against subregulation (1)(c) or (2)(c) to prove that—
- (a) the defendant did not know, and had no reason to suspect, that the loss, interference, damage, leak or accident had occurred; or
 - (b) the defendant reported the matter as soon as practicable after it came to the defendant's knowledge or after the defendant suspected that it had occurred; or
 - (c) the defendant believed on reasonable grounds that the requisite report had been made.
- (4) For the purposes of this regulation, the following are *relevant persons*:
- (a) the carrier of the package of radioactive material;
 - (b) the consignor of the package of radioactive material;
 - (c) the Minister.

113—Interference

- (1) A person must not, without the approval of a relevant person, interfere with—
- (a) the contents of a consignment of radioactive material; or
 - (b) a label or marking required by the International Regulations in relation to a package of radioactive material; or
 - (c) a document relating to a consignment of radioactive material,
- except in the course of transporting the radioactive material in accordance with the Act and these regulations.
- Maximum penalty: \$10 000.
Expiation fee: \$500.
- (2) For the purposes of this regulation, the following are *relevant persons*:
- (a) the carrier of the package of radioactive material;
 - (b) the consignor of the package of radioactive material;
 - (c) the Minister.

Part 9—Enforcement

114—Civil penalties

For the purposes of section 66(3)(a) of the Act, the prescribed form of a notice to be served by the Minister is the form set out in Schedule 5.

115—Powers of authorised officers

For the purposes of section 69(5)(a) of the Act, the following classes of vehicle are prescribed:

- (a) a vehicle used in the course of—
 - (i) a business, operation or activity carried on in pursuance of an authorisation or accreditation; or
 - (ii) mining, prospecting, mineral processing or petroleum processing operations;
- (b) a vehicle that is, or has previously been, located at premises registered under the Act as premises in which unsealed radioactive materials are handled or kept;
- (c) a vehicle that is, or has been, used for the transport of radioactive material.

116—Warrants

- (1) The grounds of an application for a warrant must be verified by affidavit.
- (2) If an application for the issue of a warrant is made by telephone, the following provisions apply:
 - (a) the applicant must inform the magistrate of the applicant's name and identify themselves as an authorised officer and the magistrate, on receiving that information, is entitled to assume, without further inquiry, that the applicant is an authorised officer;
 - (b) the applicant must inform the magistrate of the grounds on which the issue of the warrant is sought and must undertake to make an affidavit verifying the facts relied on by the magistrate for the issue of the warrant;
 - (c) the applicant must, as soon as practicable after the issue of the warrant, forward to the magistrate an affidavit verifying the facts referred to in paragraph (b).

Part 10—Miscellaneous

117—Annual report

For the purposes of section 17 of the Act, the following information is to be included in a report relating to the administration of the Act during a particular financial year:

- (a) an overview of the activities and operations of the Department;
- (b) a summary of authorisations issued during the year;
- (c) a summary of all radiation incidents investigated during the year;
- (d) a summary of prosecutions undertaken by the Department during the year.

118—Manner of Minister giving notices, directions

- (1) Notice by the Minister to a person under a designated provision of the Act must be given in writing and served in accordance with section 94 of the Act.
- (2) For the purposes of section 46(5)(b) of the Act, a direction may be given by notice in writing served in accordance with section 94 of the Act.
- (3) For the purposes of section 48(1) of the Act, notice of the grant of a permit must be given by the Minister in writing and served in accordance with section 94 of the Act.
- (4) Subject to these regulations, the Minister may give any direction or approval that is required by these regulations by notice in writing served, in accordance with section 94 of the Act, on the person to whom the notice is addressed.
- (5) In this regulation—

designated provision, of the Act, means—section 25(6), 26(6), 27(6), 35(3), 36(3), 42(9)(b)(ii), 46(5)(b), 47(2), 48(1), 54(4)(a), 54(7), 55(4)(a), 56(5)(a), 57(3)(a), 57(7), 58(5)(a), 59, 61(3)(a), 61(5), 61(9)(a), 73(3)(a), 73(4), 96(1), or 96(3) of the Act.

119—Manner of authorised officer giving notice

- (1) Notice given by an authorised officer to a person under a designated provision of the Act must be given in writing and served in accordance with section 94 of the Act.
- (2) For the purposes of section 57(6), confirmation of an emergency reparation order must be given in writing and be served in accordance with section 94 of the Act.
- (3) In this regulation—

designated provision, of the Act, means—section 69(2), 71(1)(a) or 71(1)(b) of the Act.

120—Service

A notice or other document required or authorised by these regulations to be served on or given to the Minister or the Department may be served or given—

- (a) by sending it by registered post addressed to the Department at: GPO Box 2607 Adelaide, South Australia, 5001; or
- (b) by leaving it at—
 - (i) the office of the Environment Protection Authority at Level 2, 211 Victoria Square, Adelaide; or
 - (ii) any other office specified by the Minister by notice in the Gazette,with a person who is apparently—
 - (iii) over 16 years of age; and
 - (iv) in the employment of the Department.

121—Default penalty on failure to pay annual fee

For the purposes of section 35(3) of the Act, the penalty for a failure to pay an annual fee is \$300 or 5% of the annual fee (whichever is higher) for each month (or part of a month) for which the default continues.

122—Interest on amounts recoverable by Minister under sections 56, 58, and 61

For the purposes of sections 56(5)(a), 58(5)(a) and 61(9)(a) of the Act, the prescribed rate of interest per year on an amount recoverable by the Minister but not paid within the period fixed by the Minister is 24% calculated in respect of each month (or part of a month) for which the amount remains unpaid.

123—Procedure for obtaining Minister's approval to destroy certain documents

- (1) A person seeking approval of the Minister to dispose of or destroy a document under regulation 90, 93 or 107 must apply to the Minister in writing.
- (2) The application must contain—
 - (a) details of the document to be disposed of and the proposed manner of disposal; and
 - (b) details of the document to be destroyed and the proposed manner of destruction; and
 - (c) the reasons for the disposal or destruction.
- (3) The Minister may approve the application if satisfied that the document is not required for the purposes of the Act or these regulations.

124—Release of information obtained in administration of Act—prescribed body

- (1) For the purposes of section 98(2)(1) of the Act, ARPANSA is a prescribed body.
- (2) The Minister, the Department or the Committee may release to ARPANSA information relating to radiation incidents or radiation exposure records.

125—Register of accreditations, authorisations, exemptions and permits

- (1) For the purposes of section 77(3)(b) of the Act, the register under section 77 of the Act must contain the following information in respect of each radiation management licence:
 - (a) the name of the licence holder;
 - (b) the date of first issue of the licence;
 - (c) the date of last renewal of the licence;
 - (d) the current expiry date of the licence;
 - (e) the conditions imposed on the licence;
 - (f) if the licence authorises developmental testing operations, mining or mineral processing or the preparation of a site for, or the construction, establishment, control, operation, management, decommissioning, disposal or abandonment of, a radiation facility—the location of the operations or facility (as the case requires).
- (2) For the purposes of section 77(3)(b) of the Act, the register under section 77 of the Act must contain the following information in respect of each radiation use licence:
 - (a) the name of the licence holder;
 - (b) the conditions imposed on the licence;
 - (c) the date the licence was first issued;
 - (d) the most recent date upon which the licence was renewed;
 - (e) the date the current licence expires.

- (3) For the purposes of section 77(3)(b) of the Act, the register under section 77 of the Act must contain the following information in respect of each registered premises:
- (a) the name of the registration holder;
 - (b) the address of the registered premises;
 - (c) a description sufficient to identify the premises at that address so registered;
 - (d) the date the registration was first granted;
 - (e) the most recent date upon which the registration was renewed;
 - (f) the date the current registration expires;
 - (g) the conditions imposed upon the registration.
- (4) For the purposes of section 77(3)(b) of the Act, the register under section 77 of the Act must contain the following information in respect of each registered sealed radioactive source and each registered radiation apparatus:
- (a) the name of the registered owner;
 - (b) the make, model, and serial number of the apparatus and of the sealed radioactive source or the registrable device;
 - (c) in the case of a sealed radioactive source—the radionuclide involved;
 - (d) the conditions imposed upon the registration;
 - (e) the date the registration was first granted;
 - (f) the most recent date upon which the registration was renewed;
 - (g) the date the current registration expires.
- (5) For the purposes of section 77(3)(b) of the Act, the register under section 77 of the Act must contain the following information in respect of each accreditation issued under the Act:
- (a) the name of the holder of the accreditation;
 - (b) the business name and trading name (if applicable) under which the activities authorised by the accreditation are carried out;
 - (c) the date of first issue of the accreditation;
 - (d) the date of the most recent renewal of the accreditation;
 - (e) the date of expiry of the accreditation;
 - (f) the conditions of the accreditation.
- (6) For the purposes of section 77(3)(b) of the Act, the register under section 77 of the Act must contain the following information in respect of each exemption issued under section 76 of the Act:
- (a) in relation to an exemption granted exempting a specified person from compliance with specified provisions of the Act—
 - (i) the name of the specified person; and
 - (ii) the provisions in relation to which the exemption applies; and
 - (iii) the date of first issue of the exemption; and
 - (iv) the expiry date of the exemption (if any); and

- (v) the conditions imposed on the exemptions;
 - (b) in relation to an exemption granted in respect of a specified radiation source—
 - (i) the name of the person granted the exemption; and
 - (ii) details of the radiation source; and
 - (iii) the provisions in relation to which the exemption applies; and
 - (iv) the date of first issue of the exemption; and
 - (v) the expiry date of the exemption (if any); and
 - (vi) the conditions imposed on the exemptions;
 - (c) in relation to an exemption granted in respect of specified premises—
 - (i) the name of the person granted the exemption; and
 - (ii) the provisions in relation to which the exemption applies; and
 - (iii) the address of the specified premises; and
 - (iv) the type of premises; and
 - (v) the date of first issue of the exemption; and
 - (vi) the expiry date of the exemption (if any); and
 - (vii) the conditions imposed on the exemption;
 - (d) in relation to an exemption granted in respect of a specified class of person, radiation source or premises—
 - (i) the class of person, radiation source or premises to which the exemption applies; and
 - (ii) the provisions in relation to which the exemption applies; and
 - (iii) the date of commencement of the exemption; and
 - (iv) the expiry date of the exemption (if any); and
 - (v) the conditions imposed on the exemption.
- (7) For the purposes of section 77(3)(b) of the Act, the register under section 77 of the Act must contain the following information in respect of each permit issued under section 48 of the Act:
- (a) the name of the person granted the permit;
 - (b) the date of first issue of the permit;
 - (c) the expiry date of the permit;
 - (d) the conditions imposed on the permit.
- (8) For the purposes of section 77(6)(c) of the Act, the protection of the health or safety of an individual is a prescribed reason.

126—Notice of defence

For the purposes of section 87(1) of the Act, notice of an intention to rely on the general defence under Part 8 of the Act or any other defence under the Act is to be given by notice in writing in a form approved by the Minister with service in accordance with section 94 of the Act.

127—Office for inspection of documents

For the purposes of section 98(10)(c) of the Act—

- (a) a code, standard, specification, guideline or other document referred to or adopted by the regulations; and
- (b) a standard, specification, guideline or other document referred to or incorporated by the regulations, or a code, standard or other document referred to or adopted by the regulations;

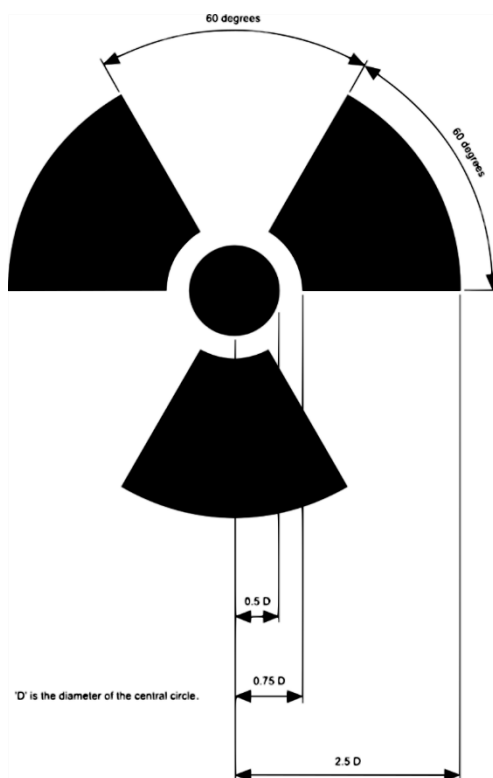
may be inspected during normal office hours at—

- (c) the office of the Environment Protection Authority at Level 2, 211 Victoria Square, Adelaide; or
- (d) any other office specified by the Minister by notice in the Gazette.

Schedule 1—Radiation symbol

The radiation symbol consists of the conventional 3 blade design shown below.

The symbol and background colours must comply with the requirements of *AS 1319–1994 Safety Signs for the Occupational Environment* as in force from time to time.



Schedule 2—Relevant codes for radiation sources

1—Interpretation

A reference in this Schedule to a code of compliance or code of practice is a reference to the code as in force from time to time.

2—Relevant codes for radiation sources

- (1) For the purposes of these regulations, the codes specified in column 2 of the table below are relevant codes in relation to the radiation source or radiation material specified opposite in column 1 of the table.

Radiation source	Relevant code
Borehole logging involving sealed radioactive sources	<p><i>Code for Radiation Protection in Planned Exposure Situations (Rev.1) (2020)</i> published by ARPANSA</p> <p><i>Code of practice for the safe use of sealed radioactive sources in borehole logging (1989)</i> published by ARPANSA</p>
Borehole logging involving X-ray apparatus	<p><i>Code for Radiation Protection in Planned Exposure Situations (Rev.1) (2020)</i> published by ARPANSA</p> <p><i>Code of Compliance for Apparatus used for Borehole Logging 2022</i> published by the Department</p> <p><i>Code of Compliance for Labelling and Signage of Ionising Radiation Sources 2022</i> published by the Department</p>
Cabinet X-ray apparatus	<p><i>Code for Radiation Protection in Planned Exposure Situations (Rev.1) (2020)</i> published by ARPANSA</p> <p><i>Statement on cabinet X-ray equipment for examination of letters, packages, baggage, freight and other articles for security, quality control and other purposes (1987)</i> published by ARPANSA</p> <p><i>Code of Compliance for Labelling and Signage of Ionising Radiation Sources 2022</i> published by the Department</p>
Chiropractic X-ray apparatus used for plain radiography	<p><i>Code for Radiation Protection in Planned Exposure Situations (Rev.1) (2020)</i> published by ARPANSA</p> <p><i>Code of Practice for Radiation Protection in the Application of Ionizing Radiation by Chiropractors (2009)</i> published by ARPANSA</p> <p><i>Code of Practice for the Exposure of Humans to Ionizing Radiation for Research Purposes (2005)</i> published by ARPANSA</p> <p><i>Code of Compliance for Medical, Veterinary, and Chiropractic X-ray Apparatus 2022</i> published by the Department</p> <p><i>Code of Compliance for Facility Design and Shielding 2022</i> published by the Department</p> <p><i>Code of Compliance for Labelling and Signage of Ionising Radiation Sources 2022</i> published by the Department</p>

Radiation source	Relevant code
Dental X-ray apparatus used for plain, panoramic or cephalometric radiography or cone-beam computed tomography	<i>Code for Radiation Protection in Planned Exposure Situations (Rev.1) (2020)</i> published by ARPANSA
	<i>Code of Practice and Safety Guide for Radiation Protection in Dentistry (2005)</i> published by ARPANSA
	<i>Code of Practice for the Exposure of Humans to Ionizing Radiation for Research Purposes (2005)</i> published by ARPANSA
	<i>Code of Compliance for Dental X-ray Apparatus Used for Plain, Panoramic & Cephalometric radiography and Cone-beam Computed Tomography 2022</i> published by the Department
	<i>Code of Compliance for Facility Design and Shielding 2022</i> published by the Department
	<i>Code of Compliance for Labelling and Signage of Ionising Radiation Sources 2022</i> published by the Department
Fixed radiation gauges	<i>Code for Radiation Protection in Planned Exposure Situations (Rev.1) (2020)</i> published by ARPANSA
	<i>Code of Practice and Safety Guide for Safe Use of Fixed Radiation Gauges (2007)</i> published by ARPANSA
Industrial radiography	<i>Code for Radiation Protection in Planned Exposure Situations (Rev.1) (2020)</i> published by ARPANSA
	<i>Code of Radiation Protection Requirements for Industrial Radiography (2018)</i> published by ARPANSA
Irradiators involving radiation generators and sealed radioactive sources of cobalt-60 or caesium-137	<i>Code for Radiation Protection in Planned Exposure Situations (Rev.1) (2020)</i> published by ARPANSA
	<i>Code of practice for the design and safe operation of non-medical irradiation facilities (1988)</i> published by ARPANSA
Medical X-ray apparatus used for plain radiography, mammography, computed tomography, fluoroscopy or absorptiometry	<i>Code for Radiation Protection in Planned Exposure Situations (Rev.1) (2020)</i> published by ARPANSA
	<i>Code for Radiation Protection in Medical Exposure (2019)</i> published by ARPANSA
	<i>Code of Practice for the Exposure of Humans to Ionizing Radiation for Research Purposes (2005)</i> published by ARPANSA
	<i>Code of Compliance for Medical, Veterinary, and Chiropractic X-ray Apparatus 2022</i> published by the Department

Radiation source	Relevant code
	<i>Code of Compliance for Facility Design and Shielding 2022</i> published by the Department
	<i>Code of Compliance for Labelling and Signage of Ionising Radiation Sources 2022</i> published by the Department
Medical radiation therapy involving radiation sources or radiation apparatus	<i>Code for Radiation Protection in Planned Exposure Situations (Rev.1) (2020)</i> published by ARPANSA
	<i>Code for Radiation Protection in Medical Exposure (2019)</i> published by ARPANSA
	<i>Code of Practice for the Exposure of Humans to Ionizing Radiation for Research Purposes (2005)</i> published by ARPANSA
	<i>Code of Compliance for Radiation Therapy Apparatus 2022</i> published by the Department
	<i>Code of Compliance for Facility Design and Shielding 2022</i> published by the Department
	<i>Code of Compliance for Labelling and Signage of Ionising Radiation Sources 2022</i> published by the Department
Moisture gauge containing a sealed radioactive source	<i>Code for Radiation Protection in Planned Exposure Situations (Rev.1) (2020)</i> published by ARPANSA
	<i>Code of Practice for Portable Density/Moisture Gauges Containing Radioactive Sources (2004)</i> published by ARPANSA
	<i>Code of Compliance for Labelling and Signage of Ionising Radiation Sources 2022</i> published by the Department
Radio frequency fields	<i>Radiation Protection Standard for Limiting Exposure to Radiofrequency Fields—100kHz to 300 GHz (2021)</i> published by ARPANSA
Sealed radioactive material	<i>Code for Radiation Protection in Planned Exposure Situations (Rev.1) (2020)</i> published by ARPANSA
	<i>Code for the Safe Transport of Radioactive Material (2019)</i> published by ARPANSA
	<i>Code for the Disposal of Radioactive Waste by the User (2018)</i> published by ARPANSA
	<i>Code for Disposal Facilities for Solid Radioactive Waste (2018)</i> published by ARPANSA
	<i>Code for Radiation Protection in Medical Exposure (2019)</i> published by ARPANSA
	<i>Code of Practice for the Exposure of Humans to Ionizing Radiation for Research Purposes (2005)</i> published by ARPANSA

Radiation source	Relevant code
	<i>Code of Practice for the Security of Radioactive Sources (2019)</i> published by ARPANSA
	<i>Code of Compliance for Labelling and Signage of Ionising Radiation Sources 2022</i> published by the Department
Ultraviolet radiation	<i>Radiation Protection Standard for Occupational Exposure to Ultraviolet Radiation (2006)</i> published by ARPANSA
Unsealed radioactive material	<i>Code for Radiation Protection in Planned Exposure Situations (Rev.1) (2020)</i> published by ARPANSA
	<i>Code for the Safe Transport of Radioactive Material (2019)</i> published by ARPANSA
	<i>Code for the Disposal of Radioactive Waste by the User (2018)</i> published by ARPANSA
	<i>Code for Disposal Facilities for Solid Radioactive Waste (2018)</i> published by ARPANSA
	<i>Code for Radiation Protection in Medical Exposure (2019)</i> published by ARPANSA
	<i>Code of Practice for the Exposure of Humans to Ionizing Radiation for Research Purposes (2005)</i> published by ARPANSA
	<i>Code of Practice and Safety Guide for Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing (2005)</i> published by ARPANSA
	<i>Code of Compliance for Facility Design and Shielding 2022</i> published by the Department
Veterinary X-ray apparatus used for computed tomography or dental, fluoroscopy, or plain radiography	<i>Code for Radiation Protection in Planned Exposure Situations (Rev.1) (2020)</i> published by ARPANSA
	<i>Code of Practice and Safety Guide for Radiation Protection in Veterinary Medicine (2009)</i> published by ARPANSA
	<i>Code of Compliance for Medical, Veterinary, and Chiropractic X-ray Apparatus 2022</i> published by the Department
	<i>Code of Compliance for Facility Design and Shielding 2022</i> published by the Department
	<i>Code of Compliance for Labelling and Signage of Ionising Radiation Sources 2022</i> published by the Department
Veterinary radiation therapy involving radiation sources or radiation apparatus	<i>Code for Radiation Protection in Planned Exposure Situations (Rev.1) (2020)</i> published by ARPANSA

Radiation source	Relevant code
	<i>Code of Practice and Safety Guide for Radiation Protection in Veterinary Medicine (2009)</i> published by ARPANSA
	<i>Code of Compliance for Radiation Therapy Apparatus 2022</i> published by the Department
	<i>Code of Compliance for Facility Design and Shielding 2022</i> published by the Department
	<i>Code of Compliance for Labelling and Signage of Ionising Radiation Sources 2022</i> published by the Department
Veterinary lasers	<i>Code of Practice and Safety Guide for Radiation Protection in Veterinary Medicine (2009)</i> published by ARPANSA
X-ray analysis apparatus	<i>Code for Radiation Protection in Planned Exposure Situations (Rev.1) (2020)</i> published by ARPANSA
	<i>Code of practice for protection against ionizing radiation emitted from X-ray analysis equipment (1984)</i> published by ARPANSA
	<i>Code of Compliance for Labelling and Signage of Ionising Radiation Sources 2022</i> published by the Department
X-ray equipment, using enclosed shielding, involving the examination, testing or sorting of articles, products or other materials, excluding cabinet X-ray and X-ray analysis apparatus	<i>Code for Radiation Protection in Planned Exposure Situations (Rev.1) (2020)</i> published by ARPANSA
	<i>Statement on enclosed X-ray equipment for special applications (1987)</i> published by ARPANSA

- (2) The *Code of Practice for Portable Density/Moisture Gauges Containing Radioactive Sources (2004)* published by ARPANSA is modified as follows:
- (a) a reference to a responsible person is to be taken to be a reference to an employer as defined in these regulations;
 - (b) a reference to the Transport Code is to be taken to be a reference to the Transport Code as defined in these regulations.
- (3) The *Code of Practice for Radiation Protection in Veterinary Medicine (2009)* published by ARPANSA is modified as follows:
- (a) a reference to an operator is to be taken to be a reference to a worker as defined in these regulations;
 - (b) a reference to a responsible person is to be taken to be a reference to an employer as defined in these regulations;
 - (c) a reference to the Transport Code is to be taken to be a reference to the Transport Code as defined in these regulations.

- (4) The *Code of Practice: Safe Use of Fixed Radiation Gauges (2007)* published by ARPANSA is modified as follows:
- (a) a reference to a responsible person is to be taken to be a reference to an employer as defined in these regulations;
 - (b) a reference to an employee is to be taken to be a reference to a worker as defined in these regulations;
 - (c) a reference to the Transport Code is to be taken to be a reference to the Transport Code as defined in these regulations.
- (5) The *Statement on cabinet X-ray equipment for examination of letters, packages, baggage, freight and other articles for security, quality control and other purposes (1987)* published by ARPANSA is modified so that section 5.2(b) of the Statement does not apply to scanners to which there is no public access or where sufficient controls are in place so that insertion of any part of the human body into the primary beam is not possible.
- (6) Each of the codes specified in column 1 of the table below is modified so that a reference in the specified code to an entity specified in column 2 of the table is taken to be a reference to the Minister.

Relevant code	Entity
<i>Code for Radiation Protection in Planned Exposure Situations (Rev.1) (2020)</i> published by ARPANSA	relevant regulatory authority, radiation regulator, regulatory body
<i>Code for Disposal Facilities for Solid Radioactive Waste (2018)</i> published by ARPANSA	relevant regulatory authority, regulatory body
<i>Code for Radiation Protection in Medical Exposure (2019)</i> published by ARPANSA	relevant regulatory authority
<i>Code for the Disposal of Radioactive Waste by the User (2018)</i> published by ARPANSA	relevant regulatory authority, radiation regulator, regulator
<i>Code for the Safe Transport of Radioactive Material (2019)</i> published by ARPANSA	regulatory body, competent authority
<i>Code of Practice and Safety Guide for Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing (2005)</i> published by ARPANSA	relevant regulatory authority, regulator
<i>Code of Practice and Safety Guide for Radiation Protection in Dentistry (2005)</i> published by ARPANSA	relevant regulatory authority
<i>Code of Practice and Safety Guide for Radiation Protection in Veterinary Medicine (2009)</i> published by ARPANSA	relevant regulatory authority, radiation regulatory authority
<i>Code of Practice and Safety Guide for Safe Use of Fixed Radiation Gauges (2007)</i> published by ARPANSA	relevant regulatory authority

Relevant code	Entity
<i>Code of Practice for Portable Density/Moisture Gauges Containing Radioactive Sources (2004)</i> published by ARPANSA	relevant regulatory authority
<i>Code of practice for protection against ionizing radiation emitted from X-ray analysis equipment (1984)</i> published by ARPANSA	relevant regulatory authority, statutory authority
<i>Code of Practice for Radiation Protection in the Application of Ionizing Radiation by Chiropractors (2009)</i> published by ARPANSA	relevant regulatory authority, radiation regulatory authority
<i>Code of practice for the design and safe operation of non-medical irradiation facilities (1988)</i> published by ARPANSA	relevant regulatory authority, relevant statutory authority, appropriate statutory authority
<i>Code of Practice for the Exposure of Humans to Ionizing Radiation for Research Purposes (2005)</i> published by ARPANSA	relevant regulatory authority
<i>Code of practice for the safe use of sealed radioactive sources in borehole logging (1989)</i> published by ARPANSA	relevant regulatory authority, relevant statutory authority, appropriate statutory authority
<i>Code of Practice for the Security of Radioactive Sources (2019)</i> published by ARPANSA	relevant regulatory authority
<i>Code of Radiation Protection Requirements for Industrial Radiography (2018)</i> published by ARPANSA	relevant regulatory authority
<i>Radiation Protection Standard for Limiting Exposure to Radiofrequency Fields—100kHz to 300 GHz (2021)</i> published by ARPANSA	relevant regulatory authority
<i>Radiation Protection Standard for Occupational Exposure to Ultraviolet Radiation (2006)</i> published by ARPANSA	regulatory authority, appropriate authority, radiation protection authority
<i>Statement on cabinet X-ray equipment for examination of letters, packages, baggage, freight and other articles for security, quality control and other purposes (1987)</i> published by ARPANSA	relevant regulatory authority, relevant authority, statutory authority, appropriate statutory authority, relevant statutory authority
<i>Statement on enclosed X-ray equipment for special applications (1987)</i> published by ARPANSA	relevant regulatory authority, relevant authority, relevant statutory authority

Schedule 3—Notifiable radiation incidents

1—Medical exposures of patients to ionising radiation

- (1) The following incidents involving medical exposures of patients to ionising radiation are declared to be notifiable radiation incidents:
 - (a) a diagnostic procedure not authorised for a patient by a health practitioner who may authorise an exposure to ionising radiation under regulation 106;
 - (b) a diagnostic procedure that results in an observable acute radiation effect;
 - (c) a therapeutic treatment that is delivered—
 - (i) to the wrong patient; or
 - (ii) to the wrong tissue; or
 - (iii) using the wrong radiopharmaceutical;
 - (d) the administration of a radioactive material for diagnostic purposes in which the activity of the material administered exceeds the activity prescribed in the hospital or practice standard protocol for that test by 50% or more;
 - (e) the administration of a radioactive material for therapeutic purposes in which the activity of the material administered differs from the activity prescribed by the health practitioner by 15% or more;
 - (f) the administration of a therapeutic dose of ionising radiation from radiation apparatus or a sealed radioactive source in which the dose delivered to the patient differs from the total treatment dose prescribed by the health practitioner by more than 10%.
- (2) In subclause (1)(e) and (f), a reference to a health practitioner is a reference to the health practitioner who, under regulation 106, authorised the administration of the radioactive material or dose of ionising radiation from radiation apparatus or a sealed radioactive source, as the case may be.

2—Incidents that cause or may lead to radiation injuries or radiation doses exceeding the annual dose limits to workers or members of the public

An incident that causes or may lead to—

- (a) radiation injuries; or
- (b) a worker receiving a dose of ionising radiation exceeding the annual effective dose limits prescribed by regulation 85(1)(a)(i); or
- (c) a member of the public receiving a dose of ionising radiation exceeding the annual effective dose limits prescribed by regulation 85(1)(b)(i),

is declared to be a notifiable radiation incident.

3—Loss or theft of radioactive sources or radiation apparatus

An incident involving the loss or theft of a radiation source is declared to be a notifiable radiation incident.

4—Incidents relating to the transport of radioactive material

The following incidents are declared to be notifiable radiation incidents:

- (a) the damage or loss of a package containing radioactive material during freight handling or transport;
- (b) the transport of a package containing radioactive material without the document, placarding or labelling required by law.

5—Unintentional or unauthorised discharges of radioactive material into the environment

An incident involving the discharge of radioactive material into the environment that is unintentional or is not authorised by law is declared to be a notifiable radiation incident if—

- (a) in relation to a discharge of naturally occurring radioactive material—the discharge of the material will cause radiological exposure to the environment resulting, or potentially resulting, in 1 or more of the following:
 - (i) a change in current or future land use;
 - (ii) negative effects to flora or fauna; or
- (b) in any other case—the activity of any radionuclide in the material exceeds 100 times the exempt activity for that radionuclide.

6—Damage to, or malfunctioning of, radiation apparatus or sealed radioactive source

An incident involving damage to, or the malfunctioning of, radiation apparatus or a sealed radioactive source is declared to be a notifiable radiation incident if the damage or malfunctioning could in any way affect the radiation safety of the apparatus or source.

7—Contamination with, or dispersal of, radioactive material

An incident involving the contamination of a surface, substance or material by a radioactive material resulting from the spillage of more than 100 times the exempt activity of a radionuclide contained in the radioactive material is declared to be a notifiable radiation incident.

8—Out of control radiation sources

- (1) An incident involving a radiation source that is out of control is declared to be a notifiable radiation incident.
- (2) For the purposes of subclause (1), a radiation source is out of control if the source is not safely secured (including where it is stolen or lost) or shielded, or contamination is not confined and requires the activation of contingency plans to confine the radiation source or otherwise bring it under control.
- (3) In this clause—

radiation source means a radiation source that is required to be registered under the Act.

Schedule 4—Exempt apparatus and sources

1—Exemption of apparatus

For the purposes of regulations 18(2)(c) and 21(1)(g), the following apparatus are specified:

- (a) television receivers;
- (b) visual display units;
- (c) cold cathode gas discharge tubes;
- (d) electron microscopes;
- (e) ionising radiation apparatus under development or in developmental testing (for the purposes of design or manufacture) in a facility or premises in relation to which a radiation management licence applies.

2—Exemption of radiation sources

For the purposes of regulations 16(3)(b), 17(1), 19(2) and 20(a), the following radiation sources are specified:

- (a) Americium-241 sealed sources of activity up to 40 kBq used in domestic smoke alarms meeting the requirements of AS3786:1993;
- (b) depleted uranium in solid massive form that is used for ballast in aircraft and boats and ships;
- (c) depleted uranium that is completely contained within an appropriate metallic sheath, and is used as radiation shielding in a container for radioactive sources that complies with the requirements of the Transport Code;
- (d) a gaseous tritium light source that is solely used for safety purposes and includes less than 74 GBq of tritium;
- (e) a sealed radioactive source used for teaching the characteristics and properties of radiation or radiation sources and containing a radionuclide listed in column 1 of the table below, with an activity not greater than listed in column 2 of the table:

Radionuclide	Activity (kBq)
Cobalt-60	200
Strontium-90	80
Caesium-137	200
Radium-226	20
Americium-241	40

- (f) a geological sample that contains radioactive material, if the sample—
 - (i) emits radiation at a level not more than 5 micrograys an hour, measured at a distance of 10 cm from its surface; or
 - (ii) is being used as a sample in teaching or for display as a geological specimen;
- (g) an electron capture detector or similar device used in gas chromatography containing a nickel-63 sealed source with activity not more than 750 MBq, or tritium source with activity not more than 20 GBq;
- (h) lighting products that include krypton-85.

Schedule 5—Notice of right to elect to be prosecuted

Civil penalty for contravention—notice of right to elect to be prosecuted for contravention

Radiation Protection and Control Act 2021—section 66(3)(a)

File Number:

Issued by:

Date:

To: *[insert full name, company name (if applicable), postal address and any other information relevant for service of the notice]*

Notice to alleged offender

- 1 The Minister for Climate, Environment and Water is satisfied that you have committed an offence by contravening a provision of the *Radiation Protection and Control Act 2021* as follows:
Provision contravened:
Address or location of contravention:
Details of contravention:
- 2 The purpose of this notice is to advise you that you may, by written notice to the Minister, elect to be prosecuted for the contravention (see section 66(3) of the Act).

If you do not elect to be prosecuted, the Minister may commence civil penalty proceedings under section 66 of the Act for the purpose of obtaining an order from the Environment, Resources and Development Court that you pay an amount as a civil penalty in respect of the contravention.

In these civil proceedings, any contravention of the Act would only need to be proved on the balance of probabilities.

- 3 **If you elect to be prosecuted, rather than negotiating a civil penalty with the Minister or facing civil penalty proceedings, you must serve a written notice on the Minister within 21 days after service of this notice.**
- 4 The following matters are relevant to the provision of a notice of election to the Minister:
 - (1) The notice must be addressed to the Minister as follows:
[insert relevant information]
 - (2) You may choose to use the Attachment (below) or you may inform the Minister by your own letter, quoting your name and the File Number shown at the top of this document.
 - (3) Section 66 of the Act may be found at www.legislation.sa.gov.au and additional information about the Act can be obtained from www.epa.sa.gov.au. Information concerning this notice can also be obtained by telephoning the Manager, Investigations Branch on *[insert telephone number]*.
 - (4) If you do not, within 21 days after service of this notice, give notice to the Minister of election to be prosecuted, proceedings may be commenced to recover a civil penalty in the Environment, Resources and Development Court.

Attachment—Notice to Minister of election to be prosecuted

To: Minister for Climate, Environment and Water
[insert address]

File number of notice under section 66 of the *Radiation Protection and Control Act 2021*:
[insert file number]

*** Individual**

I elect to be prosecuted for the alleged contravention specified in the notice of the file number set out above.

Name in full:

Contact details:

Date:

Signed:

*** Company**

I, having authority to act for and on behalf of the company in this matter, give notice that the company elects to be prosecuted for the alleged contravention specified in the notice of the file number set out above.

Name of company:

Name in full of person with authority to act:

Contact details:

Date:

Signed:

**Strike out whichever is inapplicable*

Schedule 6—Modifications to Transport Code and International Regulations

1—Modifications to Transport Code

(1) Clause 2.3—delete the clause and substitute:

2.3 The 'relevant transport regulations for dangerous goods' referred to in paragraphs 110, 506 and 507 of the International Regulations are the *Dangerous Substances (Dangerous Goods Transport) Regulations 2008* which are based on the 7th edition of the *Australian Code for the Transport of Dangerous Goods by Road & Rail (ADG7)*.

(2) Clause 2.4—delete "ADG7.6" and substitute:

Dangerous Substances (Dangerous Goods Transport) Regulations 2008

(3) Schedule B, Table B1—delete the entry relating to South Australia and substitute:

South Australia Radiation Protection Branch

Minister for
Climate,
Environment and
Water

GPO Box 2607 Tel: (08) 8463 7826
Adelaide SA Fax: (08) 8124 4671
5001

Email:
EPARadiationProtectionBranch@sa.gov.au

2—Modifications to International Regulations

- (1) Paragraph 557—delete the paragraph and substitute:

557. The *consignor* shall ensure that before a *package*, the design of which requires the approval of a *competent authority* first enters, or is moved within the State, copies of any certificate issued in relation to the design of that *package* by a *competent authority* for a place outside this State have been submitted to the *competent authority* for this State.

- (2) Paragraph 558—delete the first and second sentences of the paragraph and substitute:

The *consignor* shall, at least 7 days before a *shipment* of a kind listed in (a), (b) or (c) below first enters, or is moved within, the State, give the *competent authority* for the State notice of the *shipment*.

- (3) Paragraph 562—delete (a) and (b) and substitute:

(a) In accordance with section 5 of the *Radiation Protection and Control Act 2021*;

- (4) Paragraph 701—delete "any of the following methods listed below or by a combination thereof" and substitute:

such of the methods listed below, or by such combination of those methods, as is approved by the *competent authority* for the State in relation to a particular *package*

Schedule 7—Repeals and transitional provisions

Part 1—Repeals

1—Repeal of *Radiation Protection and Control (Ionising Radiation) Regulations 2015*

The *Radiation Protection and Control (Ionising Radiation) Regulations 2015* are repealed.

2—Repeal of *Radiation Protection and Control (Non-Ionising Radiation) Regulations 2013*

The *Radiation Protection and Control (Non-Ionising Radiation) Regulations 2013* are repealed.

3—Repeal of *Radiation Protection and Control (Transport of Radioactive Substances) Regulations 2018*

The *Radiation Protection and Control (Transport of Radioactive Substances) Regulations 2018* are repealed.

Part 2—Transitional provisions

4—Interpretation

In this Part—

radioactive substance has the same meaning as in the repealed regulations;

repealed regulations means the *Radiation Protection and Control (Ionising Radiation) Regulations 2015*.

5—Permission regarding dose limits

- (1) A permission of the Minister granted under regulation 13(2) of the repealed regulations and in force immediately before the commencement of these regulations continues to apply according to its terms as if it were permission granted under regulation 85(4) of these regulations.
- (2) A permission of the Minister granted under regulation 13(5) of the repealed regulations and in force immediately before the commencement of these regulations continues to apply according to its terms as if it were permission granted under regulation 85(5) of these regulations.

6—Minister's power to require further information

- (1) If a person had given notice under Part 4 of the repealed regulations before the commencement of these regulations in relation to ionising radiation apparatus, regulation 42 of these regulations applies after that commencement in relation to that notice as if the notice was given under a provision of Part 4 Division 3 Subdivision 1 of these regulations.
- (2) If a person had given notice under Part 5 of the repealed regulations before the commencement of these regulations in relation to a radioactive substance, regulation 56 of these regulations applies after that commencement in relation to that notice as if the notice was given under a provision of Part 4 Division 4 Subdivision 1 of these regulations.

7—Directions to place monitoring equipment on premises

- (1) A direction given to a person under regulation 18 of the repealed regulations that is in force immediately before the commencement of this clause will, on that commencement, be taken to be a direction given under regulation 87 of these regulations.
- (2) A direction given to a person under regulation 19 of the repealed regulations that is in force immediately before the commencement of this clause will, on that commencement, be taken to be a direction given under regulation 88 of these regulations.

8—Approved monitoring devices

An approval of a device under regulation 20 of the repealed regulations that is in force immediately before the commencement of this clause will, on that commencement, continue in force and be taken to be an approval given under regulation 89 of these regulations.

9—Approval to disclose personal radiation exposure records

An approval to disclose information under regulation 23(d) of the repealed regulations that is in force immediately before the commencement of this clause will, on that commencement, continue in force and be taken to be an approval given under regulation 92(d) of these regulations.

10—Directions to maintain records of certain measurements

A direction given to a person under regulation 25 of the repealed regulations that is in force immediately before the commencement of this clause will, on that commencement, be taken to be a direction given under regulation 93 of these regulations.

11—Approval to undertake research

An approval of the Minister under regulation 44 of the repealed regulations in force immediately before the commencement of this clause will, on that commencement, continue in force and be taken to be an approval given under regulation 108 of these regulations.

Editorial note—

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

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 27 October 2022

No 92 of 2022

STATE GOVERNMENT INSTRUMENTS

EDUCATION AND CHILDREN'S SERVICES REGULATIONS 2020

ADELAIDE BOTANIC HIGH SCHOOL SECONDARY SCHOOL ZONE

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 a policy for the purposes of the enrolment of a child to attend at the secondary school at Adelaide Botanic High School from 2024:

SCHOOL ZONE

Adelaide Botanic High School secondary school zone

A school zone is a defined area from which the school accepts its core intake of students. The secondary school zone for Adelaide Botanic High School is within the area bordered by the black line on the map below. Students residing within this zone are eligible to be enrolled in the secondary school at Adelaide Botanic High School and will be given priority enrolment.



An online map of the Adelaide Botanic High School zone and a search tool to indicate if a home address is within the school zone is available at www.education.sa.gov.au/findaschool.

Information on enrolment and placement in school is available from www.education.sa.gov.au/enrolment.

Dated: 21 October 2022

BLAIR BOYER
Minister for Education, Training and Skills

EDUCATION AND CHILDREN'S SERVICES REGULATIONS 2020

ADELAIDE HIGH SCHOOL SECONDARY SCHOOL ZONE

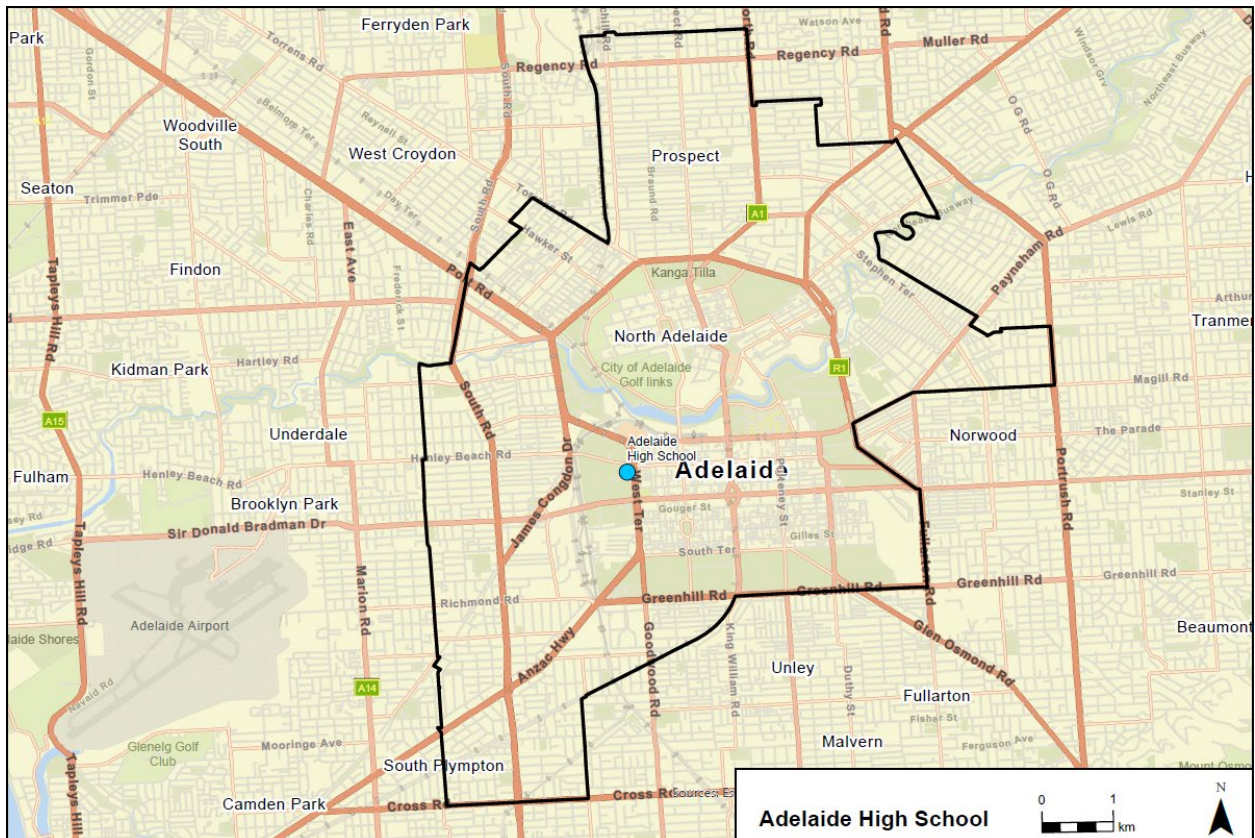
Notice of Policy by the Minister for Education, Training and Skills

PURSUANT to Regulation 12(1) of the Education and Children's Services Regulations 2020, I, the Minister for Education, Training and Skills publish a policy for the purposes of the enrolment of a child to attend at the secondary school at Adelaide High School from 2024:

SCHOOL ZONE

Adelaide High School secondary school zone

A school zone is a defined area from which the school accepts its core intake of students. The secondary school zone for Adelaide High School is within the area bordered by the black line on the map below. Students residing within this zone are eligible to be enrolled in the secondary school at Adelaide High School and will be given priority enrolment.



An online map of the Adelaide High School zone and a search tool to indicate if a home address is within the school zone is available at www.education.sa.gov.au/findaschool.

Information on enrolment and placement in school is available from www.education.sa.gov.au/enrolment.

Dated: 21 October 2022

BLAIR BOYER
Minister for Education, Training and Skills

EDUCATION AND CHILDREN'S SERVICES REGULATIONS 2020

PLYMPTON INTERNATIONAL COLLEGE SECONDARY SCHOOL ZONE

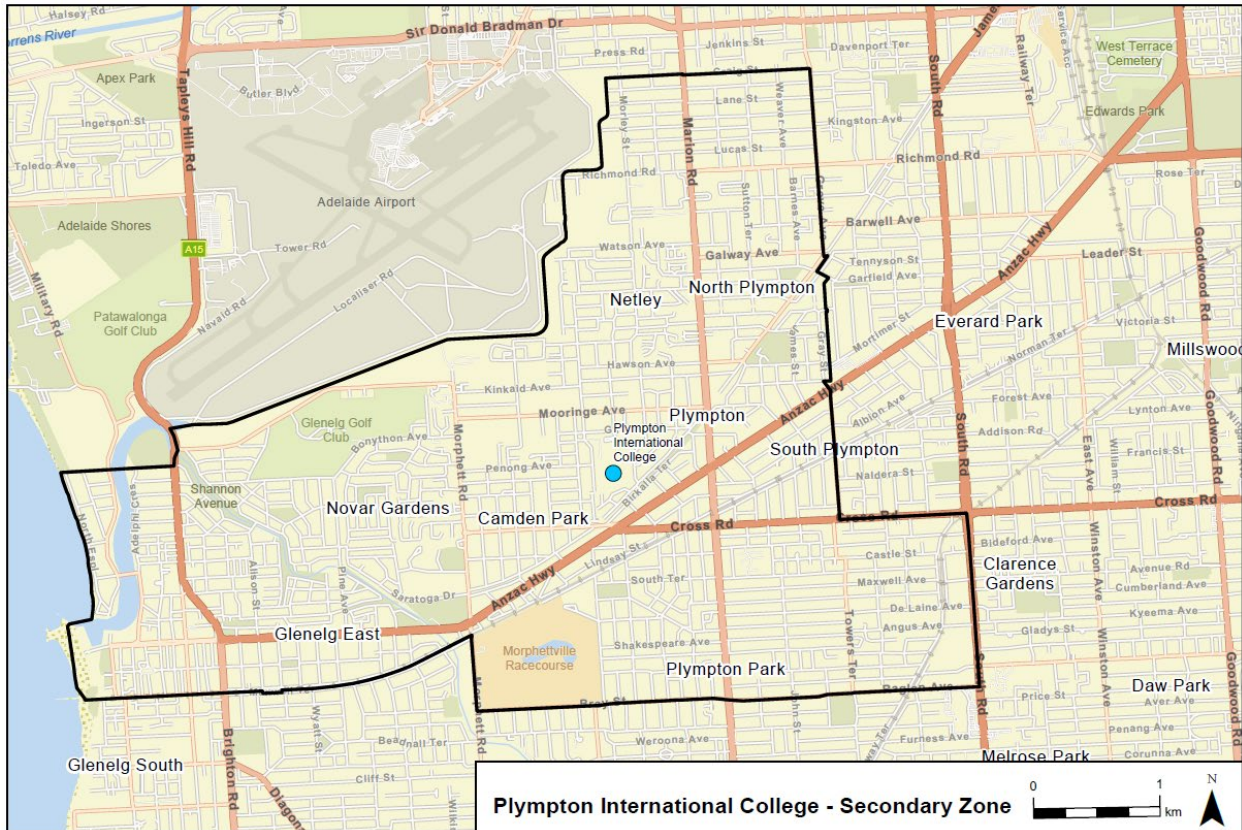
Notice of Policy by the Minister for Education, Training and Skills

PURSUANT to Regulation 12(1) of the Education and Children's Services Regulations 2020, I, the Minister for Education, Training and Skills publish a policy for the purposes of the enrolment of a child to attend at the secondary school at Plympton International College from 2024:

SCHOOL ZONE

Plympton International College secondary school zone

A school zone is a defined area from which the school accepts its core intake of students. The secondary school zone for Plympton International College is within the area bordered by the black line on the map below. Students residing within this zone are eligible to be enrolled in the secondary school at Plympton International College and will be given priority enrolment.



An online map of the Plympton International College zone and a search tool to indicate if a home address is within the school zone is available at www.education.sa.gov.au/findaschool.

Information on enrolment and placement in school is available from www.education.sa.gov.au/enrolment.

Dated: 21 October 2022

BLAIR BOYER
Minister for Education, Training and Skills

EDUCATION AND CHILDREN'S SERVICES REGULATIONS 2020

UNDERDALE HIGH SCHOOL SECONDARY SCHOOL ZONE

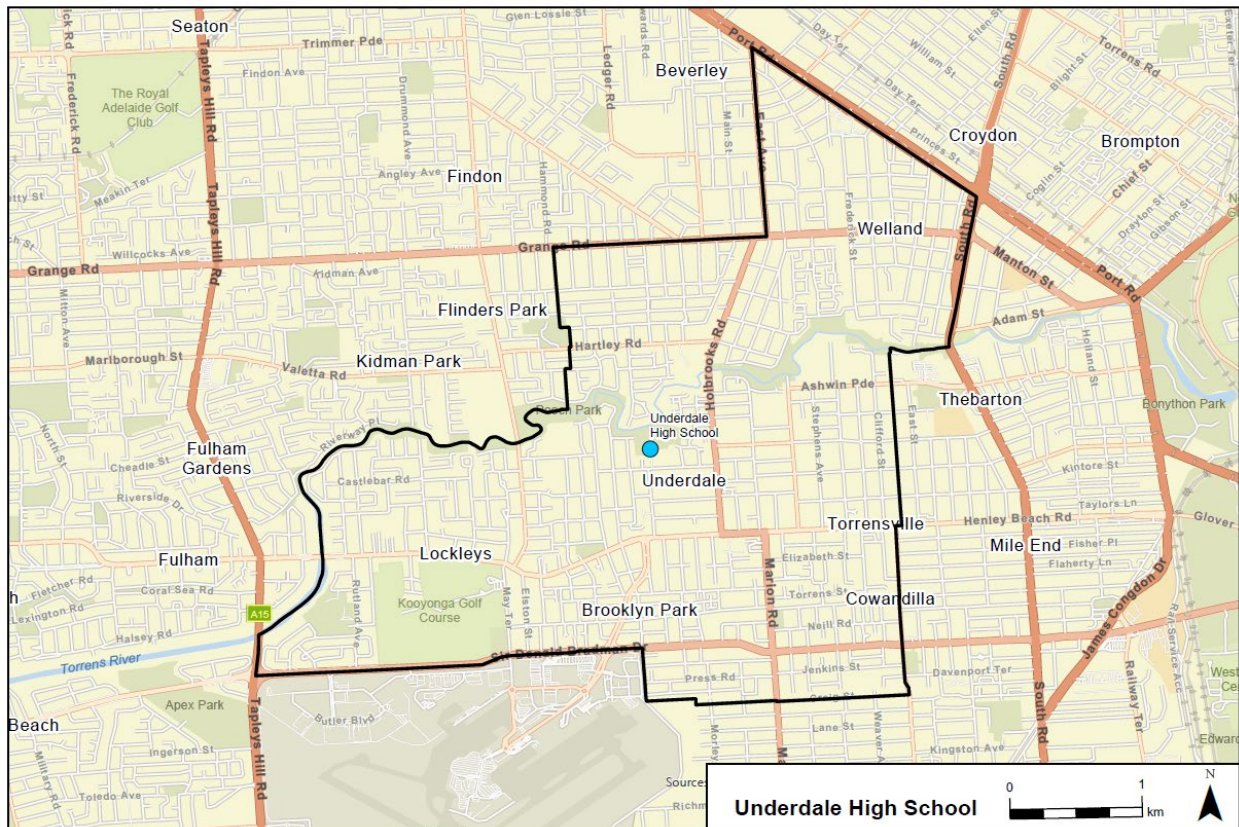
Notice of Policy by the Minister for Education, Training and Skills

PURSUANT to Regulation 12(1) of the Education and Children's Services Regulations 2020, I, the Minister for Education, Training and Skills publish a policy for the purposes of the enrolment of a child to attend at the secondary school at Underdale High School from 2024:

SCHOOL ZONE

Underdale High School secondary school zone

A school zone is a defined area from which the school accepts its core intake of students. The secondary school zone for Underdale High School is within the area bordered by the black line on the map below. Students residing within this zone are eligible to be enrolled in the secondary school at Underdale High School and will be given priority enrolment.



An online map of the Underdale High School zone and a search tool to indicate if a home address is within the school zone is available at www.education.sa.gov.au/findaschool.

Information on enrolment and placement in school is available from www.education.sa.gov.au/enrolment.

Dated: 21 October 2022

BLAIR BOYER
Minister for Education, Training and Skills

EDUCATION AND CHILDREN'S SERVICES REGULATIONS 2020

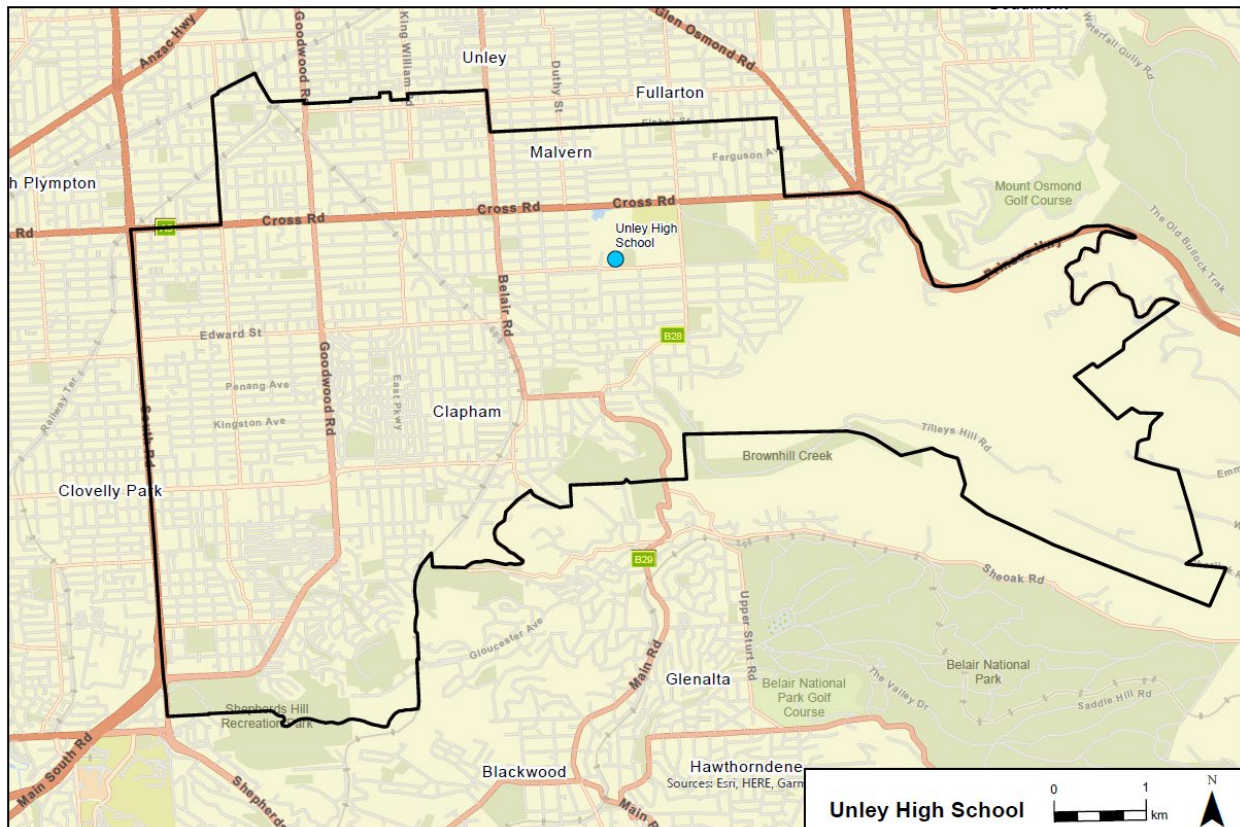
UNLEY HIGH SCHOOL SECONDARY SCHOOL ZONE

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 a policy for the purposes of the enrolment of a child to attend at the secondary school at Unley High School from 2024:

SCHOOL ZONE*Unley High School secondary school zone*

A school zone is a defined area from which the school accepts its core intake of students. The secondary school zone for Unley High School is within the area bordered by the black line on the map below. Students residing within this zone are eligible to be enrolled in the secondary school at Unley High School and will be given priority enrolment.



An online map of the Unley High School zone and a search tool to indicate if a home address is within the school zone is available at www.education.sa.gov.au/findaschool.

Information on enrolment and placement in school is available from www.education.sa.gov.au/enrolment.

Dated: 21 October 2022

BLAIR BOYER
Minister for Education, Training and Skills

[CORRIGENDUM]

EDUCATION AND CHILDREN'S SERVICES REGULATIONS 2020

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

In the *South Australian Government Gazette* No. 57, dated 25 August 2022, regarding the notice Riverbanks College B-12 CMP on pages 2701-2704, the final paragraph on page 2704 has been published incorrectly and should be replaced with the following:

Out of Catchment Applications

There is no automatic entry to the preschool for children who live outside of the preschool local catchment area and have siblings who attend the school.

Applications from parents of prospective preschool students, who live outside the preschool local catchment area will only be given consideration for enrolment if the preschool is under its enrolment number.

ELECTRICITY ACT 1996

MINISTERIAL NOTICE

Export Limits for Electricity Generating Plant

Pursuant to Regulation 55E(11) of the Electricity (General) Regulations 2012 under the *Electricity Act 1996*, the notice dated 17 February 2022 is revoked and the following day is specified as the prescribed day for the purposes of Regulation 55E(2)(b):

(a) 1 July 2023.

Dated: 25 October 2022

HON ANASTASIOS KOUTSANTONIS MP
Minister for Energy and Mining

FIRE AND EMERGENCY SERVICES ACT 2005

SECTION 78

Fire Danger Season

THE South Australian Country Fire Service hereby:

1. Fixes the date of the Fire Danger Season within the part of the State defined as the Adelaide Metropolitan Fire Ban District so as to commence on 1 December 2022 and to end on 30 April 2023.
2. Fixes the date of the Fire Danger Season within the part of the State defined as the Eastern Eyre Peninsula Fire Ban District so as to commence on 1 November 2022 and to end on 15 April 2023.
3. Fixes the date of the Fire Danger Season within the part of the State defined as the Flinders Fire Ban District so as to commence on 1 November 2022 and to end on 15 April 2023.
4. Fixes the date of the Fire Danger Season within the part of the State defined as the Kangaroo Island Fire Ban District so as to commence on 1 December 2022 and to end on 30 April 2023.
5. Fixes the date of the Fire Danger Season within the part of the State defined as the Lower Eyre Peninsula Fire Ban District so as to commence on 15 November 2022 and to end on 15 April 2023.
6. Fixes the date of the Fire Danger Season within the part of the State defined as the Lower South East Fire Ban District so as to commence on 22 November 2022 and to end on 30 April 2023.
7. Fixes the date of the Fire Danger Season within the part of the State defined as the Mid North Fire Ban District so as to commence on 15 November 2022 and to end on 30 April 2023.
8. Fixes the date of the Fire Danger Season within the part of the State defined as the Mount Lofty Ranges Fire Ban District so as to commence on 1 December 2022 and to end on 30 April 2023.
9. Fixes the date of the Fire Danger Season within the part of the State defined as the Murraylands Fire Ban District so as to commence on 15 November 2022 and to end on 15 April 2023.
10. Fixes the date of the Fire Danger Season within the part of the State defined as the North East Pastoral Fire Ban District so as to commence on 1 November 2022 and to end on 31 March 2023.
11. Fixes the date of the Fire Danger Season within the part of the State defined as the North West Pastoral Fire Ban District so as to commence on 1 November 2022 and to end on 31 March 2023.
12. Fixes the date of the Fire Danger Season within the part of the State defined as the Riverland Fire Ban District so as to commence on 15 November 2022 and to end on 15 April 2023.
13. Fixes the date of the Fire Danger Season within the part of the State defined as the Upper South East Fire Ban District so as to commence on 15 November 2022 and to end on 15 April 2023.
14. Fixes the date of the Fire Danger Season within the part of the State defined as the West Coast Fire Ban District so as to commence on 1 November 2022 and to end on 15 April 2023.
15. Fixes the date of the Fire Danger Season within the part of the State defined as the Yorke Peninsula Fire Ban District so as to commence on 15 November 2022 and to end on 30 April 2023.

Dated 27 October 2022

BRETT LOUGHLIN
Chief Officer
SA Country Fire Service

FISHERIES MANAGEMENT (PRAWN FISHERIES) REGULATIONS 2017

Variation to Fishing Activities in the Spencer Gulf Prawn Fishery

TAKE NOTE that pursuant to regulation 10 of the *Fisheries Management (Prawn Fisheries) Regulations 2017*, the notice dated 20 September 2022 on page 6144 of the *South Australian Government Gazette* on 23 September 2022 prohibiting fishing activities in the Spencer Gulf Prawn Fishery, is hereby varied such that it will not be unlawful for a person fishing pursuant to a Spencer Gulf Prawn Fishery licence to use prawn trawl nets in the areas specified in Schedule 1, during the period specified in Schedule 2, and under the conditions specified in Schedule 3.

SCHEDULE 1

The waters of the Spencer Gulf Prawn Fishery:

- a) Except the Northern Closure area, which is defined as the area north of the following index points:

1.	33	°	42.50	S	137	°	08.00	E
2.	33	°	42.50	S	137	°	26.00	E
3.	33	°	29.20	S	137	°	26.00	E
4.	33	°	29.20	S	137	°	28.50	E

5.	33	°	31.50	S	137	°	28.50	E
6.	33	°	31.50	S	137	°	30.00	E
7.	33	°	25.50	S	137	°	30.00	E
8.	33	°	25.50	S	137	°	32.50	E
9.	33	°	29.00	S	137	°	32.50	E
10.	33	°	29.00	S	137	°	34.40	E
11.	33	°	37.00	S	137	°	33.00	E
12.	33	°	44.50	S	137	°	30.00	E
13.	33	°	50.00	S	137	°	39.00	E

b) Except the Southern area, which is defined as the waters contained within the following index points:

1.	33	°	41.10	S	137	°	01.80	E
2.	33	°	50.20	S	137	°	01.80	E
3.	33	°	51.40	S	136	°	59.00	E
4.	33	°	55.10	S	137	°	04.00	E
5.	33	°	52.20	S	137	°	14.90	E
6.	33	°	56.00	S	137	°	18.00	E
7.	34	°	14.00	S	136	°	57.00	E
8.	34	°	14.00	S	136	°	55.00	E
9.	34	°	22.20	S	136	°	52.24	E
10.	34	°	22.20	S	136	°	57.80	E
11.	34	°	36.00	S	136	°	43.90	E
12.	34	°	36.00	S	136	°	35.00	E
13.	34	°	20.10	S	136	°	39.50	E
14.	34	°	02.80	S	136	°	51.40	E
15.	33	°	52.30	S	136	°	40.20	E

c) Except the Wardang Closure area, which is defined as the waters contained within the following index points:

1.	34	°	10.00	S	137	°	28.00	E
2.	34	°	21.00	S	137	°	12.00	E
3.	34	°	45.00	S	137	°	15.00	E
4.	34	°	48.53	S	137	°	09.45	E
5.	34	°	48.53	S	137	°	06.00	E
6.	34	°	50.75	S	137	°	06.00	E
7.	34	°	54.00	S	137	°	01.00	E

d) Except the Corny closure area, which is defined as the waters within and bounded by the following closure index points:

1.	34	°	27.00	S	136	°	53.00	E
2.	34	°	27.00	S	137	°	02.00	E
3.	34	°	35.00	S	136	°	56.00	E
4.	34	°	48.60	S	136	°	52.00	E
5.	34	°	54.00	S	136	°	52.00	E
6.	34	°	54.00	S	136	°	48.50	E
7.	34	°	49.50	S	136	°	48.50	E
8.	34	°	49.50	S	136	°	40.50	E
9.	34	°	39.50	S	136	°	40.50	E

Then back to point 1

e) Except the Jurassic Park closure area, which is defined as the waters contained within the following closure index points:

1.	33	°	54.90	S	137	°	17.60	E
2.	33	°	54.40	S	137	°	19.40	E
3.	33	°	54.70	S	137	°	19.60	E
4.	33	°	55.20	S	137	°	17.80	E

Then back to point 1

f) Except the Illusions closure area, which is defined as the waters contained within the following closure index points:

1.	33	°	28.8	S	137	°	32.2	E
2.	33	°	28.3	S	137	°	33.2	E
3.	33	°	28.85	S	137	°	33.5	E
4.	33	°	29.4	S	137	°	32.5	E

(then back to 1)

g) Except the Estelle Star closure area, which is defined as the waters contained within the following closure index points:

1.	33	°	58.8	S	136	°	49.8	E
2.	33	°	58.2	S	136	°	51	E
3.	33	°	59.1	S	136	°	51.7	E
4.	33	°	59.8	S	136	°	50.4	E

(Then back to point 1)

SCHEDULE 2

Commencing at sunset on 26 October 2022 and ending at sunrise on the 3 November 2022.

SCHEDULE 3

- The coordinates in Schedule 1 are defined as degrees decimal minutes and are based on the World Geodetic System 1984 (WGS 84).
- No fishing activity may be undertaken between the prescribed times of sunrise and sunset for Adelaide (as published in the *South Australian Government Gazette* pursuant to the requirements of the *Proof of Sunrise and Sunset Act 1923*) during the period specified in Schedule 2.

3. Based on the best information available from the fleet, fishing must cease in an area in the Mid/North Gulf if the average prawn bucket count exceeds 260 prawns per 7kg; or in an area in the Southern Gulf if the average prawn bucket count exceeds 260 prawns/7kg or in the whole area when a total catch of 350 tonnes has been landed.
4. No fishing activity may occur without the authorisation of Coordinator at Sea, Ashley Lukin, or other nominated Coordinator at Sea appointed by the Spencer Gulf and West Coast Prawn Fishermen's Association.
5. The authorisation of the Coordinator at Sea must be in writing, signed and record the day, date and permitted fishing area within the waters of Schedule 1 in the form of a notice sent to the fishing fleet or vary an earlier authorisation issued by the Coordinator at Sea.
6. The Coordinator at Sea must cause a copy of any authorisation for fishing activity or variation of same, made under this notice to be emailed to the Prawn Fisheries Manager immediately after it is made.
7. The Spencer Gulf and West Coast Prawn Fishermen's Association must keep records of all authorisations issued pursuant to this notice.

Dated: 26 October 2022

ASHLEY LUKIN
Coordinator at Sea, Spencer Gulf & West Coast Prawn Fishermen's Association Inc.
Delegate of the Minister for Primary Industries and Regional Development

HOUSING IMPROVEMENT ACT 2016

Rent Control

The Minister for Human Services Delegate in the exercise of the powers conferred by the *Housing Improvement Act 2016*, does hereby fix the maximum rental per week which shall be payable subject to Section 55 of the *Residential Tenancies Act 1995*, in respect of each house described in the following table. The amount shown in the said table shall come into force on the date of this publication in the *Gazette*.

Address of Premises	Allotment Section	Certificate of Title Volume/Folio	Maximum Rental per week payable
22 Gawler Street, Seaview Downs SA 5049	Allotment 511 Deposited Plan 3065 Hundred of Noarlunga	5659/723	\$255.00

Dated: 27 October 2022

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

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
8 Short Road, Elizabeth SA 5112	Allotment 58 Deposited Plan 6049 Hundred of Munno Para	CT5646/396

Dated: 27 October 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.

For a period of ten years for a term commencing on 8 November 2022 and expiring on 7 November 2032:

Paris Marie WILSON
Peter Anthony SNAITH
Peter Clive SHATTOCK
Aland Cesar QUINTANA
Judith Dorothy MICALLEF
Victoria Jane MEAKINS
Marelin Rigatola MATTHEWS
Susan LOVE
Joanna Mary HUBBARD
Ronald James HILL
Wendy Margaret HERBERT

Swee Ming DIEU
 John Richard BURROW
 Dianne Pamela BURBIDGE
 Ryan John BRADBROOK
 Gail Julia BARANOVSKIS
 Sally May Erica ARNOLD

Dated: 20 October 2022

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

MENTAL HEALTH ACT 2009

Authorised Community Mental Health Facility

NOTICE is hereby given, in accordance with Section 97A of the *Mental Health Act 2009*, that the Chief Psychiatrist has determined the following specified places are Authorised Community Mental Health Facilities from 27 October 2022:

Mt Gambier Child and Adolescent Mental Health Services (CAMHS), 2 Crouch Street North, Mount Gambier, SA 5290.

Mt Gambier Community Mental Health Team, 276-300 Wehl Street North, Mount Gambier, SA 5290.

Whyalla Child and Adolescent Mental Health Services (CAMHS), 20 Wood Terrace, Whyalla, SA 5600.

Whyalla Community Mental Health Service, 20 Wood Terrace, Whyalla, SA 5600.

Riverland Child and Adolescent Mental Health Services (CAMHS), Shop 4, Centre Point Mall, 12 Denny Street, Berri, SA 5343.

Riverland Community Mental Health Team, Berri Campus, Cornwall Street, Berri, SA 5343.

Dated: 27 October 2022

DR JOHN BRAYLEY
 Chief Psychiatrist

NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS) REGULATIONS 2016

National Parks and Wildlife Reserves—Fire Restrictions

PURSUANT to Regulation 15 of the *National Parks and Wildlife (National Parks) Regulations 2016*, I, Michael Joseph Williams, Director of National Parks and Wildlife and authorised delegate of the Witjira National Park Co-management Board and Lake Gairdner National Park Co-management Board, in my capacity as Executive Director, National Parks and Wildlife Service, impose fire restrictions for National Parks and Wildlife Reserves located in the South Australian Country Fire Service Fire Ban Districts as listed in Schedule 1 below.

The purpose of these fire restrictions is to ensure the safety of visitors using the Reserves, and in the interests of protecting the Reserves and neighbouring properties.

Dated: 12 October 2022

M. J. WILLIAMS
 Director of National Parks and Wildlife
 Executive Director, National Parks and Wildlife Service

SCHEDULE 1

1. ADELAIDE METROPOLITAN

All Reserves: All wood fires, solid fuel fires, gas fires and liquid fuel fires are prohibited throughout the year.

Exception: Cobble Creek Recreation Park: All wood fires, or solid fuel fires are prohibited throughout the year. Gas fires or liquid fuel fires are permitted in designated areas only, other than on days of total fire ban.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact the Adelaide and Mount Lofty Ranges regional office (08) 8336 0901 or CFS Information Hotline 1800 362 361

2. MOUNT LOFTY RANGES

Belair National Park: All wood fires, or solid fuel fires are prohibited throughout the year. Gas fires or liquid fuel fires are permitted in designated areas only, other than on days of total fire ban.

Exception: Designated fixed gas barbecues may be used on days of total fire ban other than when the Director has formally closed the Reserve in accordance with Regulation 7(3)(b) of the *National Parks and Wildlife (National Parks) Regulations 2016*.

Anstey Hill Recreation Park, Ballaparudda Creek recreation Park, Black Hill Conservation Park, Brownhill Creek Recreation Park, Cleland National Park, Kaiserstuhl Conservation Park, Morialta Conservation Park, Mount George Conservation Park, Newland Head Conservation Park, O'Halloran Hill Recreation Park, Sandy Creek Conservation Park, Shepherds Hill Recreation Park, Sturt Gorge Recreation Park, The Pages Conservation Park: All wood fires or solid fuel fires are prohibited throughout the year. Gas fires or liquid fuel fires are permitted in designated areas only, other than on days of total fire ban.

Aldinga Conservation Park, Blackwood Forest Recreation Park, Charleston Conservation Park, Cox Scrub Conservation Park, Cox Scrub Conservation Reserve, Eric Bonython Conservation Park, Ferries - McDonald Conservation Park, Finnis Conservation Park, Giles Conservation Park, Greenhill Recreation Park, Gum Tree Gully Conservation Park, Hale Conservation Park, Hesperilla Conservation Park, Hindmarsh Valley National Park, Horsnell Gully Conservation Park, Kenneth Stirling Conservation Park, Kyeema Conservation Park, Mark Oliphant Conservation Park, Moana Sands Conservation Park, Montacute Conservation Park, Mount Billy Conservation Park, Mount Magnificent Conservation Park, Mylor Conservation Park, Myponga Conservation Park, Nixon - Skinner Conservation Park, Onkaparinga River Recreation Park, Scott Conservation Park, Scott Creek Conservation Park, Spring Mount Conservation Park, Stipiturus Conservation Park, Talisker Conservation Park, The Knoll Conservation Park, Tolderol Game Reserve, Totness Recreation Park, Warren Conservation Park, Waitpinga Conservation Park,

Wiljani Conservation Park and Yulte Conservation Park: All wood fires, solid fuel fires, liquid fuel and gas fires are prohibited throughout the year.

Deep Creek National Park: All wood fires or solid fuel fires are prohibited from 1 November 2022 to 5 April 2023. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Onkaparinga River National Park: All wood fires or solid fuel fires are prohibited from 1 November 2022 to 5 April 2023. Gas fires or liquid fuel fires are permitted in designated areas other than on days of total fire ban.

Para Wirra Conservation Park: All wood fires or solid fuel fires are prohibited from 1 November 2022 to 5 April 2023. Gas fires or liquid fuel fires are permitted in designated areas other than on days of total fire ban.

Coorong National Park: All wood fires or solid fuel fires are prohibited from 15 Nov 2022 to 5 April 2023. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Exceptions: Wood fires or solid fuel fires are permitted between high water mark and low water mark on the Ocean Beach foreshore other than on days of total fire ban. Wood fires or solid fuel fires are permitted only in designated locations within campgrounds except from 15 November 2022 to 5 April 2023 inclusive and on days of total fire ban.

All other Reserves: All wood fires or solid fuel fires are prohibited from 1 December 2022 to 5 April 2023. Gas fires or liquid fuel fires are permitted in designated areas other than on days of total fire ban.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact the Adelaide and Mount Lofty Ranges regional office (08) 8336 0901 or CFS Information Hotline 1800 362 361.

3. KANGAROO ISLAND

Lashmar Conservation Park: All wood fires or solid fuel fires are prohibited throughout the year. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Exception: Antechamber Bay Campground - All wood fires or solid fuel fires are prohibited from 1 December 2022 to 5 April 2023, fires are permitted outside of these dates in designated areas only. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Cape Gantheaume Conservation Park: All wood fires or solid fuel fires are prohibited throughout the year. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Exception: Sewer Beach carpark - All wood fires or solid fuel fires are prohibited from 1 December 2022 to 5 April 2023, fires are permitted outside of these dates in designated areas only. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Kelly Hill Conservation Park: All wood fires or solid fuel fires are prohibited throughout the year. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Exception: Tea Tree Campsite, Grassdale - All wood fires or solid fuel fires are prohibited from 1 December 2022 to 5 April 2023, fires are permitted outside of these dates in designated areas only. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

All other Reserves: All wood fires or solid fuel fires are prohibited throughout the year. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact the Kangaroo Island regional office (08) 8553 4409 or CFS Information Hotline 1800 362 361.

4. MID NORTH

Clements Gap Conservation Park, Mimbara Conservation Park and Mokota Conservation Park: All wood fires, solid fuel fires, gas fires or liquid fuel fires are prohibited throughout the year.

Adelaide International Bird Sanctuary National Park - Winaityaty Pangkara: All wood fires or solid fuel fires are prohibited from 15 November 2022 to 5 April 2023. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Exception: Adelaide International Bird Sanctuary National Park - Winaityaty Pangkara, Ocean beach foreshores - Wood fires or solid fuel fires are permitted between high water mark and low water mark, throughout the year other than on days of total fire ban.

All other Reserves: All wood fires or solid fuel fires are prohibited throughout the year. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact the Yorke and Mid North regional office (08) 8841 3400 or CFS Information Hotline 1800 362 361.

5. YORKE PENINSULA

Dhilba Guuranda-Innes National Park: All wood fires or solid fuel fires are prohibited from 15 November 2022 to 5 April 2023, fires are permitted outside of these dates in designated areas only. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

All other Reserves: All wood fires or solid fuel fires are prohibited throughout the year. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact the Yorke and Mid North regional office (08) 8841 3400 or CFS Information Hotline 1800 362 361.

6. MURRAYLANDS

Bakara Conservation Park, Bandon Conservation Park, Billiatt Conservation Park, Carcuma Conservation Park, Ettrick Conservation Park, Karte Conservation Park, Lawari Conservation Park, Lowan Conservation Park, Mantung Conservation Park, Marne Valley Conservation Park, Mowantjie Willauwar Conservation Park, Ngarkat Conservation Park, Peebinga Conservation Park, Poonthie Ruwe Conservation Park, Ridley Conservation Park, Roonka Conservation Park, Swan Reach Conservation Park, Tolderol Game Reserve: All wood fires or solid fuel fires are prohibited from 15 November 2022 to 5 April 2023. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Ngaut Ngaut Conservation Park: Please refer to separate notice published by the Ngaut Ngaut Conservation Park Co-management Board.

All other Reserves: All wood fires, solid fuel fires, gas fires and liquid fuel fires are prohibited throughout the year.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact the Riverland and Murraylands regional office (08) 8595 2111 or CFS Information Hotline 1800 362 361.

7. RIVERLAND

Cooltong Conservation Park, Hogwash Bend Conservation Park: All wood fires, solid fuel fires, gas fires and liquid fuel fires are prohibited throughout the year.

Kapunda Island Conservation Park, Media Island Conservation Park, Rilli Island Conservation Park, White Dam Conservation Park: All wood fires or solid fuel fires are prohibited throughout the year. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Murray River National Park: All wood fires or solid fuel fires are prohibited from 15 November 2022 to 5 April 2023. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Exception: Paringa Paddock - All wood fires or solid fuel fires are prohibited throughout the year. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

All other Reserves: All wood fires or solid fuel fires are prohibited from 15 November 2022 to 5 April 2023. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact either the Riverland and Murraylands regional office (08) 8595 2111 or CFS Information Hotline 1800 362 361.

8. UPPER SOUTH EAST

Aberdour Conservation Park, Bunbury Conservation Reserve, Hardings Springs Conservation Reserve, Mount Boothby Conservation Park, Mount Monster Conservation Park, and Poocher Swamp Game Reserve: All wood fires or solid fuel fires are prohibited throughout the year. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Coorong National Park: All wood fires or solid fuel fires are prohibited from 15 Nov 2022 to 5 April 2023. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Exceptions: Wood fires or solid fuel fires are permitted between high water mark and low water mark on the Ocean Beach foreshore other than on days of total fire ban. Wood fires or solid fuel fires are permitted only in designated locations within campgrounds except from 15 November 2022 to 5 April 2023 inclusive and on days of total fire ban.

Gum Lagoon Conservation Park: All wood fires or solid fuel fires are prohibited from 15 November 2022 to 5 April 2023. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

All other Reserves: All wood fires or solid fuel fires are prohibited from 15 November 2022 to 5 April 2023. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact the Limestone Coast regional office (08) 8735 1177 or CFS Information Hotline 1800 362 361.

9. LOWER SOUTH EAST

Baudin Rocks Conservation park, Belt Hill Conservation Park, Bernouilli Conservation Reserve, Bool Lagoon Game Reserve, Bucks Lake Conservation Park, Butcher Gap Conservation Park, Carpenter Rocks Conservation Park, Desert Camp Conservation Reserve, Ewens Ponds Conservation Park, Furner Conservation Park, Hacks Lagoon Conservation Park, Lake Frome Conservation Park, Lake Robe Game Reserve, Lower Glenelg River Conservation Park, and Paranki Lagoon Conservation Park: All wood fires or solid fuel fires are prohibited throughout the year. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Coorong National Park: All wood fires or solid fuel fires are prohibited from 15 November 2022 to 5 April 2023. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Exceptions: Wood fires or solid fuel fires are permitted between high water mark and low water mark on the Ocean Beach foreshore other than on days of total fire ban. Wood fires or solid fuel fires are permitted only in designated locations within campgrounds except from 15 November 2022 to 5 April 2023 inclusive and on days of total fire ban.

Piccaninnie Ponds Conservation Park: All wood fires or solid fuel fires are prohibited throughout the year. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Exception: All reserves with ocean beach foreshores - Wood fires or solid fuel fires are permitted between high water mark and low water mark, provided

- (a) It is not a total fire ban day;
- (b) Wood has been supplied from outside the park;
- (c) A person is in attendance; and
- (d) The fire is extinguished before departure

All other Reserves: All wood fires or solid fuel fires are prohibited from 22 November 2022 to 5 April 2023. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact the Limestone Coast regional office (08) 8735 1177 or CFS Information Hotline 1800 362 361.

10. FLINDERS

Ikara-Flinders Ranges National Park: All wood fires or solid fuel fires are prohibited from 1 November 2022 to 5 April 2023, fires are permitted outside of these dates in designated areas only. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Exception: Within Wilpena Pound (does not apply to Wilpena Pound Resort): All wood fires, solid fuel fires, liquid fuel or gas fires are prohibited throughout the year other than that at Wilcolo Camp where gas fires are permitted other than days of total fire ban.

Mount Remarkable National Park: All wood fires or solid fuel fires are prohibited throughout the year. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Exception: Mambray Creek Campground and Baroota Campground: All wood fires or solid fuel fires are prohibited from 1 November 2022 to 5 April 2023, fires are permitted outside of these dates in designated areas only. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

All other Reserves: All wood fires or solid fuel fires are prohibited throughout the year. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact the Flinders and Outback regional office (08) 8648 5300, Yorke and Mid North regional office (08) 8841 3400, or Wilpena Visitor Centre (08) 8648 0048 or CFS Information Hotline 1800 362 361.

11. NORTH EAST PASTORAL

Nilpena Ediacara National Park, Innamincka Regional Reserve, Lake Frome National Park, Lake Torrens National Park, Munga-Thirri – Simpson Desert Conservation Park, Munga-Thirri – Simpson Desert Regional Reserve, Vulkathunha-Gammon Ranges National Park: All wood fires or solid fuel fires are prohibited from 1 November 2022 to 31 March 2023. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Bimbowrie Conservation Park, Kati Thanda-Lake Eyre National Park, Malkumba-Coongie Lakes National Park, Wabma Kadarbu Mound Springs Conservation Park, Pualco Range Conservation Park: All wood fires or solid fuel fires are prohibited throughout the year. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Exception: Bimbowrie Conservation Park: Antro Shearer's Quarters - Wood fires or solid fuel fires are prohibited from 1 November 2022 to 5 April 2023.

Danggali Conservation Park: All wood fires or solid fuel fires are prohibited from 1 November 2022 to 5 April 2023. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Exception: Canopus Shearer's Quarters - Wood fires or solid fuel fires are permitted throughout the year other than on days of total fire ban.

Malkumba-Coongie Lakes National Park, Kati Thanda-Lake Eyre National Park, Wabma Kadarbu Mound Springs Conservation Park: All wood fires or solid fuel fires are prohibited throughout the year. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Witjira National Park: All wood fires are prohibited throughout the year. Solid fuel fires are prohibited from 1 November 2022 to 31 March 2023, solid fuel fires are permitted outside of these dates in portable fire pits, braziers with trays, or similar receptacles, other than on days of total fire ban. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Exception: Mt Dare Campground - Gas fires or liquid fuel fires are permitted other than on days of total fire ban. Wood fires and solid fuel fires are prohibited from 1 November 2022 to 31 March 2023. Wood fires or solid fuel fires are otherwise permitted providing the following conditions are met:

- (a) It is not a total fire ban day;
- (b) Wood has been supplied from outside the park;
- (c) A person is in attendance; and
- (d) The fire is extinguished before departure

All other Reserves: All wood fires, solid fuel fires, gas fires and liquid fuel fires are prohibited throughout the year.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact the Riverland and Murraylands regional office (08) 8595 2111, Yorke and Mid North regional office (08) 8841 3400, Flinders and Outback regional office (08) 8648 5300 or CFS Information Hotline 1800 362 361.

12. EASTERN EYRE PENINSULA

Caralue Bluff Conservation Park, Carappee Hill Conservation Park, Darke Range Conservation Park, Franklin Harbor Conservation Park, Heggaton Conservation Park, Ironstone Hill Conservation Park, Lake Gilles Conservation Park, Middle Camp Hills Conservation Park, Munyaroo Conservation Park, Pinkawillinie Conservation Park, Pinkawillinie Reservoir Conservation Reserve, Poolgarra Conservation Reserve, Rudall Conservation Park, Sheoak Hill Conservation Park, The Plug Range Conservation Park Verran Tanks Conservation Park, Wharminda Conservation Park, Yeldulknie Conservation Park: All wood fires or solid fuel fires are prohibited from 1 November 2022 to 5 April 2023. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

All other Reserves: All wood fires, solid fuel fires, gas fires and liquid fuel fires are prohibited throughout the year.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact the Eyre and Far West regional office (08) 8688 3111 or CFS Information Hotline 1800 362 361.

13. NORTH WEST PASTORAL

Lake Gairdner National Park, Lake Torrens National Park and Tallaringa Conservation Park: All wood fires or solid fuel fires are prohibited from 1 November 2022 to 31 March 2023. Gas fires and liquid fuel fires are permitted other than on days of total fire ban.

Mamungari Conservation Park: Please refer to separate notice published by the Mamungari Conservation Park Co-management Board.

All other Reserves: All wood fires, solid fuel fires, gas fires and liquid fuel fires are prohibited throughout the year.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact either the Eyre and Far West regional office (08) 8688 3111, Flinders and Outback regional office (08) 8648 5300 or CFS Information Hotline 1800 362 361.

14. LOWER EYRE PENINSULA

Coffin Bay National Park, Kellidie Bay Conservation Park, Lincoln National Park, Mount Dutton Bay Conservation Park, Murrumbidgee Conservation Park, Sleaford Mere Conservation Park, Sir Joseph Banks Group Conservation Park, Shannon Conservation Park: All wood fires or solid fuel fires are prohibited from 1 November 2022 to 5 April 2023. Gas fires are permitted other than on days of total fire ban.

Exception: Coffin Bay National Park, Lincoln National Park - Wood fires or solid fuel fires are permitted between high water mark and low water mark, providing the following conditions are applied:

- (a) it is not a total fire ban day;

- (b) wood has been supplied from outside the park;
- (c) a person is in attendance; and
- (d) the fire is extinguished before departure.

Gas and liquid fuel fires are permitted other than on days of total fire ban.

All other Reserves: All wood fires, solid fuel fires, gas fires and liquid fuel fires are prohibited throughout the year.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact the Eyre and Far West regional office (08) 8688 3111 or CFS Information Hotline 1800 362 361.

15. WEST COAST

Acraman Creek Conservation Park, Barwell Conservation Park, Bascombe Well Conservation Park, Boondina Conservation Park, Calpatanna Waterhole Conservation Park, Cape Blanche Conservation Park, Caratoola Recreation Park, Chadinga Conservation Park, Cocata Conservation Park, Corrobinnie Hill Conservation Park, Fowlers Bay Conservation Park, Gawler Ranges Conservation Park, Gawler Ranges National Park, Kulliparu Conservation Park, Laura Bay Conservation Park, Lake Gilles Conservation Park, Lake Newland Conservation Park, Nullarbor Regional Reserve, Nullarbor National Park, Peachna Conservation Park, Pinkawillinie Conservation Park, Point Bell Conservation Park, Point Labatt Conservation Park, Pureba Conservation Park, Sceale Bay Conservation Park, Searcy Bay Conservation Park, Venus Bay Conservation Park, Wahgunyah Conservation Park, Wittelbee Conservation Park, Yellabinna Regional Reserve: All wood fires or solid fuel fires are prohibited from 1 November 2022 to 5 April 2023. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Yumbarra Conservation Park: Please refer to separate notice published by the Yumbarra Conservation Park Co-management Board.

All other Reserves: All wood fires, solid fuel fires, gas fires and liquid fuel fires are prohibited throughout the year.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact the Eyre and Far West regional office (08) 8688 3111 or CFS Information Hotline 1800 362 361.

NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS) REGULATIONS 2016

Ngaut Ngaut Conservation Park—Fire Restrictions

PURSUANT to Regulation 15 of the *National Parks and Wildlife (National Parks) Regulations 2016*, the Ngaut Ngaut Conservation Park Co-management Board imposes fire restrictions for Ngaut Ngaut Conservation Park as follows:

All wood fires or solid fuel fires are prohibited from 15 November 2022 to 5 April 2023. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

The purpose of these fire restrictions is to ensure the safety of visitors using the reserve, and in the interests of protecting the reserve and neighbouring properties.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact the DEW Information Line (08) 8204 1910 or CFS Fire Bans Hotline 1800 362 361.

Dated: 20 September 2022

PAUL GILLEN
Deputy Chairperson

NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS) REGULATIONS 2016

Yumbarra Conservation Park—Fire Restrictions

PURSUANT to Regulation 15 of the *National Parks and Wildlife (National Parks) Regulations 2016*, the Yumbarra Conservation Park Co-management Board imposes fire restrictions for Yumbarra Conservation Park as follows:

All wood fires or solid fuel fires are prohibited from 1 November 2022 to 31 March 2023. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

The purpose of these fire restrictions is to ensure the safety of visitors using the reserve, and in the interests of protecting the reserve and neighbouring properties.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact the DEW Information Line (08) 8204 1910 or CFS Fire Bans Hotline 1800 362 361.

Dated: 30 September 2022

DR M. WARD
Board Deputy Chairperson

PASTORAL LAND MANAGEMENT AND CONSERVATION ACT 1989

Public Access Route Closures October 2022

Notice of Intent to Temporarily Close Public Access Route Number 1 Copper King Mine

Notice is hereby given of the intent to temporarily close the Copper King Mine Public Access Route from Zinc Mine Road turn off to the Copper King Mine, from 24 October 2022 until further notice, pursuant to section 45 (7) of the *Pastoral Land Management and Conservation Act 1989*. Notification of the re-opening of the Public Access Route will be provided on the Department of Planning, Transport and Infrastructure's Outback Road Warnings website at www.dpti.sa.gov.au/OutbackRoads/outback_road_warnings/special_notices

Notice of Intent to Temporarily Close Public Access Route Number 2 Level Post Bay

Notice is hereby given of the intent to temporarily close the Level Post Bay Public Access Route from junction at Muloorina Homestead Road to car park at edge of Lake Eyre, from 24 October 2022 until further notice, pursuant to section 45 (7) of the *Pastoral Land Management and Conservation Act 1989*. Notification of the re-opening of the Public Access Route will be provided on the Department of Planning, Transport and Infrastructure's Outback Road Warnings website at www.dpti.sa.gov.au/OutbackRoads/outback_road_warnings/special_notices

Notice of Intent to Temporarily Close Public Access Route Number 4 Artimore

Notice is hereby given of the intent to temporarily close the Artimore Public Access Route from Moolooloo Homestead to Narrina Road junction, from 24 October 2022 until further notice, pursuant to section 45 (7) of the *Pastoral Land Management and Conservation Act 1989*. Notification of the re-opening of the Public Access Route will be provided on the Department of Planning, Transport and Infrastructure's Outback Road Warnings website at www.dpti.sa.gov.au/OutbackRoads/outback_road_warnings/special_notices

Notice of Intent to Temporarily Close Public Access Route Number 5 Patawarta Gap

Notice is hereby given of the intent to temporarily close the Patawarta Gap Public Access Route from WP 64 to Narrina boundary gate, from 24 October 2022 until further notice, pursuant to section 45 (7) of the *Pastoral Land Management and Conservation Act 1989*. Notification of the re-opening of the Public Access Route will be provided on the Department of Planning, Transport and Infrastructure's Outback Road Warnings website at www.dpti.sa.gov.au/OutbackRoads/outback_road_warnings/special_notices

Notice of Intent to Temporarily Close Public Access Route Number 7 Curdimurka

Notice is hereby given of the intent to temporarily close the Curdimurka Public Access Route from southern turn off the Oodnadatta Track to northern entrance from the Oodnadatta Track, from 24 October 2022 until further notice, pursuant to section 45 (7) of the *Pastoral Land Management and Conservation Act 1989*. Notification of the re-opening of the Public Access Route will be provided on the Department of Planning, Transport and Infrastructure's Outback Road Warnings website at www.dpti.sa.gov.au/OutbackRoads/outback_road_warnings/special_notices

Notice of Intent to Temporarily Close Public Access Route Number 8 Pedirka

Notice is hereby given of the intent to temporarily close the Pedirka Public Access Route from turn off from Mt Dare Road, just north of Hamilton Station to entrance gate in Witjira National Park from 24 October 2022 until further notice, pursuant to section 45 (7) of the *Pastoral Land Management and Conservation Act 1989*. Notification of the re-opening of the Public Access Route will be provided on the Department of Planning, Transport and Infrastructure's Outback Road Warnings website at www.dpti.sa.gov.au/OutbackRoads/outback_road_warnings/special_notices

Notice of Intent to Temporarily Close Public Access Route Number 9 Warraweena

Notice is hereby given of the intent to temporarily close the Warraweena Public Access Route from gate at Warraweena Homestead to Narrina/Warraweena boundary, from 24 October 2022 until further notice, pursuant to section 45 (7) of the *Pastoral Land Management and Conservation Act 1989*. Notification of the re-opening of the Public Access Route will be provided on the Department of Planning, Transport and Infrastructure's Outback Road Warnings website at www.dpti.sa.gov.au/OutbackRoads/outback_road_warnings/special_notices

Notice of Intent to Temporarily Close Public Access Route Number 13 Halligan Point

Notice is hereby given of the intent to temporarily close the Halligan Point Public Access Route from turn off from Oodnadatta Track south of William Creek to entrance of car park at Halligan Bay, from 24 October 2022 until further notice, pursuant to section 45 (7) of the *Pastoral Land Management and Conservation Act 1989*. Notification of the re-opening of the Public Access Route will be provided on the Department of Planning, Transport and Infrastructure's Outback Road Warnings website at www.dpti.sa.gov.au/OutbackRoads/outback_road_warnings/special_notices

Notice of Intent to Temporarily Close Public Access Route Number 14 Strangway Springs

Notice is hereby given of the intent to temporarily close the Strangway Springs Public Access Route from T-junction on Oodnadatta track to the Stile at carpark, from 24 October 2022 until further notice, pursuant to section 45 (7) of the *Pastoral Land Management and Conservation Act 1989*. Notification of the re-opening of the Public Access Route will be provided on the Department of Planning, Transport and Infrastructure's Outback Road Warnings website at www.dpti.sa.gov.au/OutbackRoads/outback_road_warnings/special_notices

Notice of Intent to Temporarily Close Public Access Route Number 18 Lake Cadibarrawirracanna

Notice is hereby given of the intent to temporarily close the Lake Cadibarrawirracanna Public Access Route from William Creek road turn off to the lookout, from 24 October 2022 until further notice, pursuant to section 45 (7) of the *Pastoral Land Management and Conservation Act 1989*. Notification of the re-opening of the Public Access Route will be provided on the Department of Planning, Transport and Infrastructure's Outback Road Warnings website at www.dpti.sa.gov.au/OutbackRoads/outback_road_warnings/special_notices

Dated: 24 October 2022

BIANCA LEWIS
Pastoral Board delegate of section 45 (7) of the
Pastoral Land Management and Conservation Act 1989
Manager Pastoral Unit
Department for Environment and Water

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000*Suspension of Petroleum Retention Licence—PRLs 76 and 77*

Pursuant to section 90 of the *Petroleum and Geothermal Energy Act 2000*, notice is hereby given that the above-mentioned Licences have been suspended for the period from 29 August 2022 to 28 August 2023 inclusive, pursuant to delegated powers dated 29 June 2018.

The expiry date of PRLs 76 and 77 is now determined to be 11 November 2023.

Dated: 17 October 2022

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

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

SECTION 76

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

It is necessary to amend the Planning and Design Code (the Code) in operation at 13 October 2022 (Version 2022.19) in order to make changes of form relating to the Code's spatial layers and their relationship with land parcels. NOTE: There are no changes to the application of zone, subzone or overlay boundaries and their relationship with affected parcels or the intent of policy application as a result of this amendment:

1. PURSUANT to section 76 of the *Planning, Development and Infrastructure Act 2016* (the Act), I hereby amend the Code in order to make changes of form (without altering the effect of underlying policy), correct errors and make operational amendments as follows:
 - a. Undertake minor alterations to the geometry of the spatial layers and data in the Code to maintain the current relationship between the parcel boundaries and Code data as a result of the following:
 - i. New plans of division deposited in the Land Titles Office between 5 October 2022 and 18 October 2022 affecting the following spatial and data layers in the Code:
 - A. Zones and subzones
 - B. Technical and Numeric Variations
 - Building Heights (Levels)
 - Building Heights (Metres)
 - Concept Plan
 - Gradient Minimum Frontage
 - Gradient Minimum Site Area
 - Interface Height
 - Minimum Dwelling Allotment Size
 - Minimum Primary Street Setback
 - Minimum Side Boundary Setback
 - Future Local Road Widening Setback
 - Minimum Frontage
 - Minimum Site Area
 - Site Coverage
 - C. Overlays
 - Affordable Housing
 - Coastal Areas
 - Design
 - Environment and Food Production Area
 - Future Road Widening
 - Hazards (Bushfire - High Risk)
 - Hazards (Bushfire - Medium Risk)
 - Hazards (Bushfire - General Risk)
 - Hazards (Bushfire - Urban Interface)
 - Hazards (Bushfire - Regional)
 - Hazards (Bushfire - Outback)
 - Heritage Adjacency
 - Historic Area
 - Local Heritage Place
 - Noise and Air Emissions
 - State Heritage Place
 - Scenic Quality
 - Stormwater Management
 - Urban Tree Canopy
 - ii. Improved spatial data for existing land parcels in the following locations (as described in Column A) that affect data layers in the Code (as shown in Column B):

Location (Column A)	Layers (Column B)
<p>Plympton / Kurralta Park</p> 	<p>Zones</p> <p>Technical and Numeric Variations</p> <ul style="list-style-type: none"> - Building Height (Levels) - Building Height (Metres) - Interface Height - Minimum Primary Street Setback - Minimum Frontage - Minimum Site Area <p>Overlays</p> <ul style="list-style-type: none"> - Affordable Housing - Design - Noise and Air Emissions - Stormwater Management - Urban Tree Canopy
<p>Underdale</p> 	<p>Overlays</p> <ul style="list-style-type: none"> - Future Road Widening

- b. In Part 13 of the Code – Table of Amendments, update the publication date, Code version number, amendment type and summary of amendments within the ‘Table of Planning and Design Code Amendments’ to reflect the amendments to the Code as described in this Notice.
2. PURSUANT to section 76(5)(a) of the Act, I further specify that the amendments to the Code as described in this Notice will take effect upon the date those amendments are published on the SA planning portal.

Dated: 24 October 2022

GREG VAN GAANS
 Director, Land and Built Environment
 Department for Trade and Investment
 Delegate of the Minister for Planning

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

SECTION 76

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

On 16 December 2021, the State Planning Commission (the Commission) published notice in the *Government Gazette* of its intention to make variations to the boundaries of the Environment and Food Production Areas. That notice declared that the variations will come into operation on a date to be fixed by a further notice published on the SA Planning Portal, following completion of the relevant parliamentary processes in sections 7(12) to (15) of the *Planning, Development and Infrastructure Act 2016* (the Act).

The Commission has published the further notice on the SA Planning Portal declaring that the variations to the Environment and Food Production Areas published in the *Government Gazette* on 16 December 2021 will come into operation on 27 October 2022.

It is now necessary to amend the Planning and Design Code (the Code) in operation at 13 October 2022 (Version 2022.19) in order to make changes to provide consistency between the Code and section 7(5) of the Act following the notice published on 16 December 2021 coming into operation.

1. PURSUANT to section 76(2)(c) of the *Planning, Development and Infrastructure Act 2016*, I hereby amend the Planning and Design Code (the Code) in order to make the following minor or operational amendments as follows:
 - c. Amend the Environment and Food Production Area Overlay of the Code so it aligns with the variations to the Environment and Food Production Areas published in the *Government Gazette* on 16 December 2021.
 - d. In Part 13 of the Code – Table of Amendments, update the publication date, Code version number, amendment type and summary of amendments within the ‘Table of Planning and Design Code Amendments’ to reflect the amendments to the Code as described in this Notice.
2. PURSUANT to section 76(5)(a) of the Act, I further specify that the amendments to the Code as described in this Notice will take effect on 27 October 2022.

Dated: 20 October 2022

SALLY SMITH
Executive Director, Planning and Land Use Services
Department for Trade and Investment
Delegate of the Minister for Planning

ROADS (OPENING AND CLOSING) ACT 1991

SECTION 24

**NOTICE OF CONFIRMATION OF
ROAD PROCESS ORDER***Road Closure—Public Road adjacent Market Street, Adelaide*

BY Order by the Minister for Planning to Close Road made on 17 October 2022, The Corporation of the City of Adelaide ordered that:

1. The whole of the Public Road situated adjacent to and west of Market Street, Adelaide, Hundred of Adelaide, more particularly delineated and lettered ‘A’ in Preliminary Plan 20/0034 be closed.
2. Issue a Certificate of Title for the whole of land subject to closure to Primefield Property Pty Ltd in accordance with the Application for Document of Title dated 28 July 2020.
3. The following easements are to be granted over the whole of the land subject to closure:
 - a) Grant to the South Australian Water Corporation an easement for sewerage purposes.
 - b) Grant to The Corporation of the City of Adelaide a long form right of way.
 - c) Grant to The Corporation of the City of Adelaide a long form easement for Traffic Signage.
 - d) Grant a right of way in favour of Allotments 19, 20, 21, 22 and 23 in Deposited Plan 130104.

On 17 October 2022 that order was confirmed by the Minister for Planning conditionally upon the deposit by the Registrar-General of Deposited Plan 130104 being the authority for the new boundaries.

Pursuant to section 24 of the *Roads (Opening and Closing) Act 1991*, NOTICE of the Order referred to above and its confirmation is hereby given.

Dated: 27 October 2022

B. J. SLAPE
Surveyor-General

2020/15306/01

ROADS (OPENING AND CLOSING) ACT 1991

SECTION 24

**NOTICE OF CONFIRMATION OF
ROAD PROCESS ORDER***Road Closure—Public Road, Stirling North*

BY Road Process Order made on 29 April 2022, to the Port Augusta City Council ordered that:

1. Portion of Allotment 14 in Deposited Plan 84379, more particularly delineated and numbered ‘1’ and ‘2’ on Preliminary Plan 18/0044 be opened as road.
2. Portion of Public Road, Stirling North, situated adjoining Section 892, Hundred of Davenport, more particularly delineated and lettered ‘A’ in Preliminary Plan 18/0044 be closed.
3. Transfer the whole of the land subject to closure to Boral Resources (SA) Ltd. (ACN: 007 516 494) in accordance with the Agreement for Transfer dated 25 February 2022 entered into between the Port Augusta City Council and Boral Resources (SA) Ltd. (ACN: 007 516 494).

4. Issue a Certificate of Title to the Port Augusta City Council for the whole of the land subject to closure lettered 'B' and 'C' in accordance with the Application for Document of Title dated 11 December 2022.

On 21 October 2022 that order was confirmed by the Minister for Planning conditionally upon the deposit by the Registrar-General of Deposited Plan 129825 being the authority for the new boundaries.

Pursuant to section 24 of the *Roads (Opening and Closing) Act 1991*, NOTICE of the Order referred to above and its confirmation is hereby given.

Dated: 27 October 2022

B. J. SLAPE
Surveyor-General

2018/20662/01

SHOP TRADING HOURS ACT 1977

SECTION 13

Specified weekdays of trading until midnight

PURSUANT to section 13(2)(d) of the *Shop Trading Hours Act 1977*, I, Kyam Maher, Minister for Industrial Relations and Public Sector, specify the following weekdays that the shopkeeper of a shop situated in the Greater Adelaide Shopping District may open the shop until midnight.

- Thursday, 15 December 2022
- Thursday, 22 December 2022
- Friday, 23 December 2022

Dated: 27 October 2022

HON KYAM MAHER MLC
Minister for Industrial Relations and Public Sector

SURVEYOR-GENERAL

SPATIAL DATA PROVISION TO LOCAL GOVERNMENT AUTHORITIES

Effective from 1 July 2022

The fees for the provision of spatial datasets provided to Local Government Authorities by the Surveyor-General are based on the consumption of the data provided.

Annual fees for the 2022/23 financial year are set out below.

Extracts	Financial Year 22/23	GST Inc
6	\$4,420.68	\$4,862.75
5	\$3,804.60	\$4,185.06
4	\$3,188.52	\$3,507.37
3	\$2,572.44	\$2,829.68
2	\$1,955.34	\$2,150.87
1	\$1,339.26	\$1,473.19

Dated: 24 October 2022

HON NICK CHAMPION MP
Minister for Trade and Investment
Minister for Housing and Urban Development
Minister for Planning

VOLUNTARY ASSISTED DYING ACT 2021

Voluntary Assisted Dying Training for Medical Practitioners

I, ROBYN LAWRENCE, Chief Executive of the Department for Health and Wellbeing, pursuant to Section 13 of the *Voluntary Assisted Dying Act 2021* and Section 38(1) of the *Legislation Interpretation Act 2021*, hereby approve the training relating to the following matters:

- (a) requirements under the Voluntary Assisted Dying Act relating to coordinating medical practitioners and consulting medical practitioners, including functions of coordinating medical practitioners and consulting medical practitioners;
- (b) assessing whether or not a person meets the eligibility criteria;
- (c) identifying and assessing risk factors for abuse or coercion.

Mandatory Voluntary Assisted Dying Training for Medical Practitioners conducted online through a secure Learning Management System and in person through an accredited training organisation delivering medical education and training to the health sector.

Dated: 26 October 2022

DR ROBYN LAWRENCE
Chief Executive
Department for Health and Wellbeing

WILDERNESS PROTECTION REGULATIONS 2006

Wilderness Protection Areas—Fire Restrictions

PURSUANT to Regulation 12 of the *Wilderness Protection Regulations 2006*, I, Michael Joseph Williams, Director of National Parks and Wildlife impose fire restrictions for Wilderness Protection Areas located in the South Australian Country Fire Service Fire Ban Districts as listed in Schedule 1 below.

The purpose of these fire restrictions is to ensure the safety of visitors, and in the interests of protecting the Wilderness Protection Areas and neighbouring properties.

Dated: 12 October 2022

M. J. WILLIAMS
Director of National Parks and Wildlife

SCHEDULE 1

1. KANGAROO ISLAND

All Wilderness Protection Areas: All wood fires or solid fuel fires are prohibited throughout the year. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact the Kangaroo Island regional office (08) 8553 4409 or CFS Information Hotline 1800 362 361.

2. EASTERN EYRE PENINSULA

All Wilderness Protection Areas: All wood fires or solid fuel fires are prohibited throughout the year. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact the Eyre and Far West regional office (08) 8688 3111 or CFS Information Hotline 1800 362 361.

3. LOWER EYRE PENINSULA

All Wilderness Protection Areas: All wood fires or solid fuel fires are prohibited to low water mark throughout the year. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact the Eyre and Far West regional office (08) 8688 3111 or CFS Information Hotline 1800 362 361.

4. MURRAYLANDS

Billiatt Wilderness Protection Area: All wood fires or solid fuel fires are prohibited from 15 November 2022 to 5 April 2023. Gas fires or liquid fuel fires are prohibited throughout the year.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact the Riverland and Murraylands regional office (08) 8595 2111 or CFS Information Hotline 1800 362 361.

5. NORTH EAST PASTORAL

Danggali Wilderness Protection Area: All wood fires or solid fuel fires and gas fires or liquid fuel fires are prohibited throughout the year.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact the Riverland and Murraylands regional office (08) 8595 2111, Yorke and Mid North regional office (08) 8841 3400, Flinders and Outback regional office (08) 8648 5300 or CFS Information Hotline 1800 362 361.

6. NORTH WEST PASTORAL

Yellabinna Wilderness Protected Area: All wood fires or solid fuel fires are prohibited from 1 November 2022 to 31 March 2023. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact the Eyre and Far West regional office (08) 8688 3111, Flinders and Outback regional office (08) 8648 5300 or CFS Information Hotline 1800 362 361.

7. WEST COAST

Investigator Group Wilderness Protection Area and Nuyts Archipelago Wilderness Protection Area: All wood fires or solid fuel fires are prohibited to low water mark throughout the year. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

Nullarbor Wilderness Protection Area: All wood fires or solid fuel fires are prohibited from 1 November 2022 to 5 April 2023. Gas fires or liquid fuel fires are permitted other than on days of total fire ban.

For further information, please refer to the DEW website www.environment.sa.gov.au or contact the Eyre and Far West regional office (08) 8688 3111 or CFS Information Hotline 1800 362 361.

LOCAL GOVERNMENT INSTRUMENTS

CITY OF MARION

LOCAL GOVERNMENT ACT 1999

Notice of Revocation of Classification of Community Land

Notice is hereby given, that the Corporation of the City of Marion at its meeting held on 14 September 2021 and with the consent of the Minister for Local Government, resolved to revoke the community land classification of Westminster Reserve and Kenton Avenue Reserve, being the whole of land identified as Allotment 107 in Filed Plan 11413 comprised in Certificate of Title Volume 3776 Folio 21, pursuant to Section 194 of the *Local Government Act 1999*.

Dated: 27 October 2022

T. HARRISON
Chief Executive Officer

CITY OF PORT ADELAIDE ENFIELD

Assignment of Names for Public and Private Roads

NOTICE is hereby given that the City of Port Adelaide Enfield under Delegated Authority resolved pursuant to Section 219(1) of the *Local Government Act 1999* that new roads located in the suburbs of Blair Athol, Regency Park, Lightsview, New Port, Gepps Cross and Woodville Gardens and the naming of a previously un-named laneway in Woodville Gardens be assigned the street names as detailed below:

- New roads be assigned the names Birmingham Street, Launceston Street, Enmore Lane and Mitford Lane, Blair Athol
- New roads be assigned the names Harriet Circuit and Rupert Street, Regency Park
- New roads be assigned the names Maku Lane and Warati Lane, Lightsview
- New roads be assigned the names Panama Drive, Camilla Court, Cape York Avenue, Yirra Cove, Torrens Avenue, Purli Lane, Marila Cove, Encounter Avenue, Kauwi Lane and the extension of Wirra Drive, New Port
- A new road be assigned the name Matildas Drive, Gepps Cross
- New roads be assigned the names Ginger Street, Peppermint Lane and Basil Street, Woodville Gardens
- A previously un-named laneway be assigned the name Harmony Lane, Woodville Gardens

Plans that delineate the public roads that have been assigned street names in line with Council's Streets - Naming & Numbering Policy are available for inspection on Council's website: <https://www.cityofpae.sa.gov.au/connect/media-hub/public-notices>

Dated: 27 October 2022

MARK WITHERS
Chief Executive Officer

CORPORATION OF THE TOWN OF WALKERVILLE

PERMITS AND PENALTIES BY-LAW 2022

By-law No. 1 of 2022

A By-law to provide for a permit system, to fix maximum penalties in Council by-laws, to clarify the construction of such by-laws, and to repeal certain by-laws.

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Permits and Penalties By-law 2022* and is By-law No. 1 of the Corporation of the Town of Walkerville.
 2. **Authorising Law**
This By-law is made under section 246 of the Act.
 3. **Purpose**
The objectives of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:
 - 3.1 creating a permit system for Council By-laws;
 - 3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and
 - 3.3 clarifying the construction of Council By-laws.
 4. **Commencement, Revocation and Expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
 - By-law No.1 – Permits and Penalties 2015.*²
 - 4.2 This By-law will expire on 1 January 2030.³
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted (section 249(5) of the Act).
 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
This By-law applies throughout the Council's area.
 6. **Interpretation**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **Council** means the Corporation of the Town of Walkerville; and
 - 6.3 **person** includes a natural person or a body corporate.
- Note-**
- Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in a By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.
7. **Construction of By-laws Generally**
 - 7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
 - 7.2 In any By-law of the Council and unless the contrary intention appears, **permission** means permission granted by the Council (or its delegate) in writing prior to the act, event or activity to which it relates, and includes permission of general application granted by way of the Council adopting a policy for that purpose.

PART 2 – PERMITS AND PENALTIES

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

Note-

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

This By-law was duly made and passed at a meeting of the Corporation of the Town of Walkerville held on 17 October 2022 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

SCOTT REARDON
Acting Chief Executive Officer

**CORPORATION OF THE TOWN OF WALKERVILLE
LOCAL GOVERNMENT BY-LAW 2022
By-law No. 2 of 2022**

A By-law to manage and regulate the access to and use of Local Government land (other than roads), and certain public places.

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Local Government Land By-law 2022* and is By-law No. 2 of the Corporation of the Town of Walkerville.
 2. **Authorising Law**
This By-law is made under sections 238 and 246 of the Act and section 18A of the *Harbors and Navigation Act 1993*.
 3. **Purpose**
The objectives of this By-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:
 - 3.1 to prevent and mitigate nuisances;
 - 3.2 to prevent damage to Local Government land;
 - 3.3 to protect the convenience, comfort and safety of members of the public;
 - 3.4 to enhance the amenity of the Council's area; and
 - 3.5 for the good rule and government of the Council's area.
 4. **Commencement, Revocation and Expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
 - By-law No. 3 – *Local Government Land 2015*.²
 - 4.2 This By-law will expire on 1 January 2030.³
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted (section 249(5) of the Act).
 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
 - 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.
 - 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.
 - 5.3 Subclauses 9.2, 9.21.3, 9.21.4, 9.24.2, 9.34, 10.5 and 10.10 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.
 - 5.4 Subclauses 9.7.1, 9.7.2, 9.11.2.2 and 9.21.1 of this By-law apply throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.
 6. **Interpretation**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **animal** includes birds and insects but does not include a dog unless otherwise stated;
 - 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
 - 6.4 **boat** includes a raft, pontoon, houseboat, personal watercraft or other similar device;
 - 6.5 **camp** includes setting up a camp, or causing a tent, swag and/or similar bedding, a caravan, motor home or other camping vehicle, to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
 - 6.6 **Council** means the Corporation of the Town of Walkerville;
 - 6.7 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
 - 6.8 **effective control** means a person exercising effective control of an animal either:
 - 6.8.1 by means of a physical restraint; or
 - 6.8.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
 - 6.9 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014*;
 - 6.10 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
 - 6.11 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
 - 6.12 **Local Government land** means all land owned by the Council or under the Council's care, control and management (except roads);
 - 6.13 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
 - 6.14 **open container** means a container that:
 - 6.14.1 after the contents of the container have been sealed at the time of manufacture:
 - 6.14.1.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
 - 6.14.1.2 being a can, it has been opened or punctured;
 - 6.14.1.3 being a cask, it has had its tap placed in a position to allow it to be used;
 - 6.14.1.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
 - 6.14.2 is a flask, glass, mug or other container able to contain liquid;
 - 6.15 **personal watercraft** has the same meaning as in the *Harbors and Navigation Act 1993*, which is a device that –
 - 6.15.1 is propelled by a motor;
 - 6.15.2 has a fully enclosed hull;
 - 6.15.3 is designed not to retain water if capsized; and
 - 6.15.4 is designed to be operated by a person who sits astride, stands, or kneels on the device;
 and includes the device commonly referred to as a jet ski;
 - 6.16 **tobacco product** has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*;
 - 6.17 **road** has the same meaning as in the Act;
 - 6.18 **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
 - 6.19 **waters** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council; and
 - 6.20 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

Note-

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

PART 2 – ACCESS TO LOCAL GOVERNMENT LAND**7. Access**

The Council may:

- 7.1 close, or regulate or restrict access to, any part of Local Government land to the public for specified times and days; and
- 7.2 fix charges or fees payable for entry onto any part of Local Government land.

8. Closed Lands

A person must not without permission, enter or remain on any Local Government land:

- 8.1 which has been closed, or in respect of which access by the public is regulated or restricted in accordance with subclause 7.1;
- 8.2 where entry fees or charges are payable, without paying those fees or charges; or
- 8.3 where the land has been enclosed by fences and/or walls and gates that have been closed and locked or, where a sign is displayed at the entrance of the land notifying that the land has been closed.

PART 3 – USE OF LOCAL GOVERNMENT LAND**9. Activities Requiring Permission****Note-**

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

A person must not without the permission of the Council, do any of the following on Local Government land.

9.1 Advertising

Display, paint or erect or cause to be displayed, painted or erected, on Local Government land or a structure, building or fixture on Local Government land any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose.

9.2 Alcohol

Consume, carry or be in possession or in charge of any liquor in an open container on Local Government land comprising parks or reserves to which the Council has resolved this paragraph applies.

9.3 Amplification

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

9.4 Animals

9.4.1 Ride, lead or drive any horse, cattle or sheep, except on any track or car park on local government land that the Council has set aside (through the erection of signage) for the use by, or in connection with that animal.

9.4.2 Allow or suffer any animal under the person's control to swim or bathe in any waters to the inconvenience, annoyance or danger of any other person.

9.4.3 Allow an animal in that person's control, charge or ownership to damage Council property.

9.4.4 Release an animal thereupon or, leave, cause or allow an animal to be left unattended.

9.5 Attachments

Subject to subclause 9.1, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture.

9.6 Bees

Place a hive of bees thereupon, or allow it to remain thereon.

9.7 Boats and Mooring

Subject to the Harbors and Navigation Act 1993 and the Marine Safety (Domestic Commercial Vessel) National Law:

9.7.1 launch or retrieve a boat to or from any waters except in an area to which the Council has resolved this subclause applies;

9.7.2 hire out a boat or otherwise use a boat for commercial purposes except in an area to which the Council has resolved this subclause applies; or

9.7.3 moor any boat on or to Local Government land.

9.8 Bridge Jumping

Jump from or dive from a bridge.

9.9 Buildings

Use a building, or structure on Local Government land for a purpose other than its intended purpose.

9.10 Burials and Memorials

9.10.1 Bury, inter or spread the ashes of any human or animal (including a dog) remains.

9.10.2 Erect any memorial.

9.11 Camping and Tents

9.11.1 Subject to this subclause 9.11, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation.

9.11.2 Camp, sleep overnight or occupy any caravan or other camping vehicle for or in connection with undertaking camping activities (including but not limited to washing, cooking, sleeping) except in:

9.11.2.1 a caravan park (the proprietor of which has been given permission to operate the caravan park on that land); or

9.11.2.2 an area which has been designated by resolution of the Council for that purpose and only then, in accordance with any conditions determined by resolution of the Council and contained in any signage erected thereon.

9.12 Canvassing

Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passerby or other.

9.13 Defacing Property

Deface, remove, paint, spray, write upon, cut names, letters or make marks on any tree, rock, gate, fence, object, monument, building, sign, bridge or property of the Council.

9.14 Donations

Ask for or receive or indicate that he or she desires a donation of money or any other thing.

9.15 Encroachment

Erect, maintain or place, or cause to be erected, maintained or placed, any fencing, post, vegetation or other structure or item so as to encroach onto the land.

9.16 Entertainment and Busking

9.16.1 For the apparent purpose of entertaining others and whether or not receiving money, sing, busk or play a recording or use a musical instrument.

- 9.16.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 9.17 **Equipment**
Use an item of equipment, facilities or property belonging to the Council other than in accordance with any conditions of use contained on a sign or notice in the vicinity of the equipment, facility or property.
- 9.18 **Fires**
Subject to the *Fire and Emergency Services Act 2005* light a fire except:
- 9.18.1 in a place provided by the Council for that purpose; or
- 9.18.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four (4) metres.
- 9.19 **Fireworks**
Ignite, explode or use any fireworks.
- 9.20 **Flora and Fauna**
Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
- 9.20.1 except in a community garden, plant, damage, pick, cut, disturb, interfere with or remove any plant, tree, fungi or flower thereon;
- 9.20.2 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 9.20.3 take, interfere with, tease, harm or disturb any animal, bird or aquatic life or the eggs or young of any animal, bird or aquatic life;
- 9.20.4 except in a community garden, pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.20.5 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 9.20.6 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life—
with the exception that subclauses 9.20.3 and 9.20.6 do not apply to lawful fishing activities.
- 9.21 **Games and Sport**
- 9.21.1 Participate in, promote or organise any organised competition or sport, as distinct from organised social play except on any Local Government land to which the Council has determined this subclause applies.
- 9.21.2 Play, practise or participate in any game which involves the use of a ball, missile or other object which by the use thereof may cause or be likely to cause injury or discomfort to any person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.
- 9.21.3 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
- 9.21.4 Play or practise any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council and indicated on a sign on or in the vicinity of the land (if any).
- 9.22 **Golf**
Play or practise golf.
- 9.23 **Interference with Land**
Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
- 9.23.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 9.23.2 erecting or installing a structure in, on, across, under or over the land;
- 9.23.3 changing or interfering with the construction, arrangement or materials of the land;
- 9.23.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.23.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 9.24 **Model Aircraft, Boats and Cars**
- 9.24.1 Fly or operate a model or drone aircraft, boat or model or remote control vehicle in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land, or detract from or be likely to detract from another person's lawful use of and enjoyment of the land.
- 9.24.2 Fly or operate a model or drone aircraft, boat or model or remote control vehicle on any Local Government land to which the Council has resolved this subclause applies.
- 9.25 **Overhanging Articles**
Suspend or hang an article or object from a building, verandah, pergola, post or other structure on Local Government land where it might present a nuisance or danger to a person using the land or be of an unsightly nature in the opinion of an authorised person.
- 9.26 **Playing Area**
Use or occupy a playing area:
- 9.26.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);
- 9.26.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 9.26.3 contrary to directions of the Council made by resolution and indicated on a sign displayed on or in the vicinity of the playing area.
- 9.27 **Preaching**
Preach, harangue or solicit for religious purposes.
- 9.28 **Rubbish Bins**
Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin on any Local Government land, or placed on Local Government land for collection by the Council (or its agent).
- 9.29 **Shared Transport Devices**
Subject to the *Road Traffic Act 1961*:
- 9.29.1 Operate a share transport device scheme.
- 9.29.2 Leave a share transport device on Local Government land other than in accordance with conditions determined by the Council (including as may be set out in a policy from time to time) that are published on the Council's website (if any).
- 9.29.3 For the purposes of this subclause 9.29:

- 9.29.3.1 **share transport device** means a bike, scooter or similar that is available for hire (for fee or otherwise) in the Council's area by members of the public in connection with a share transport device scheme, including through the use of a special purpose smartphone application; and
- 9.29.3.2 **share transport device scheme** means a scheme operated in the Council's area which involves share bikes, scooters or similar devices (dockless or otherwise) being made available for hire by any person for a fee or otherwise.
- 9.30 **Trading**
- 9.30.1 Sell, buy, offer or display anything for sale, hire or lease any goods, merchandise, commodity, article or thing.
- 9.30.2 Carry on or cause to be carried on any business.
- 9.30.3 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the purpose (as determined by an authorised officer acting reasonably) of buying, selling, offering, displaying for sale or the hiring or leasing of any goods merchandise, commodity, article or thing.
- 9.31 **Vehicles**
- 9.31.1 Drive or propel a vehicle except on an area or road constructed and set aside by the Council for that purpose as indicated by signage thereon.
- 9.31.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose.
- 9.31.3 Repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.32 **Weddings, Functions and Special Events**
- 9.32.1 Hold, conduct or participate in a marriage ceremony, funeral or special event.
- 9.32.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event.
- 9.32.3 Hold or conduct any filming where the filming is for a commercial purpose.
- 9.33 **Wetland**
Take or draw water from any wetland.
- 9.34 **Wheeled Recreational Devices**
Subject to the *Road Traffic Act 1961*, ride a wheeled recreational device on Local Government land to which the Council has determined this subclause applies.
10. **Prohibited Activities**
A person must not do any of the following on Local Government land.
- 10.1 **Abblutionary Facilities**
In any abblutionary facility (being showers, washing and toilet facilities) on Local Government land:
- 10.1.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 10.1.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage or damage to the facility or any drain, pipe or property associated with the facility;
- 10.1.3 use the facility for a purpose for which it was not designed or constructed;
- 10.1.4 deface, or make use of a facility other than for its proper purpose or cause any unsanitary or unclean condition in any abblutionary facility;
- 10.1.5 enter an abblutionary facility unless the person is of the gender indicated in writing or on a sign located on that facility except:
- 10.1.5.1 in the case of a genuine emergency;
- 10.1.5.2 where a vulnerable person is being assisted by the vulnerable person's caregiver, parent or guardian;
- 10.1.5.3 if the person is intersex, transgender or gender diverse;
- 10.1.5.4 if the person is a person with a disability; or
- 10.1.5.5 if the person is assisting a person with a disability.
- 10.2 **Annoyances**
Annoy, or unreasonably interfere with any other person's use of Local Government land by making a noise or by creating a disturbance that has not been authorised by the Council.
- 10.3 **Climbing**
Climb on or over any fixture, fitting, plant, object or building thereon other than in a playground or similar area that the Council has set aside for that purpose.
- 10.4 **Equipment**
Use any item of equipment, facilities or property belonging to the Council other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it.
- 10.5 **Fishing**
Fish in any waters to which the Council has determined this subclause applies.
- 10.6 **Glass**
Willfully break any glass, china or other brittle material.
- 10.7 **Interference with Permitted Use**
Interrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.
- 10.8 **Nuisance**
Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.
- 10.9 **Playing Games**
Play or practise a game:
- 10.9.1 which is likely to cause damage to the land or anything on it; or
- 10.9.2 in any area where a sign indicates that the game is prohibited.
- 10.10 **Smoking**
Subject to the *Tobacco and E-Cigarette Products Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has resolved this subclause applies.
- 10.11 **Obstruction**
Obstruct or cause to be obstructed:
- 10.11.1 any path or track;
- 10.11.2 any door, entrance, stairway or aisle in any building; or
- 10.11.3 any gate or entrance thereon.
- 10.12 **Solicitation**
Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.

- 10.13 **Waste and Rubbish**
- 10.13.1 Deposit or leave thereon anything obnoxious or offensive.
- 10.13.2 Deposit any rubbish other than in receptacles provided by the Council for that purpose.
- 10.13.3 Deposit in any rubbish bin on Local Government land that is provided by the Council for use by the public (but excluding any residential rubbish bin):
- 10.13.3.1 any trash emanated from a domestic, trade or commercial source; or
- 10.13.3.2 any rubbish contrary to any information on signs on the bin or in its vicinity.

PART 4 – ENFORCEMENT**11. Directions**

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

12. Orders

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

Note-

Section 262(1) of the Act states:
if a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-

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

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

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

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land; or
- dismantle and remove a structure erected on Local Government land without permission.

13. Removal of animals and objects

An authorised person may remove an animal or object that is on Local Government land in breach of a By-law if the authorised person reasonable believes that no person is in charge of the animal or object.

PART 5 – MISCELLANEOUS**14. Exemptions**

- 14.1 The restrictions in this By-law do not apply to any emergency worker, Police Officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council Officer.
- 14.2 The restrictions in subclauses 9.12 of this By-law do not apply to electoral matter authorised by a candidate and which is:
- 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
- 14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.

15. Liability of Vehicle Owners

- 15.1 For the purposes of this clause 15, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 15.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the Corporation of the Town of Walkerville held on **17 October 2022** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

SCOTT REARDON
 Acting Chief Executive Officer

**CORPORATION OF THE TOWN OF WALKERVILLE
 ROADS BY-LAW 2022
 By-law No. 3 of 2022**

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

PART 1 – PRELIMINARY

1. **Title**
 This By-law may be cited as the *Roads By-law 2022* and is By-law No. 3 of the Corporation of the Town of Walkerville.
2. **Authorising Law**
 This By-law is made under sections 239 and 246 of the Act and regulation 28 of the *Local Government (General) Regulations 2013*.
3. **Purpose**
 The objectives of this By-law are to manage, control and regulate certain uses of roads in the Council area:
- 3.1 to protect the convenience, comfort and safety of road users and members of the public;
- 3.2 to prevent damage to buildings and structures on roads;
- 3.3 to prevent certain nuisances occurring on roads; and
- 3.4 for the good rule and government of the Council area.

4. Commencement, revocation and expiry

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

By-Law No. 3 – Roads 2015.²

4.2 This By-law will expire on 1 January 2030.³

Note-

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

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.
 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
 5.3 Subclause 7.5.2 of this By-law applies throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
 6.2 **animal** includes birds, insects and poultry but does not include a dog;
 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
 6.4 **camp** includes setting up a camp or causing:
 6.4.1 a tent or other structure of calico, canvas, plastic or other similar material;
 6.4.2 a swag or similar bedding; or
 6.4.3 subject to the *Road Traffic Act 1961*, a caravan, motor home or other camping vehicle—
 to remain on a road for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the road;
 6.5 **Council** means the Corporation of the Town of Walkerville;
 6.6 **effective control** means a person exercising effective control of an animal either:
 6.6.1 by means of a physical restraint; or
 6.6.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
 6.7 **electoral matter** has the same meaning as in the *Electoral Act 1995* provided that such electoral matter is not capable of causing physical damage or injury to a person within its immediate vicinity;
 6.8 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*;
 6.9 **moveable sign** has the same meaning as in the Act;
 6.10 **road** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes—
 6.10.1 a bridge, viaduct or subway; or
 6.10.2 an alley, laneway or walkway;
 6.11 **vehicle** has the same meaning as in the *Road Traffic Act 1961*; and
 6.12 **waste containers** means a container for the disposal of domestic waste, recyclables or green organics that is used to facilitate the kerbside collection of waste from premises by the Council or its agents or contractors.

Note-

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

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

A person must not engage in or undertake any of the following activities on a road without the permission of the Council.

7.1 Advertising

Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services or for any other purpose, other than a moveable sign that is displayed in accordance with the Council's *Moveable Signs By-law 2022*.

Note-

Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's *Moveable Signs By-law 2022*.

7.2 Amplification

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

7.3 Animals

Lead, drive or exercise any horse, cattle or sheep.

7.4 Attachments

Attach or cause to be attached, hang or fix anything to a Council owned tree, plant, equipment, fence, post, structure or fixture on a road.

7.5 Camping and Tents

- 7.5.1 Subject to this subclause 7.5, erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation, or carry out any camping activities including (but not limited to) washing, cooking, sleeping.
 7.5.2 Camp or occupy any caravan or other camping vehicle for or in connection with undertaking camping activities, including (but not limited to) washing, cooking, sleeping, except on any road to which the Council has resolved this subclause applies.

7.6 Donations

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

7.7 Obstructions

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

7.8 Preaching and Canvassing

- 7.8.1 Preach, harangue, solicit or canvass for religious or charitable purposes.
 7.8.2 Subject to subclause 11.2, convey any religious or other message to any bystander, passerby or other person.

7.9 Public Exhibitions and Displays

7.9.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.

- 7.9.2 Conduct, cause or hold a concert, festival, show, display public gathering, circus, performance or a similar activity.
- 7.9.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.
- 7.9.4 Cause any public exhibition or displays.
- 7.10 **Waste and Rubbish Bins**
- 7.10.1 Deposit or leave thereon anything obnoxious or offensive.
- 7.10.2 Deposit any rubbish other than in receptacles provided by the Council for that purpose.
- 7.10.3 Deposit in any bin on a road that is provided by the Council for use by the public any rubbish:
- 7.10.3.1 emanating from a domestic, commercial or trade source; or
- 7.10.3.2 that is not rubbish of the type permitted to be placed in that bin, as indicated on signs on the bin or in its vicinity.
- 7.11 **Repairs to Vehicles**
- Repair, wash, paint, panel beat or perform other work of any nature on or to any vehicle, except for running repairs in the case of a vehicle breakdown.
- 7.12 **Shared Transport Devices**
- 7.12.1 Operate a share transport device scheme.
- 7.12.2 Leave a share transport device on a road other than in accordance with conditions determined by the Council (including as may be set out in a policy from time to time) that are published on the Council's website (if any).
- 7.12.3 For the purposes of this subclause 7.12:
- 7.12.3.1 **share transport device** means a bike, scooter or other mobility device that is available for hire (for fee or otherwise) in the Council's area by members of the public in connection with a share transport device scheme, including through the use of a special purpose smartphone application; and
- 7.12.3.2 **share transport device scheme** means a scheme operated in the Council's area which involves share bikes, scooters (dockless or otherwise) or other mobility devices being made available for hire by any person for a fee or otherwise.
- 7.13 **Waste Containers**
- Place, cause or allow to be placed, waste containers on a road to facilitate the collection of waste generated on neighbouring or nearby premises by the Council (including its agents or contractors) unless the waste containers are placed on the road:
- 7.13.1 on the day nominated by the Council for the collection of waste from the relevant premises or after 4pm the preceding day (and not before these times);
- 7.13.2 in a position that:
- 7.13.2.1 is adjacent to the kerb (not on the carriageway) so that the front of the bin faces the road; and
- 7.13.2.2 as may otherwise be directed by the Council; and
- 7.13.3 for a period that does not extend beyond 11:59pm on the next day following the day that waste has been collected from the waste container.

Note-

To avoid doubt clause 7.13.3 operates such that a waste container that is placed on a road for collection must be removed from the road before 11.59pm on the day following the date of collection.

PART 3 – ENFORCEMENT**8. Directions**

A person on a road who, in the opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with a direction of the authorised person to leave that part of the road.

9. Orders

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

Note-

Section 262(1) of the Act states:

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

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

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

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

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

10. Removal of Animals and Objects

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

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

PART 4 – MISCELLANEOUS**11. Exemptions**

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

11.2 The restriction in subclause 7.8.2 of this By-law does not apply to electoral matter authorised by a candidate and which is:

- 11.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
- 11.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 11.2.3 related to, and occurs during the course of and for the purpose of a referendum.

12. **Liability of Vehicle Owners**
- 12.1 For the purposes of this clause 12, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 12.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the Corporation of the Town of Walkerville held on 17 October 2022 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

SCOTT REARDON
Acting Chief Executive Officer

**CORPORATION OF THE TOWN OF WALKERVILLE
MOVEABLE SIGNS BY-LAW 2022
By-law No. 4 of 2022**

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

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Moveable Signs By-law 2022* and is By-law No. 4 of the Corporation of the Town of Walkerville.
2. **Authorising Law**
This By-law is made under sections 226, 238, 239 and 246 of the Act.
3. **Purpose**
The objects of this By-law are to set standards for moveable signs on roads:
3.1 to protect the comfort and safety of road users and members of the public;
3.2 to enhance the amenity of roads and surrounding parts of the Council area;
3.3 to prevent nuisances occurring on roads;
3.4 to prevent unreasonable interference with the use of a road; and
3.5 for the good rule and government of the Council area.
4. **Commencement, Revocation and Expiry**
4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
*By-law No. 4 – Moveable Signs 2015.*²
4.2 This By-law will expire on 1 January 2030.³
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted (section 249(5) of the Act).
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazetting of the By-law.
5. **Application**
5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.
5.2 This By-law applies throughout the Council area and is subject to the exemptions set out in clause 12.
6. **Interpretation**
In this By-law, unless the contrary intention appears:
6.1 **Act** means the *Local Government Act 1999*;
6.2 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
6.3 **banner** means a slip of cloth, plastic or other material hung up or mounted to a building or other structure by its ends or corners or carried on a pole, fence or other structure;
6.4 **business premises** means premises from which a business is being conducted;
6.5 **Council** means the Corporation of the Town of Walkerville;
6.6 **footpath area** means:
6.6.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary; and
6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
6.7 **Local Government land** has the same meaning as in the Act;
6.8 **moveable sign** has the same meaning as in the Act;
6.9 **road** has the same meaning as in the Act; and
6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

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

PART 2 – MOVEABLE SIGNS

7. **Construction and Design**
A moveable sign placed on a road must:
7.1 be of a kind known as an 'A' frame or sandwich board sign, an inverted 'T' sign, a flat sign or, with the permission of the Council (including as may be set out in a Council policy of general application from time to time), a sign of some other kind;
7.2 be designed, constructed and maintained in good quality and condition, including so as not to present a hazard to any member of the public;
7.3 be of strong construction and sufficiently stable or securely fixed so as to keep its position in adverse weather conditions;
7.4 have no sharp or jagged edges or corners;
7.5 not be unsightly or offensive in appearance or content;
7.6 not rotate or contain moving parts or have balloons, flags, streamers or other things attached to it;
7.7 not contain flashing lights or be illuminated internally;
7.8 not exceed 1 metre in height, 600mm in width and 600mm in depth;
7.9 in the case of an 'A' frame or sandwich board sign:

- 7.9.1 be hinged or joined at the top; and
7.9.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 7.10 in the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign.
- 8. Placement**
A moveable sign must not be placed:
- 8.1 on any part of a road other than the footpath area;
8.2 within 1 metre of an entrance to any premises;
8.3 on the sealed or paved part of a footpath area unless the sealed or paved part is wide enough to contain the sign and still leave a clear thoroughfare for pedestrians of at least 1.2 metres wide;
8.4 so as to interfere with the reasonable movement of persons or vehicles using the footpath or road (other than a carriageway) in the vicinity of or adjacent to where the moveable sign is positioned or endanger the safety of members of the public;
8.5 less than 400mm from the kerb (or if there is no kerb, from the edge of the roadway);
8.6 on a landscaped area, other than landscaping that comprises only lawn;
8.7 on a designated parking area;
8.8 so it is tied, fixed or attached to any other structure, object or thing (including another moveable sign);
8.9 displayed during the hours of darkness unless it is in a lit area and is clearly visible; or
8.10 in such a position or in such circumstances that, in the opinion of an authorised person, it would or would be likely to endanger the safety of any person.
- 9. Appearance**
A moveable sign displayed on a road must, in the opinion of an authorised person:
- 9.1 be painted or otherwise detailed in a competent and professional manner;
9.2 be aesthetically appealing, legible and simply worded to convey a precise message;
9.3 be of such design and contain such colours:
9.3.1 as are compatible with the architectural design of the premises adjacent to the sign;
9.3.2 which relate well to the townscape and overall amenity of the locality in which it is situated; and
9.3.3 which do not detract from or conflict with traffic, safety or direction signs or signals;
9.4 contain combinations of colours and typographical styles which blend in with and reinforce the heritage qualities of the locality and the buildings where it is situated; and
9.5 not have any balloons, flags, streamers or other things attached to it.
- 10. Banners**
A banner must:
- 10.1 only be displayed on a road, footpath or road related area;
10.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap;
10.3 not be attached to any building, structure, fence, vegetation or other item owned by the Council;
10.4 not be displayed more than one month before and two days after the event it advertises;
10.5 not be displayed for a continuous period of more than one month and two days in any twelve month period;
- Note-**
A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under section 222 of the Act.
- 11. Restrictions**
- 11.1 A person (including, but not limited to, the owner or operator of a business) must not cause or allow more than one moveable sign for a business premises to be displayed on a road at any time.
11.2 A person must not, without the permission of the Council, display or cause to be displayed a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
11.3 A person must not cause or allow a moveable sign to be placed on a road unless:
11.3.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and
11.3.2 the business premises to which it relates is open to the public during such times as the sign is displayed.
11.4 Notwithstanding compliance with provisions of this By-law and if, in the opinion of the Council, a footpath area is unsafe for a moveable sign to be displayed either permanently or for a period of time, the Council may prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.
- 12. Exemptions**
- 12.1 Subclauses 9.1-9.4, 11.1 and 11.3 do not apply to a moveable sign which:
12.1.1 advertises a garage sale taking place from residential premises provided that no more than four moveable signs per residential premises are displayed at any one time in relation to a garage sale taking place at that residential premises; or
12.1.2 is a directional sign to an event run by a community organisation or charitable body.
12.2 Subclause 8.3, 8.8 and 11.1 of this By-law do not apply to a flat sign which only contains newspaper headlines and the name of a newspaper or magazine.
12.3 A requirement of this By-law will not apply where the Council has granted permission for a moveable sign (or class of moveable sign) to be displayed contrary to that requirement (which permission may be granted by way of the Council adopting a policy of general application for this purpose).
- Note-**
This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes any sign:
- placed there pursuant to an authorisation under another Act;
 - designed to direct people to the open inspection of any land or building that is available for purchase or lease;
 - related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
 - the sign is of a prescribed class.
- PART 3 – ENFORCEMENT**
- 13. Removal of Moveable Signs**
- 13.1 A person must immediately comply with the order of an authorised person to remove a moveable sign that is made pursuant to section 227(1) of the Act.
- Note-**
Pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:
- the design, construction or positioning of a moveable sign does not comply with a requirement of this By-law;
 - any other requirement of this By-law is not complied with; or

- the Moveable Sign unreasonably restricts the use of the Road or endangers the safety of other persons.
- 13.2 The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.
- 13.3 The owner, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 13.3.1 if, in the opinion of an authorised person, and notwithstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
- 13.3.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.
14. **Liability of Vehicle Owners**
- 14.1 For the purposes of this clause 14, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 14.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the Corporation of the Town of Walkerville held on 17 October 2022 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

SCOTT REARDON
Acting Chief Executive Officer

CORPORATION OF THE TOWN OF WALKERVILLE
DOGS BY-LAW 2022
By-law No. 5 of 2022

A By-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area.

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Dogs By-law 2022* and is By-law No. 5 of the Corporation of the Town of Walkerville.
2. **Authorising Law**
This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995* and sections 238 and 246 of the Act.
3. **Purpose**
The objects of this By-law are to control and manage dogs in the Council area:
- 3.1 to reduce the incidence of environmental nuisance caused by dogs;
- 3.2 to promote responsible dog ownership;
- 3.3 to protect the convenience, comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council area.
4. **Commencement, Revocation and Expiry**
- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
- By-Law No. 5 – Dogs 2015. 2*
- 4.2 This By-law will expire on 1 January 2030.³
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted (section 249(5) of the Act).
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.
- 5.1 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.2 Clauses 9.1 and 10 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.
6. **Interpretation**
In this By-law, unless the contrary intention appears:
- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **approved kennel establishment** means a building, structure or premises approved by a relevant authority, pursuant to the *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
- 6.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
- 6.4 **children's playground** means any enclosed area in which there is equipment, apparatus or other devices installed for the purpose of children's play, or within 5 metres of such equipment, apparatus or devices if there is no enclosed area;
- 6.5 **Council** means the Corporation of the Town of Walkerville;
- 6.6 **dog** (except as indicated in clause 7) has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.7 **effective control** means a person exercising effective control of a dog either:
- 6.7.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
- 6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.8 **keep** includes the provision of food or shelter;
- 6.9 **Local Government land** means land that is owned by or under the Council's care, control or management;
- 6.10 **organised sport** means an organised sporting competition approved by the Council including any related training session or match but does not include social play;
- 6.11 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.12 **premises** includes land and part thereof whether used or occupied for domestic or non-domestic purposes;

- 6.13 **small property** means a property involving any self-contained dwelling where the property or part thereof (i.e. flat, home unit etc) contains a secured unobstructed yard area of less than 100 square metres;
- 6.14 **wetland area** includes any park, reserve, scrub, trail or other land adjacent to a wetland; and
- 6.15 for the purposes of clause 9 of the By-law, a dog is under **effective control by means of a leash** if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and the leash, chain or cord is either:
- 6.15.1 secured to a fixed object; or
- 6.15.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

Note-

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

PART 2 – LIMITS ON DOG NUMBERS**7. Limits on Dog Numbers in Private Premises**

- 7.1 Subject to this clause 7, a person must not, without the Council's permission, keep or cause, suffer or permit to be kept:
- 7.1.1 more than one (1) dog on any premises that is a small property; and
- 7.1.2 more than two (2) dogs on any other premises.
- 7.2 For the purposes of subclause 7.1, **dog** means a dog that is three (3) months of age or older or, a dog that has lost its juvenile teeth.
- 7.3 Clause 7.1 does not apply to:
- 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or
- 7.3.2 any other business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* and operating in accordance with all required approvals and consents.
- 7.4 The Council may require that premises which are the subject of an application for permission to keep additional dogs, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 7.5 An application for permission to keep an additional dog must be in the form determined by the Council and be accompanied by information regarding:
- 7.5.1 the type and size of the property on which it is proposed to keep the dogs;
- 7.5.2 the manner in which it is proposed that the dogs will be contained; and
- 7.5.3 any other information that the Council requires to ensure proper consideration of the application.
- 7.6 No dog is to be kept on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

PART 3 – DOG CONTROLS**8. Dog Exercise Areas**

Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council's area for the purpose of exercising a dog under his or her effective control.

Note-

If a person is exercising a dog in a park as permitted under this clause and the dog is not under effective control as that term is defined by the *Dog and Cat Management Act 1995*, this gives rise to a dog wandering at large offence under section 43(1) of the *Dog and Cat Management Act 1995*, for which the owner of or person responsible for the dog may be liable.

9. Dog on Leash Areas

A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain:

- 9.1 on any Local Government land or public place to which the Council has resolved this subclause applies;
- 9.2 subject to clause 10, on any park or reserve during times when organised sport is being played;
- 9.3 subject to clause 10, in any children's playground; or
- 9.4 subject to clause 10, in any wetland area;

unless the dog is under effective control by means of a leash.

10. Dog Prohibited Areas

A person must not cause or allow a dog under that person's control, charge or authority, except an assistance dog, to be or remain on any Local Government land or public place to which the Council has resolved this subclause applies.

11. Dog Faeces

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995*).

PART 4 – EXEMPTIONS**12. Council May Grant Exemptions**

- 12.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 12.2 An exemption—
- 12.2.1 may be granted or refused at the discretion of the Council;
- 12.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 12.2.3 is subject to any conditions specified in the instrument of exemption.
- 12.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 12.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

PART 5 – ENFORCEMENT**13. Orders**

- 13.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may order that person:
- 13.1.1 if the conduct is still continuing – to stop the conduct; and
- 13.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 13.2 A person must comply with an order under this clause.
- 13.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 13.4 However, an authorised person may not use force against a person.

Note-

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

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This By-law was duly made and passed at a meeting of the Corporation of the Town of Walkerville held on 17 October 2022 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

SCOTT REARDON
Acting Chief Executive Officer

ADELAIDE PLAINS COUNCIL

LOCAL GOVERNMENT ACT 1999

Exclusion of Land from Classification of Community Land

AT an Ordinary Council meeting held on 24 October 2022, Council resolved to exclude from Classification of Community Land, Section 180 Old Port Wakefield Road, Two Wells, Hundred of Port Gawler, being the whole of the land in Crown Record Volume 6273, Folio 716 and Section 716 Buckland Park Road, Two Wells, Hundred of Port Gawler, being the whole of the land in Crown Record volume 6274, Folio 514.

The purpose of exclusion is for the said land to be developed for commercial purposes.

Dated: 27 October 2022

JAMES MILLER
Chief Executive Officer

BAROSSA COUNCIL

Declaration of Private Road as Public Road

By notice published in the *Government Gazette* on 7 July 2022, the Barossa Council (the Council) stated its intention to declare the private road known as Gravel Pit Road, Angaston, to be a public road.

Pursuant to section 210(5) of the *Local Government Act 1999*, notice is hereby given that at its meeting on 18 October 2022 the Council made the following declaration:

Having complied with the provisions of section 210 of the Local Government Act 1999 (the Act) the Council hereby declares the following private road to be public road pursuant to section 210(1) of the Act:

Gravel Pit Road, Angaston, allotment 52 in Deposited Plan 55 in the area named Angaston hundred of Moorooroo, being a portion of the land comprised in Certificate of Title Volume 5892 Folio 393.

Dated: 18 October 2022

MARTIN MCCARTHY
Chief Executive Officer

DISTRICT COUNCIL OF ELLISTON
PERMITS AND PENALTIES BY-LAW 2022
By-law No. 1 of 2022

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

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Permits and Penalties By-law 2022* and is By-law No. 1 of the District Council of Elliston.
 2. **Authorising Law**
This By-law is made under section 246 of the Act.
 3. **Purpose**
The objectives of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:
 - 3.1 creating a permit system for Council By-laws;
 - 3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and
 - 3.3 clarifying the construction of Council By-laws.
 4. **Commencement, Revocation and Expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
 - By-Law No.1 – Permits and Penalties 2015.*²
 - 4.2 This By-law will expire on 1 January 2030.³
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
This By-law applies throughout the Council's area.
 6. **Interpretation**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **Council** means the District Council of Elliston; and
 - 6.3 **person** includes a natural person, a body corporate, an incorporated association or an unincorporated association.
- Note-**
- Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.
7. **Construction of By-Laws Generally**
 - 7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
 - 7.2 In any By-law of the Council and unless the contrary intention appears, **permission** means permission granted by the Council (or its delegate) and includes permission of general application granted by way of the Council adopting a policy of general application for that purpose, prior to the act, event or activity to which it relates.

PART 2 – PERMITS AND PENALTIES

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

Note-

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

This By-law was duly made and passed at a meeting of District Council of Elliston held on **18 October 2022** an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

GEOFF SHERIDAN
Chief Executive Officer

**DISTRICT COUNCIL OF ELLISTON
LOCAL GOVERNMENT LAND BY-LAW 2022
By-law No. 2 of 2022**

This By-law is to manage and regulate the access to and use of Local Government land (other than roads), and certain public places

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Local Government Land By-law 2022* and is By-law No. 2 of the District Council of Elliston.
 2. **Authorising Law**
This By-law is made under sections 238 and 246 of the Act and section 18A of the *Harbors and Navigation Act 1993*.
 3. **Purpose**
The objectives of this By-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:
 - 3.1 to prevent and mitigate nuisances;
 - 3.2 to prevent damage to Local Government land;
 - 3.3 to protect the convenience, comfort and safety of members of the public;
 - 3.4 to enhance the amenity of the Council's area; and
 - 3.5 for the good rule and government of the Council's area.
 4. **Commencement, Revocation and Expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
By-law No. 2 – Local Government Land 2015.²
 - 4.2 This By-law will expire on 1 January 2030.³
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
 1. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 2. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
 - 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.
 - 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.
 - 5.3 Subclauses 9.2, 9.4.1, 9.6.2, 9.24.1, 9.24.3, 9.24.4, 9.27.2, 9.36, 10.4.1, 10.4.2 and 10.9 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.
 - 5.4 Subclauses 9.4.4, 9.9.1 and 9.32.1 of this By-law apply throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.
 6. **Interpretation**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **animal** includes birds and insects but does not include a dog unless otherwise stated;
 - 6.3 **aquatic life** means any animal or plant living or growing in water including, but not limited to, yabbies, molluscs, fish, insects, insect pupa or larvae and water plants;
 - 6.4 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
 - 6.5 **boat** includes a raft, pontoon, houseboat, personal watercraft or other similar device;
 - 6.6 **boat ramp** means a facility constructed, maintained and operated for the launching and retrieval of a boat or other vessel;
 - 6.7 **coastal waters** means ocean waters extending offshore from the low water mark but excluding any waters overlying land between the low water mark and the high water mark;
 - 6.8 **Council** means the District Council of Elliston;
 - 6.9 **effective control** means a person exercising effective control of an animal either:
 - 6.9.1 by means of a physical restraint; or
 - 6.9.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
 - 6.10 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
 - 6.11 **emergency vehicle** has the same meaning as in the Australian Road Rules and the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
 - 6.12 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
 - 6.13 **foreshore** means land (which may or may not be Local Government land) extending:
 - 6.13.1 from the low water mark on the seashore to the nearest road or section boundary; or
 - 6.13.2 to a distance of 50 metres from the high-water mark;
 (whichever is the lesser distance);
 - 6.14 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
 - 6.15 **high-water mark** means the point on land that is the highest astronomical tide;
 - 6.16 **horse** includes pony, mule and donkey;
 - 6.17 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
 - 6.18 **Local Government land** means land owned by the Council or under the Council's care, control and management (except roads) and to avoid doubt, includes the following campgrounds operated by the Council:
 - 6.18.1 Sheringa Campgrounds located on the land comprised in Crown Record Volume 5752 Folio 3 and Crown Record Volume 5752 Folio 4; and
 - 6.18.2 Walkers Rock campground located on the land comprised in Crown Record Volume 5758 Folio 593;
 - 6.19 **low water mark** means the lowest astronomical tide;
 - 6.20 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
 - 6.21 **open container** means a container that:
 - 6.21.1 after the contents of the container have been sealed at the time of manufacture:
 - 6.21.1.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
 - 6.21.1.2 being a can, it has been opened or punctured;

- 6.21.1.3 being a cask, it has had its tap placed in a position to allow it to be used;
- 6.21.1.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
- 6.21.2 is a flask, glass, mug or other container able to contain liquid;
- 6.22 **personal watercraft** has the same meaning as in the *Harbors and Navigation Act 1993*, which is a device that –
- 6.22.1 is propelled by a motor;
- 6.22.2 has a fully enclosed hull;
- 6.22.3 is designed not to retain water if capsized; and
- 6.22.4 is designed to be operated by a person who sits astride, stands, or kneels on the device, and includes the device commonly referred to as a jet ski;
- 6.23 **tobacco product** has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*;
- 6.24 **road** has the same meaning as in the Act;
- 6.25 **special event** means an organised gathering of more than fifty (50) persons for any social, sporting or cultural purpose;
- 6.26 **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 6.27 **waters** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council but does not include coastal waters; and
- 6.28 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

Note-

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

PART 2 – ACCESS TO LOCAL GOVERNMENT LAND**7. Access**

The Council may:

- 7.1 close, or regulate or restrict access to, any part of Local Government land to the public for specified times and days; and
- 7.2 fix charges or fees payable for entry onto any part of Local Government land.

8. Closed Lands

A person must not without permission, enter or remain on any Local Government land:

- 8.1 which has been closed, or in respect of which access by the public is regulated or restricted in accordance with subclause 7.1;
- 8.2 where entry fees or charges are payable, without paying those fees or charges; or
- 8.3 where the land has been enclosed by fences and/or walls and gates that have been closed and locked or, where a sign is displayed at or near the entrance of the land notifying that the land has been closed.

PART 3 – USE OF LOCAL GOVERNMENT LAND**9. Activities Requiring Permission****Note-**

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

A person must not without the permission of the Council, do any of the following on Local Government land or on the foreshore.

- 9.1 **Advertising**
Display, paint or erect or cause to be displayed, painted or erected, on Local Government land or a structure, building or fixture on Local Government land any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose.
- 9.2 **Alcohol**
Consume, carry or be in possession or in charge of any liquor on Local Government land comprising parks or reserves to which the Council has resolved this subclause applies.
- 9.3 **Amplification**
Use an amplifier or other mechanical or electrical device for the purpose of amplifying sound or broadcasting announcements or advertisements.
- 9.4 **Animals**
- 9.4.1 Send, drive, lead, ride or take any animal or permit any animal to be sent, driven, led, ridden or taken on any Local Government land to which the Council has resolved this subclause applies.
- 9.4.2 Allow any animal to left unattended.
- On the foreshore:
- 9.4.3 allow or suffer any animal under his or her control to swim or bathe in the sea to the inconvenience, annoyance or danger of any other person bathing or swimming;
- 9.4.4 take any horse or camel onto or allow it to remain thereon or to bathe in the sea except between the hours of midnight and 9am and only then, in such areas of the foreshore as determined by resolution of the Council; or
- 9.4.5 drive or exercise any horse in such a manner as to endanger the safety of any person thereon.
- 9.5 **Annoyance**
Do anything likely to offend or unreasonably interfere with any other person:
- 9.5.1 using that land; or
- 9.5.2 occupying nearby premises;
- by making a noise or creating a disturbance.
- 9.6 **Aquatic Life**
- 9.6.1 Introduce any aquatic life to any waters.
- 9.6.2 Take, interfere with or disturb any aquatic life in any waters to which the Council has resolved this clause applies.
- 9.7 **Attachments**
Subject to subclause 9.1, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.
- 9.8 **Bees**
Place a hive of bees, or allow it to remain thereon.
- 9.9 **Boats and Moorings**
Subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:

- 9.9.1 launch or retrieve a boat from or to the foreshore or any Local Government land direct (i.e. without using a boat ramp) except in any area that the Council has resolved by resolution;
- 9.9.2 subject to any resolution by the Council under subclause 9.9.1, launch or retrieve a boat from or to any foreshore or Local Government land, other than from a boat ramp constructed and made available for that purpose;
- 9.9.3 enter or be on any mooring or mooring area without the consent of the person who has the right (as determined by the Council) to use the mooring or mooring area;
- 9.9.4 moor a boat on or to any Local Government land;
- 9.9.5 moor a boat in or to, or enter a mooring area that is generally closed to the general public; and
- 9.9.6 obstruct any moored boat, mooring area or access to any mooring area.
- 9.10 **Boat Ramps**
- 9.10.1 Allow any vehicle or boat to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat.
- 9.10.2 Launch or retrieve a boat or other object from or on to any boat ramp where a sign on the boat ramp or in its vicinity indicates a permit is required:
- 9.10.2.1 without having purchased a permit from the Council; and
- 9.10.2.2 other than in accordance with any conditions attaching to that permit.
- 9.10.3 Upon using a boat ramp, fail to produce the permit required for such use in accordance with subclause 9.10.2 upon a request by an authorised person.
- 9.10.4 Use a boat ramp thereon:
- 9.10.4.1 that the Council has closed by way of erecting signage to this effect; or
- 9.10.4.2 other than in accordance with any conditions of use that may be included on any signage erected on or near the boat ramp.

Note-

By way of example, the Council could include conditions in relation to the use of a boat ramp that restricts the boat ramp to being used for a commercial or other purpose at a specified time.

- 9.11 **Bridge/Jetty Jumping**
- 9.11.1 Jump or dive from a bridge or jetty on or extending from Local Government land.
- 9.11.2 Tie or affix any object (including a boat) to a jetty on or extending from Local Government land.
- 9.11.3 After being requested to leave a jetty by an authorised officer for an alleged contravention of this By-law, come back onto the jetty on the same day.
- 9.12 **Buildings**
- Use a building, or structure on Local Government land for a purpose other than for its intended purpose and otherwise in accordance with any conditions of use contained on signage in or on the building or structure.
- 9.13 **Burials and Memorials**
- 9.13.1 Bury, inter or spread the ashes of any human or animal remains, including the remains of a dog.
- 9.13.2 Erect any memorial.
- 9.14 **Canvassing**
- Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other.
- 9.15 **Defacing Property**
- Deface, remove, paint, spray, write upon, cut names, letters or make marks on any tree, rock, gate, fence, object, monument, building, sign, bridge or property of the Council.
- 9.16 **Depositing Soil**
- Deposit any soil, clay, gravel, sand, timber, stones, pebbles or other matter on the land.
- 9.17 **Distribution**
- Subject to subclause 14.2 and the *Local Nuisance and Litter Control Act 2016*, give out or distribute any book, leaflet or other printed matter to any bystander, passer-by or other person.
- 9.18 **Donations**
- Ask for or receive or indicate that he or she desires a donation of money or any other thing.
- 9.19 **Encroachment**
- Erect or cause to be erected or placed any fencing, post or other structures or any other items so as to encroach onto the land.
- 9.20 **Entertainment and Busking**
- 9.20.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.
- 9.20.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 9.21 **Fires**
- Subject to the *Fire and Emergency Services Act 2005* light a fire except:
- 9.21.1 in a place provided by the Council for that purpose; or
- 9.21.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four (4) metres.
- 9.22 **Fireworks**
- Ignite, explode or use any fireworks.
- 9.23 **Flora and Fauna**
- Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
- 9.23.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;
- 9.23.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
- 9.23.3 deposit, dig, damage, disturb, interfere with, clear or remove any soil, sand, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 9.23.4 take, interfere with, tease, harm or disturb any animal, bird or aquatic life or the eggs or young of any animal, bird or aquatic life;
- 9.23.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.23.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 9.23.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or
- 9.23.8 collect or take any dead wood or timber or burn any timber or dead wood; – with the exception that subclauses 9.23.4 and 9.23.7 do not apply to lawful fishing activities.

- 9.24 **Games and Sport**
- 9.24.1 Participate in, promote or organise any organised competition or sports distinct from organised social play on Local Government land to which the Council has resolved this subclause applies.
- 9.24.2 Play or practise any game which involves kicking, hitting or throwing a ball or other object on Local Government land which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.
- 9.24.3 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
- 9.24.4 Play or practise any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council (if any) and indicated on a sign on or in the vicinity of the land.
- 9.25 **Golf**
- Play or practise the game of golf on Local Government land to other than on a properly constructed golf course or practice fairway.
- 9.26 **Interference with Land**
- Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
- 9.26.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 9.26.2 erecting or installing a structure in, on, across, under or over the land;
- 9.26.3 changing or interfering with the construction, arrangement or materials of the land;
- 9.26.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.26.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 9.27 **Model Aircraft, Boats and Cars**
- Subject to the Civil Aviation Safety Regulations 1998:
- 9.27.1 fly or operate a model or drone aircraft, boat or model or remote-control vehicle in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or
- 9.27.2 fly or operate a model or drone aircraft, boat or model or remote-control vehicle on any Local Government land to which the Council has resolved this subclause applies.
- 9.28 **Overhanging Articles**
- Suspend or hang an article or object from a building, verandah, pergola, post or other structure where it might present a nuisance or danger to a person using the land or cause an unsightly condition in the opinion of an authorised person.
- 9.29 **Playing Area**
- Use or occupy a playing area:
- 9.29.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);
- 9.29.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 9.29.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.
- 9.30 **Preaching**
- Preach, harangue or solicit for religious purposes.
- 9.31 **Rubbish Dumps and Rubbish Bins**
- 9.31.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land.
- 9.31.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin on any Local Government land, or placed on Local Government land for collection by the Council (or its agent).
- 9.32 **Swimming**
- 9.32.1 Subject to the provisions of the *Harbours and Navigation Act 1993* enter, swim or bathe in or on any waters except:
- 9.32.1.1 in an area to which the Council has resolved this subclause applies; and
- 9.32.1.2 in accordance with any conditions that the Council may have determined by resolution apply to such use.
- 9.32.2 Swim or bathe at a time when swimming or bathing in that place has been prohibited as indicated by a sign or signs displayed on the land.
- 9.33 **Trading**
- 9.33.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing.
- 9.33.2 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.
- 9.34 **Vehicles**
- 9.34.1 Drive or propel a vehicle on Local Government land except as constructed and set aside by the Council for that purpose including as may be indicated by signs in or on the area.
- 9.34.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose.
- 9.34.3 Repair, wash, paint, panel beat or carry out any other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.34.4 On the foreshore, drive or propel a vehicle except on an area of the foreshore set aside by the Council for that purpose and identified or designated as such by means of signs, devices or fencing.
- 9.35 **Weddings, Functions and Special Events**
- 9.35.1 Hold, conduct or participate in a marriage ceremony, funeral ceremony or special event.
- 9.35.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral ceremony or special event.
- 9.35.3 Hold or conduct any filming where the filming is for a commercial purpose.

- 9.36 **Wheeled Recreational Devices**
Subject to the *Road Traffic Act 1961*, ride a wheeled recreational device on Local Government land to which the Council has resolved this subclause applies.

10. **Prohibited Activities**

A person must not do any of the following on Local Government land or on the foreshore.

- 10.1 **Animals**
- 10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.
- 10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.
- 10.1.3 Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.
- 10.2 **Annoyances**
- 10.2.1 Annoy, or unreasonably interfere with any other person's use of Local Government land by making a noise or by creating a disturbance that has not been authorised by the Council.
- 10.2.2 Spit, urinate or defecate other than in toilet provided thereon.
- 10.3 **Equipment**
- 10.3.1 Use any item of equipment, facilities or property belonging to the Council:
- 10.3.1.1 other than in the manner and for the purpose for which it was designed, constructed or intended to be use;
- 10.3.1.2 where any nearby sign states the conditions of use, except in accordance with such conditions; or
- 10.3.1.3 in such a manner as is likely to damage or destroy it.
- 10.3.2 Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.
- 10.3.3 Use an item of equipment, facilities or property belonging to the Council other than in accordance with any conditions of use contained on a sign or notice in the vicinity of the equipment, facility or property (if any).
- 10.4 **Fishing**
- 10.4.1 Fish in any waters to which the Council has resolved this subclause applies.
- 10.4.2 Fish from any bridge or other structure to which the Council has resolved this subclause applies.
- 10.5 **Glass**
Willfully break any glass, china or other brittle material.
- 10.6 **Interference with Permitted Use**
Interrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.
- 10.7 **Nuisance**
Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.
- 10.8 **Playing Games**
- 10.8.1 Play or practise a game which is likely to cause damage to the land or anything on it; or
- 10.8.2 in any area where a sign indicates that the game is prohibited.
- 10.9 **Smoking**
Subject to the *Tobacco and E-Cigarette Products Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has resolved this subclause applies.
- 10.10 **Obstruction**
Obstruct:
- 10.10.1 any path or track;
- 10.10.2 any door, entrance, stairway or aisle in any building; or
- 10.10.3 any gate or entrance to or on Local Government land.
- 10.11 **Sand Dunes, Pebble Dunes, Coastal Slopes and Cliffs**
- 10.11.1 Carry out any activity that may damage or threaten the integrity of dunes, pebble dunes, coastal slopes or cliffs.
- 10.11.2 Introduce non-indigenous flora or fauna or dump any material in a sand dune or pebble dune.
- 10.11.3 Destroy, remove or cause interference to any vegetation, whether living or dead, on or within a sand dune, coastal slope or coastal cliff.
- 10.12 **Throwing Objects**
Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.
- 10.13 **Toilets**
In any public convenience facility on Local Government land:
- 10.13.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 10.13.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage or damage to the facility, or any drain, pipe or property associated with the facility;
- 10.13.3 use it for a purpose for which it was not designed or constructed; or
- 10.13.4 enter any gender specific public convenience except—
- 10.13.4.1 if the person is of the gender indicated on a sign or writing located on the public convenience,
- 10.13.4.2 where the person is a caregiver, parent or guardian and is providing assistance to a vulnerable person in that person's care,
- 10.13.4.3 for the purpose of providing assistance to a person with a disability,
- 10.13.4.4 where the person identifies as gender diverse and is using the public convenience of the gender that the person identifies with, or
- 10.13.4.5 in the case of a genuine emergency.
- 10.14 **Waste**
- 10.14.1 Deposit or leave thereon anything obnoxious or offensive.
- 10.14.2 Deposit any rubbish other than in receptacles provided by the Council for that purpose.
- 10.14.3 Deposit in any rubbish bin:
- 10.14.3.1 any trash or rubbish emanating from a domestic, trade or commercial source; or
- 10.14.3.2 any rubbish contrary to any information on signs on the bin or in its vicinity.

PART 4 – ENFORCEMENT**11. Directions**

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

12. Orders

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

Note-

Section 262(1) of the Act states:

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

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

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

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land;
- dismantle and remove a structure erected on Local Government land without permission.

13. Removal of Animals and Objects

An authorised person may remove an animal or object that is on Local Government land in breach of a By-law if the authorised officer reasonably believes that no person is in charge of the animal or object.

PART 5 – MISCELLANEOUS**14. Exemptions**

- 14.1 The restrictions in this By-law do not apply to any Police Officer, emergency worker, Council officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council officer.
- 14.2 The restrictions in subclauses 9.14 and 9.17 of this By-law do not apply to electoral matter authorised by a candidate and which is:
- 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
 - 14.2.2 related to an election under the Act or the Local Government (Elections) Act 1999 and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
 - 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.

15. Liability of Vehicle Owners

- 15.1 For the purposes of this clause 15, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 15.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of District Council of Elliston held on **18 October 2022** an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

GEOFF SHERIDAN
Chief Executive Officer

**DISTRICT COUNCIL OF ELLISTON
ROADS BY-LAW 2022
By-law No. 3 of 2022**

This By-Law is for the management, control and regulation of certain activities on roads in the Council's area.

PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Roads By-law 2022* and is By-law No. 3 of the District Council of Elliston.

2. Authorising Law

This By-law is made under sections 239 and 246 of the Act and regulation 28 of the *Local Government (General) Regulations 2013*.

3. Purpose

The objectives of this By-law are to manage, control and regulate the use of roads in the Council's area:

- 3.1 to protect the convenience, comfort and safety of road users and members of the public;
- 3.2 to prevent damage to buildings and structures on roads;
- 3.3 to prevent certain nuisances occurring on roads; and
- 3.4 for the good rule and government of the Council's area.

4. Commencement, Revocation and Expiry

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

*By-law No. 3 – Roads 2015.*²

- 4.2 This By-law will expire on 1 January 2030.³

Note-

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

3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.

5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.

5.3 Subclause 7.3.3 of this By-law applies throughout the Council's area except in such part or parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

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

6.1 **Act** means the *Local Government Act 1999*;

6.2 **animal** includes birds, insects and poultry but does not include a dog;

6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;

6.4 **Council** means the District Council of Elliston;

6.5 **effective control** means a person exercising effective control of an animal either:

6.5.1 by means of a physical restraint; or

6.5.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;

6.6 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to a person within its immediate vicinity;

6.7 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*;

6.8 **moveable sign** has the same meaning as in the Act;

6.9 **road** has the same meaning as in the Act being, a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes—

6.9.1 a bridge, viaduct or subway; or

6.9.2 an alley, laneway or walkway; and

6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

Note-

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

PART 2 – USE OF ROADS

7. Activities Requiring Permission

A person must not do any of the following activities on a road without the permission of the Council.

7.1 Advertising

Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services or for any other purpose, other than a moveable sign that is displayed in accordance with the Council's *Moveable Signs By-law 2022*.

7.2 Amplification

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

7.3 Animals

7.3.1 Cause or allow an animal to stray onto, move over, or graze on a road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided the animal or animals are under effective control.

7.3.2 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.

7.3.3 Ride, lead or drive any horse, cattle, sheep and other like animal, except on any road to which this subclause applies.

7.4 Obstructions

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

7.5 Preaching and Canvassing

7.5.1 Preach, harangue, solicit or canvass for a religious, charitable or advertising purpose.

7.5.2 Subject to subclause 11.2, convey any religious or other message to any bystander, passerby or other person.

7.6 Public Exhibitions and Displays

7.6.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.

7.6.2 Conduct, cause or hold a concert, festival, show, display public gathering, circus, performance or a similar activity.

7.6.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.

7.6.4 Cause any public exhibition or displays.

7.7 Soliciting

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

7.8 Rubbish Bins

Deposit in any Council bin on a road:

7.8.1 any rubbish emanating from a domestic, commercial or trade source; or

7.8.2 any rubbish that is not rubbish of the type permitted to be placed in the bin as indicated on signs on the bin or in its vicinity.

7.9 Vehicles

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

Note-

Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's *Moveable Signs By-law 2022*.

PART 3 – ENFORCEMENT

8. Directions

A person on a road who, in the opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with a direction of the authorised person to leave that part of the road.

9. Orders

If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the

person to whom the order was directed.

Note-

Section 262(1) of the Act states:

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

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

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

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

10. Removal of Animals and Objects

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

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

PART 4 – MISCELLANEOUS

11. Exemptions

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

11.2 The restrictions in subclauses 7.5.2 of this By-law do not apply to electoral matter authorised by a candidate and which is:

- 11.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
- 11.2.2 related to an election under the Act or the Local Government (Elections) Act 1999 and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 11.2.3 related to, and occurs during the course of and for the purpose of a referendum.

12. Liability of Vehicle Owners

12.1 For the purposes of this clause 12, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.

12.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of District Council of Elliston held on **18 October 2022** an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

GEOFF SHERIDAN
Chief Executive Officer

**DISTRICT COUNCIL OF ELLISTON
MOVEABLE SIGNS BY-LAW 2022
By-law No. 4 of 2022**

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

PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Moveable Signs By-law 2022* and is By-law No. 4 of the District Council of Elliston.

2. Authorising Law

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

3. Purpose

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

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

4. Commencement, Revocation and Expiry

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

*By-Law No. 4 – Moveable Signs 2015.*²

4.2 This By-law will expire on 1 January 2030.³

Note-

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

5. Application

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.

5.2 This By-law applies throughout the Council's area and is subject to the exemptions set out in clause 12.

6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
- 6.3 **banner** means a strip of cloth, plastic or other material hung up or attached to a pole, fence or other structure;
- 6.4 **business premises** means premises from which a business is being conducted;
- 6.5 **Council** means the District Council of Elliston;

- 6.6 **'feather' or 'teardrop' sign** means a moveable sign constituting a slip of cloth, plastic or other material attached to a vertical pole generally stabilised by a heavy base;
- 6.7 **footpath area** means:
- 6.7.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary; or
- 6.7.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.8 **Local Government land** has the same meaning as in the Act, being land owned by the Council or under the Council's care, control and management;
- 6.9 **moveable sign** has the same meaning as in the Act, being a moveable advertisement or sign;
- 6.10 **road** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes—
- 6.10.1 a bridge, viaduct or subway; or
- 6.10.2 an alley, laneway or walkway; and
- 6.11 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:
- 6.11.1 a motor vehicle trailer and a tram;
- 6.11.2 a bicycle;
- 6.11.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
- 6.11.4 a combination; and
- 6.11.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Note-

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

PART 2 – MOVEABLE SIGNS**7. Construction and Design**

A moveable sign must be:

- 7.1 of a kind known as:
- 7.1.1 an 'A' frame or sandwich board sign;
- 7.1.2 an 'inverted 'T' sign;
- 7.1.3 a flat sign;
- 7.1.4 a 'feather' or teardrop' sign; or
- 7.1.5 with the permission of the Council (including as may be set out in a Council policy of general application from time to time), be a sign of some other kind;
- 7.2 designed, constructed and maintained in good quality and condition (in the opinion of an authorised person) so as not to present a hazard to any member of the public;
- 7.3 be of strong construction so as to be stable and fixed in position, including so that it keeps its position in adverse weather conditions;
- 7.4 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.5 not contain any sharp or jagged edges or corners;
- 7.6 not be unsightly or offensive in appearance or content;
- 7.7 not rotate, be illuminated internally, or contain moving or flashing parts;
- 7.8 not have balloons, flags, streamers or other things attached to it;
- 7.9 in the case of a 'feather'/teardrop' sign, not exceed 2.5m in height, 600mm in width and 600mm in depth;
- 7.10 in the case of an 'A' frame or sandwich board sign:
- 7.10.1 be hinged or joined at the top;
- 7.10.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 7.10.3 not exceed 1200mm in height, 800mm in width or 800mm in depth;
- 7.11 in the case of an inverted 'T' sign:
- 7.11.1 not contain struts or members that run between the display area and the base of the sign; and
- 7.11.2 not exceed 1200mm in height, 800mm in width or 800mm.

8. Appearance

A moveable sign on a road must, in the opinion of an authorised person:

- 8.1 be painted or otherwise detailed in a competent and professional manner;
- 8.2 be aesthetically appealing, legible and simply worded to convey a precise message; and
- 8.3 be of such design and contain such colours:
- 8.3.1 as are compatible with the architectural design of the premises adjacent to the sign;
- 8.3.2 which relate well to the townscape and overall amenity of the locality in which it is situated;
- 8.3.3 which do not detract from or conflict with traffic, safety or direction signs or signals; and
- 8.3.4 contain combinations of colours and typographical styles which blend in with and reinforce the heritage qualities of the locality and the buildings where it is situated.

9. Placement

A moveable sign must:

- 9.1 not be placed on any part of a road apart from the footpath area;
- 9.2 be adjacent to the premises of the business to which it relates;
- 9.3 not be placed on a footpath that is less than 2.5 metres wide;
- 9.4 not be placed on a designated parking area or within one (1) metre of an entrance to or exit from premises;
- 9.5 subject to this clause 9, not be placed closer than 400mm to the kerb (or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, whichever is the greater);
- 9.6 not be placed less than 1.2 metres away from or fixed, tied, chained or leaned against any structure, fixed object, tree, bush or plant (including another moveable sign);
- 9.7 not be placed within 10 metres of an intersection;
- 9.8 not be placed on a landscaped area other than landscaping that comprises only lawn;
- 9.9 not be placed on a median strip, traffic island, roundabout or on any other traffic control device;
- 9.10 not unreasonably:
- 9.10.1 restrict the use of the footpath area or road or obstruct or impede a vehicle on the road; or
- 9.10.2 endanger the safety of any person or places a person at risk;
- 9.11 not be placed on the sealed part of a footpath, if there is an unsealed part on which the sign can be placed in accordance with this By-law; and
- 9.12 not be displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible.

- 10. Banners**
A banner must:
- 10.1 only be displayed on a road, footpath area or road related area;
 - 10.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap;
 - 10.3 only advertise an event to which the public are invited;
 - 10.4 not, without the Council's permission, be attached to any building, structure, fence, vegetation or other item owned by the Council on a road, or other improvement to a road owned by the Council;
 - 10.5 not be displayed more than one month before and one week after the event it advertises;
 - 10.6 not be displayed for a continuous period of more than five (5) weeks in any twelve-month period; and
 - 10.7 not exceed 3m² in size.
- 11. Restrictions**
- 11.1 The owner or operator of a business must not cause or allow:
 - 11.1.1 more than one (1) moveable sign relating to that business to be displayed in the Council's area at any one time;
 - 11.1.2 a moveable sign relating to that business to be displayed unless the business premises to which it relates is open for trade to the public; or
 - 11.1.3 any movable sign relating to that business to be installed on a road such that it is permanently fixed into position.
- Note-**
Sub-clause 11.1.2 is intended to operate to require business owners to retrieve moveable signs relating to their business from the footpath area daily at the close of business.
- 11.2 A person must not display or cause to be displayed a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
 - 11.3 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council may by resolution prohibit or restrict the display of a moveable sign thereon on such conditions as the Council thinks fit.
- 12. Exemptions**
- 12.1 Subclauses 11.1 and 11.2 of this By-law do not apply to a moveable sign which:
 - 12.1.1 advertises a garage sale taking place from residential premises; or
 - 12.1.2 is a directional sign to a community event.
 - 12.2 Subclause 11.1 of this By-law does not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.
 - 12.3 A requirement of this By-law will not apply where the Council has granted permission (including by way of adopting a policy for this purpose) for the moveable sign (or class of moveable sign) to be displayed contrary to that requirement.
 - 12.4 An application seeking permission from the Council to display a moveable sign contrary to a requirement of this By-law must be in writing and include:
 - 12.4.1 the requirements of the By-law that the applicant is seeking permission to display a moveable sign contrary to;
 - 12.4.2 the reasons why permission is being sought to display a moveable sign contrary to those requirements;
 - 12.4.3 details of the design and content of the proposed moveable sign and, where relevant the business premises or community event that it relates to; and
 - 12.4.4 any other information that may be required by the Council.
- Note-**
This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes any sign:
- placed there pursuant to an authorisation under another Act;
 - designed to direct people to the open inspection of any land or building that is available for purchase or lease;
 - related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
 - of a prescribed class.
- PART 3 – ENFORCEMENT**
- 13. Removal of Moveable Signs**
- 13.1 A person must immediately comply with the order of an authorised person to remove a moveable sign made pursuant to section 227(1) of the Act.
- Note-**
Pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:
- the design, construction or positioning of a Moveable Sign does not comply with a requirement of this By-law;
 - any other requirement of this By-law is not complied with; or
 - the Moveable sign unreasonably restricts the use of the Road or endangers the safety of other persons.
- 13.2 The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.
 - 13.3 The owner of, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
 - 13.3.1 if, in the opinion of an authorised person, and notwithstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
 - 13.3.2 for the purpose of community events, special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.
- 14. Liability of Vehicle Owners**
- 14.1 For the purpose of this clause 14, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
 - 14.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of District Council of Elliston held on 18 October 2022 an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

GEOFF SHERIDAN
Chief Executive Officer

**DISTRICT COUNCIL OF ELLISTON
DOGS BY-LAW 2022
By-law No. 5 of 2022**

This By-law is to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area.

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Dogs By-law 2022* and is By-law No. 5 of the District Council of Elliston.
 2. **Authorising Law**
This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, sections 238 and 246 of the Act, and section 18A of the *Harbours and Navigation Act 1993*.
 3. **Purpose**
The objectives of this By-law are to control and manage dogs in the Council's area:
 - 3.1 to reduce the incidence of environmental nuisance caused by dogs;
 - 3.2 to promote responsible dog ownership;
 - 3.3 to protect the convenience, comfort and safety of members of the public; and
 - 3.4 for the good rule and government of the Council's area.
 4. **Commencement, Revocation and Expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
 - By-law No. 5 – Dogs 2015*.²
 - 4.2 This By-law will expire on 1 January 2030.³
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazetting of the By-law.
5. **Application**
 - 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.
 - 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
 - 5.3 Clauses 9 and 10, of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.
 6. **Interpretation**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **approved kennel establishment** means a building, structure, premises or area approved by a relevant authority, pursuant to the *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
 - 6.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
 - 6.4 **Council** means the District Council of Elliston;
 - 6.5 **dog** (except for in clause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;
 - 6.6 **effective control** means a person exercising effective control of a dog either:
 - 6.6.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
 - 6.6.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
 - 6.7 **keep** includes the provision of food or shelter;
 - 6.8 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
 - 6.9 **premises** include land and part of any land whether used or occupied for domestic or non-domestic purposes;
 - 6.10 **small dwelling** means a self-contained residence that is:
 - 6.10.1 a flat, a service flat or a home unit;
 - 6.10.2 on an allotment less than 400 square metres in area; or
 - 6.10.3 without a secure yard of at least 100 square metres in area;
 - 6.11 **township** has the same meaning as in the Act; and
 - 6.12 **working livestock dog** means a dog—
 - 6.12.1 usually kept, proposed to be kept or worked on rural land by a person who is—
 - 6.12.1.1 a primary producer; or
 - 6.12.1.2 engaged or employed by a primary producer; and
 - 6.12.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.
 - 6.13 For the purposes of clause 9 of the By-law, a dog is **under effective control by means of a leash** if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:
 - 6.13.1 the leash, chain or cord is either tethered securely to a fixed object; or
 - 6.13.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

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

PART 2 – LIMITS ON DOG NUMBERS

7. **Limits on Dog Numbers in Private Premises**
 - 7.1 Subject to subclauses 7.3 and 7.5, a person must not, without the Council's permission, keep or cause, suffer or permit to be kept:
 - 7.1.1 more than one dog in a small dwelling;
 - 7.1.2 in a township, more than two dogs on any premises other than a small dwelling; or
 - 7.1.3 outside of a township, more than 3 dogs (other than working livestock dogs) on any premises.
 - 7.2 For the purposes of subclause 7.1, **dog** means a dog that is three (3) months of age or older or, a dog that has lost its juvenile teeth.
 - 7.3 Subclause 7.1 does not apply to:
 - 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or

- 7.3.2 any other business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* and operating in accordance with all required approvals and consents.
- 7.4 The Council may require that premises which are the subject of an application for permission to keep additional dogs, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 7.5 No dog is to be kept on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

PART 3 – DOG CONTROLS**8. Dog Exercise Areas**

Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council's area for the purpose of exercising a dog under his or her effective control.

Note-

If a person is exercising a dog in a park as permitted under this clause and the dog is not under effective control as that term is defined by the *Dog and Cat Management Act 1995*, this gives rise to a dog wandering at large offence under section 43(1) of the *Dog and Cat Management Act 1995*, for which the owner or person responsible for the dog may be liable.

9. Dog on Leash Areas

A person must not allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain on Local Government land or a public place to which the Council has resolved that this subclause applies unless the dog is under effective control by means of a leash.

10. Dog Prohibited Areas

A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain on any other Local Government land or public place to which the Council has determined that this subclause applies.

11. Dog Faeces

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995*).

PART 4 – EXEMPTIONS**12. Council May Grant Exemptions**

- 12.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 12.2 An exemption:
- 12.2.1 may be granted or refused at the discretion of the Council;
- 12.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 12.2.3 is subject to any conditions specified in the instrument of exemption.
- 12.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 12.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

PART 5 – ENFORCEMENT**13. Orders**

- 13.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may order that person:
- 13.1.1 if the conduct is still continuing – to stop the conduct; and
- 13.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 13.2 A person must comply with an order under this clause.
- 13.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 13.4 However, an authorised person may not use force against a person.

Note-

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

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This By-law was duly made and passed at a meeting of District Council of Elliston held on **18 October 2022** an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

GEOFF SHERIDAN
Chief Executive Officer

**DISTRICT COUNCIL OF ELLISTON
CARAVANS AND CAMPING BY-LAW 2022
By-law No. 6 of 2022**

This By-law is to regulate camping and the use of caravans in the Council's area.

PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Caravans and Camping By-law 2022* and is By-law No. 6 of the District Council of Elliston.

2. Authorising Law

This By-law is made under sections 238 and 246 of the *Local Government Act 1999*, regulation 28 of the *Local Government (General) Regulations 2013*, and section 18A of the *Harbors and Navigation Act 1993*.

3. Purpose

The objectives of this By-law are to regulate camping on Local Government land, roads and foreshore areas:

- 3.1 to prevent and mitigate nuisances;
- 3.2 to prevent damage to Local Government land and roads;
- 3.3 to protect the convenience, comfort and safety of members of the public;
- 3.4 to enhance the amenity of the Council area; and
- 3.5 for the good rule and government of the area.

4. Commencement, Revocation and Expiry

- 4.1 This By-law will come into operation four months after the day on which it is published in the Gazette in accordance with section 249(5) of the Act.¹
- 4.2 This By-law will expire on 1 January 2030.²
- 4.3 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:
*By-law No. 6 Caravans & Camping 2015.*³

Note-

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

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.
- 5.2 This By-law applies throughout the Council area unless stated otherwise.

6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **camp** includes setting up a camp, or causing:
6.2.1 a tent or other structure of calico, canvas, plastic or other similar material;
6.2.2 a swag or similar bedding; or
6.2.3 subject to the *Road Traffic Act 1961*, a caravan, tent trailer or motor home;
to remain on land overnight, whether or not any person is in attendance or sleeps on the land;
- 6.3 **camping reserve** means land vested in or under the control of the Council which the Council has set aside as a camping reserve and which is identified by one or more signs with the words 'camping reserve' (either with or without other words) and includes the following campgrounds operated by the Council:
6.3.1 Sheringa Campgrounds located on the land comprised in Crown Record Volume 5752 Folio 3 and Crown Record Volume 5752 Folio 4; and
6.3.2 Walkers Rock campground located on the land comprised in Crown Record Volume 5758 Folio 593;
- 6.4 **Council** means the District Council of Elliston;
- 6.5 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.6 **foreshore** means land extending:
6.6.1 from the low water mark on the seashore to the nearest road or section boundary; or
6.6.2 to a distance of 50 metres from the high-water mark,
(whichever is the lesser distance);
- 6.7 **land** means any Local Government land, road or foreshore or part thereof;
- 6.8 **Local Government land** means all land owned by the Council or under the Council's care, control and management;
- 6.9 **road** has the same meaning as in the *Local Government Act 1999*; and
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

PART 2 – REGULATION OF CAMPING**7. General Camping Controls**

A person must not, without permission of the Council, engage in or undertake the following on any land:

- 7.1 **Camping**
7.1.1 Camp or sleep overnight other than:
7.1.1.1 in a caravan park which the proprietor has permission to operate; or
7.1.1.2 on a camping reserve in accordance with this By-law; or
7.1.1.3 on any other land that has been designated and set aside by resolution of the Council for that purpose and only then, in accordance with any conditions determined by resolution of the Council and contained on signage erected on the land or in its vicinity.
- 7.2 **Caravans**
Subject to clause 7.1, use or occupy, or cause suffer or permit to be used or occupied, any caravan, motorhome or other vehicle on land for or in connection with camping activities, including (but not limited to) washing, cooking and sleeping.
- 7.3 **Camping reserves**
No person shall on a camping reserve:
7.3.1 **Camping site**
camp other than in a designated camping site;
- 7.3.2 **Camping fee**
camp on a site without first:
7.3.2.1 making a booking for that site; and
7.3.2.2 making payment of the applicable fee as may be determined by the Council from time to time;
- 7.3.3 **Limit on camping time**
camp for a period in excess of two consecutive weeks;
- 7.3.4 **Break in camping time Orders**
having camped on a camping reserve for two consecutive weeks, camp on any camping reserve until a further period of seven (7) days has expired;
- 7.3.5 **Fail to allow inspection**
fail to permit any Council officer or authorised person to enter onto and inspect the person's campsite or any tent, caravan or vehicle thereon or thereby; or
- 7.3.6 **Fail to keep site clean**
fail to keep the area on which the person is camped and the surrounds in a clean, tidy and sanitary condition.

PART 3 – ENFORCEMENT

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

Note-

Section 262(1) of the Act states:
if a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-

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

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

- leave a camping reserve;
- dismantle a tent; or
- clean and keep clean a camping site.

8. Exemptions

- 8.1 The restrictions in this By-law do not apply to a Police Officer, emergency worker, Council officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer or in accordance with a direction of a Council officer.
- 8.2 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 8.3 An exemption:
 - 8.3.1 may be granted or refused at the discretion of the Council;
 - 8.3.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 - 8.3.3 is subject to any conditions specified in the instrument of exemption.
- 8.4 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 8.5 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

9. Liability of Vehicle Owners

- 9.1 For the purposes of this clause 9, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 9.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of District Council of Elliston held on **18 October 2022** an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

GEOFF SHERIDAN
 Chief Executive Officer

**DISTRICT COUNCIL OF ELLISTON
 CATS BY-LAW 2022
 By-Law No. 7 of 2022**

This By-law is to limit the number of cats kept on premises and for the management and control of cats in the Council's area.

PART 1 - PRELIMINARY

1. **Title**
 This By-law may be cited as the *Cats By-law 2022* and is By-law No. 7 of the District Council of Elliston.
 2. **Authorising Law**
 This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995* and section 246 of the Act.
 3. **Purpose**
 The objectives of this By-law are to control and manage cats in the Council's area:
 - 3.1 to promote responsible cat ownership;
 - 3.2 to reduce the incidence of public and environmental nuisance caused by cats;
 - 3.3 to protect the comfort and safety of members of the public; and
 - 3.4 for the good rule and government of the Council's area.
 4. **Commencement and Expiry**
 This By-law will commence in accordance with the Act¹ and will expire on 1 January 2030²
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
 2. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
 - 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.
 - 5.2 This By-law applies throughout the Council's area.
 6. **Interpretation**
 In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 except for the purposes of clause 8, **cat** means an animal of the species *felis catus* which is three months of age or has lost its juvenile canine teeth;
 - 6.3 **Council** means the District Council of Elliston;
 - 6.4 **keep** includes the provision of food or shelter;
 - 6.5 for the purposes of clause 8, a cat (or cats) causes a **nuisance** if it:
 - 6.5.1 unreasonably interferes with the peace, comfort or convenience of a person, including but not limited to by displaying aggressive nature or creating unpleasant noise or odour;
 - 6.5.2 damages or otherwise has an adverse impact upon native flora or fauna;
 - 6.5.3 acts in a manner that is injurious or causes damage to a person's real or personal property;
 - 6.5.4 wanders onto premises without the consent of the owner or occupier of the premises; or
 - 6.5.5 defecates or urinates on premises without the consent of the owner or occupier of the premises;
 - 6.6 **owner** of a cat has the same meaning as in section 5 of the *Dog and Cat Management Act 1995*;
 - 6.7 **premises** includes any land (whether used or occupied for domestic or non-domestic purposes) and any part thereof; and

- 6.8 the **person responsible for the control of a cat** has the same meaning as in section 6 of the *Dog and Cat Management Act 1995*.

Note-

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

PART 2 – LIMITS ON CAT NUMBERS**7. Limits on Cat Numbers**

- 7.1 Subject to this clause 7, a person must not, without the Council's permission, keep, or cause suffer or permit to be kept, more than two (2) cats on any premises.
The limit prescribed by subclause 7.1 does not apply to premises comprising a business involving the keeping of cats provided that the business is operating in accordance with all required approvals and consents.
- 7.2 The Council may require that premises that are the subject of an application for permission to keep additional cats are inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.
- 7.3 Permission under subclause 7.3 may be given if the Council is satisfied that:
- 7.4.1 no insanitary condition exists or is likely to arise on the premises as a result of the keeping of cats; and
- 7.4.2 a nuisance is not or is not likely to be caused to any neighbour as a result of the keeping of cats on the premises.

PART 3 – CAT CONTROLS**8. Cats not to be a Nuisance**

- 8.1 An owner or occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance.
- 8.2 Without limiting liability under clause 8.1, the owner of or person responsible for the control of a cat is guilty of an offence under this By-law if the cat causes a nuisance.
- 8.3 For the purposes of this subclause 8, **cat** means an animal of the species *felis catus* (of any age).

9. Registration of Cats

- 9.1 Where the Council resolves to adopt a registration scheme for cats kept in its area, a person must not keep a cat in the Council's area for more than fourteen (14) days unless the cat is registered in accordance with this By-law.
- 9.2 An application for registration of a cat must:
- 9.2.1 be made to the Council in the manner and form prescribed by Council (if any);
- 9.2.2 be accompanied by the fee (if any) prescribed by the Council;
- 9.2.3 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name;
- 9.2.4 identify with reference to an address the premises at which the cat is kept; and
- 9.2.5 otherwise comply with any other requirements determined by the Council.
- 9.3 Registration under this By-law remains in force until 30 June next following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months.

PART 4 – EXEMPTIONS**10. Council May Grant Exemptions**

- 10.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 10.2 An exemption—
- 10.2.1 may be granted or refused at the discretion of the Council;
- 10.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 10.2.3 is subject to any conditions specified in the instrument of exemption.
- 10.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 10.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

PART 5 - ENFORCEMENT**11. Orders**

- 11.1 If a person engages in conduct that is a contravention of this By-law, an authorised person may order that person:
- 11.1.1 if the conduct is still continuing – to stop the conduct; and
- 11.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 11.2 A person must comply with an order under this clause.
- 11.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 11.4 However, an authorised person may not use force against a person under this section.

Note-

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

- cease keeping more than the permitted number of cats on that person's premises; or
- take the necessary steps to mitigate a nuisance caused by howling or wandering cats.

This By-law was duly made and passed at a meeting of District Council of Elliston held on 18 October 2022 an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

GEOFF SHERIDAN
Chief Executive Officer

DISTRICT COUNCIL OF ELLISTON

Liquor Licensing (Dry Areas) Notice 2022

Under section 131 (1a) of the Liquor Licensing Act 1997

1—Short title

This notice may be cited as the *Liquor Licensing (Dry Areas) Notice 2019*.

2—Commencement

This notice comes into operation on 31 December 2022.

3—Interpretation

(1) In this notice—

Principal notice means the *Liquor Licensing (Dry Areas) Notice 2015* published in the Gazette on 5.1.15, as in force from time to time.

(2) Clause 3 of the principal notice applies to this notice as if it were the principal notice.

4—Consumption etc of liquor prohibited in dry areas

(1) Pursuant to Section 131 of the Act, the consumption and possession of liquor in the area described in the Schedule is prohibited in accordance with the provisions of the Schedule.

(2) The prohibition has effect during the periods specified in the Schedule.

(3) The prohibition does not extend to private land in the area described in the Schedule.

(4) Unless the contrary intention appears, the prohibition of the possession of liquor in the area does not extend to—

(a) a person who is genuinely passing through the area if—

- (i) the liquor is in the original container in which it was purchased from licensed premises; and
- (ii) the container has not been opened; or

(b) a person who has possession of the liquor in the course of carrying on a business or in the course of his or her employment by another person in the course of carrying on a business; or

(c) a person who is permanently or temporarily residing at premises within the area or on the boundary of the area and who enters the area solely for the purpose of passing through it to enter those premises or who enters the area from those premises for the purpose of leaving the area.

Schedule—Elliston Area 1**1—Extent of prohibition**

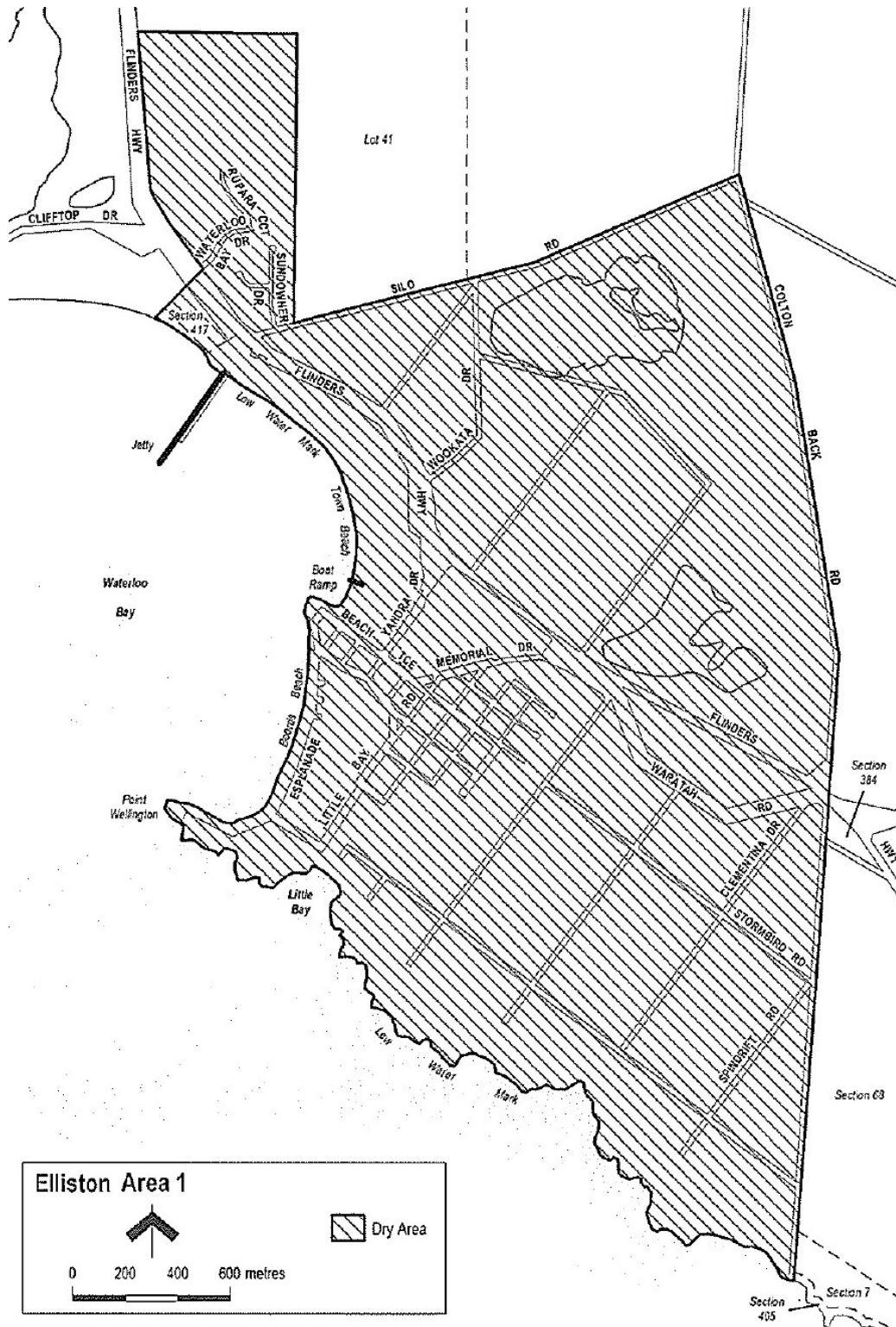
The consumption of liquor is prohibited and the possession of liquor is prohibited.

2—Period of prohibition

From 9 pm on 31 December 2022 to 8 am on 1 January 2023.

3—Description of area

The area in and adjacent to Elliston bounded as follows: commencing at the point at which the prolongation in a straight line of the north-western boundary of Section 417 Hundred of Ward intersects the low water mark on Waterloo Bay, then generally south-easterly, southerly, westerly and south-easterly along the low water mark to the point at which it is intersected by the prolongation in a straight line of the western boundary of Section 405 Hundred of Ward, then northerly along that prolongation and boundary of Section 405, the western boundary of Section 7 Hundred of Ward and the western boundary of Section 68 Hundred of Ward, to the northern boundary of Section 68, then in a straight line by the shortest route to the point at which the western and southern boundaries of Section 384 Hundred of Ward meet, then northerly along the western boundary of Section 384 to the point at which it meets the north-eastern boundary of the Section, then in a straight line by the shortest route (across Flinders Highway) to the point at which the eastern boundary of Colton Back Road meets the northern boundary of Flinders Highway, then generally northerly and north-westerly along the eastern boundary of Colton Back Road to the point at which it is intersected by the prolongation in a straight line of the northern boundary of Silo Road, then south-westerly along that prolongation and boundary of Silo Road to the western boundary of Lot 41 of DP 72507, then generally northerly and westerly along the western and southern boundaries of Lot 41 to the point at which the southern boundary of the Lot meets the eastern boundary of Flinders Highway, then generally southerly and south-easterly along that boundary to the point at which it is intersected by the prolongation in a straight line of the north-western boundary of Section 417 Hundred of Ward, then south-westerly along that prolongation and boundary of Section 417, and the prolongation in a straight line of that boundary, to the point of commencement. The area does not include any jetty, boat ramp or other structure projecting below the low water mark from within the area described above.



Schedule—Port Kenny Area 1

1—Extent of prohibition

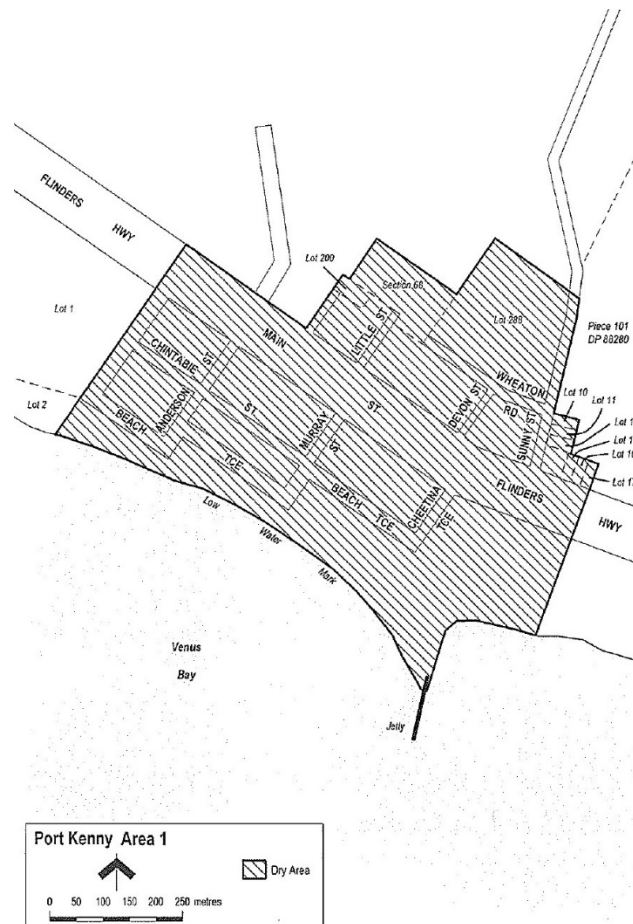
The consumption of liquor is prohibited and the possession of liquor is prohibited.

2—Period of prohibition

From 9 pm on 31 December 2022 to 8 am on 1 January 2023.

3—Description of area

The area in and adjacent to Port Kenny bounded as follows: commencing at the point at which the prolongation in a straight line of the eastern boundary of Lot 1 of DP 29315 intersects the north-eastern boundary of Main Street (Flinders Highway), then south-westerly along that prolongation and boundary of Lot 1 to the eastern boundary of Lot 2 of DP 29315, then south-westerly along that eastern boundary of Lot 2 and the prolongation in a straight line of that boundary to the low water mark on the northern side of Venus Bay, then generally south-easterly, northerly and easterly along the low water mark to the point at which it is intersected by the prolongation in a straight line of the eastern boundary of Lot 17 of DP 4405, then north-easterly along that prolongation and boundary of Lot 17 to the northern boundary of the Lot, then north-westerly along the northern boundaries of Lots 17, 16 and 15 of DP 4405 to the eastern boundary of Lot 12 of DP 4405, then northerly along the eastern boundary of that Lot, and the eastern boundaries of Lots 11 and 10 of DP 4405, to the northern boundary of Lot 10, then westerly along that boundary of Lot 10 to the eastern boundary of Sunny Street, then northerly along that boundary of Sunny Street and the western boundary of Piece 101 of DP 88280 to the point at which the western boundary of Piece 101 is intersected by the prolongation in a straight line of the north-eastern boundary of Lot 288 of FP 180320, then north-westerly along that prolongation and boundary of Lot 288 to the north-western boundary of the Lot, then south-westerly along the north-western boundary of Lot 288 to the north-eastern boundary of Section 68 Hundred of Wright, then north-westerly and south-westerly along the north-eastern and north-western boundaries of the Section to the point at which the north-western boundary meets the north-eastern boundary of Lot 200 of DP 84488, then north-westerly along that boundary of Lot 200 to the north-western boundary of the Lot, then south-westerly along the north-western boundary of Lot 200 and the prolongation in a straight line of that boundary to the point at which that prolongation intersects the north-eastern boundary of Main Street (Flinders Highway), then north-westerly along that boundary of Main Street to the point of commencement. The area does not include any jetty, boat ramp or other structure projecting below low water mark from within the area described above.



Schedule—Venus Bay Area 1

1—Extent of prohibition

The consumption of liquor is prohibited and the possession of liquor is prohibited.

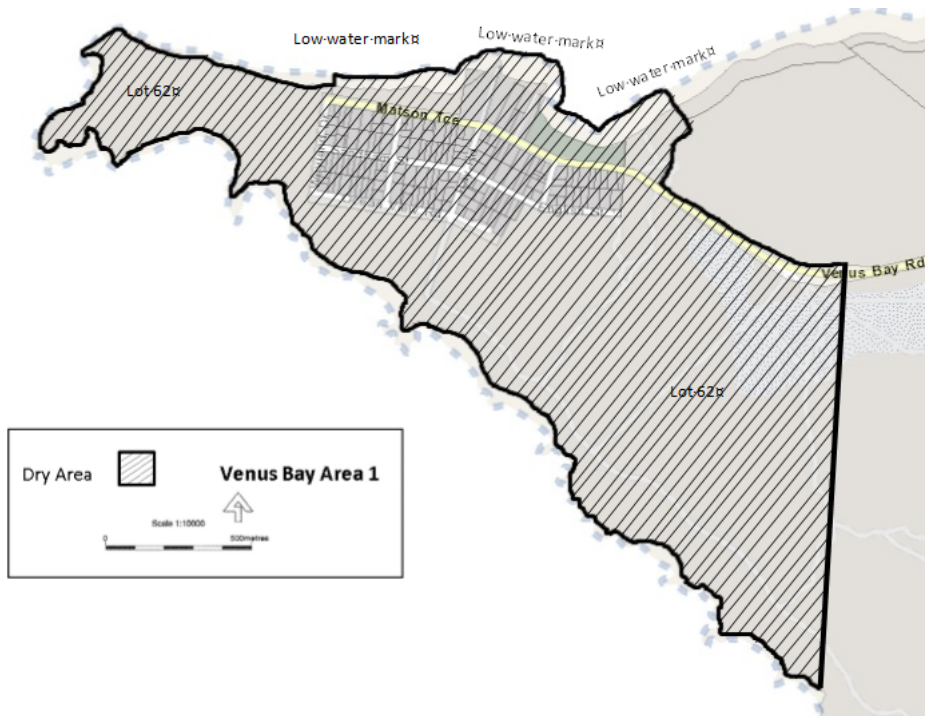
2—Period of prohibition

From 9 pm on 31 December 2022 to 8 am on 1 January 2023.

3—Description of area

The area in and adjacent to the town of Venus Bay bounded as follows: Commencing at the point at which the prolongation in a straight line of the northern boundary of Lot 62 DP34608 intersects the low water mark of Venus Bay, then in westerly, north-westerly direction along the northern boundary of Lot 62, then generally southerly, south-westerly along the western boundary of the lot, then generally in a south, south-easterly, easterly, north-easterly and northerly along the boundary of Lot 62 to the point at which the common boundary of Lot 62 and Lot 39 meet then north along the eastern boundary of Lot 62 to the northern boundary of Venus Bay Road, then in a straight line by the shortest route along (Venus Bay Road) to the south-western corner of Lot 58 DP34994, then in a straight line by the shortest route to the eastern boundary of the lot, then generally north-easterly and north-westerly along that boundary of Lot 58 to the point at which the North-western boundary of the lot intersect the low water mark, then south-westerly and north-westerly along the northern low water mark to the point of commencement.

This area includes any jetty, boat ramp or structure projecting below the low water mark form within the area described above.



Made by the District Council of Elliston

on 18 October 2022

GEOFF SHERIDAN
Chief Executive Officer

DISTRICT COUNCIL OF STREAKY BAY

South Australia

Liquor Licensing (Dry Areas) Notice 2022Under section 131(1a) of the *Liquor Licensing Act 1997***1—Short title**

This notice may be cited as the *Liquor Licensing (Dry Areas) Notice 2022*.

2—Commencement

This notice comes into operation on 26 November 2022.

3—Interpretation

(1) In this notice—

principal notice means the *Liquor Licensing (Dry Areas) Notice 2015* published in the Gazette on 5.1.15, as in force from time to time.

(2) Clause 3 of the principal notice applies to this notice as if it were the principal notice.

4—Consumption etc of liquor prohibited in dry areas

- (1) Pursuant to section 131 of the Act, the consumption and possession of liquor in the area described in the Schedule is prohibited in accordance with the provisions of the Schedule.
- (2) The prohibition has effect during the periods specified in the Schedule.
- (3) The prohibition does not extend to private land in the area described in the Schedule.
- (4) Unless the contrary intention appears, the prohibition of the possession of liquor in the area does not extend to—
 - (a) a person who is genuinely passing through the area if—
 - (i) the liquor is in the original container in which it was purchased from licensed premises; and
 - (ii) the container has not been opened; or
 - (b) a person who has possession of the liquor in the course of carrying on a business or in the course of his or her employment by another person in the course of carrying on a business; or
 - (c) a person who is permanently or temporarily residing at premises within the area or on the boundary of the area and who enters the area solely for the purpose of passing through it to enter those premises or who enters the area from those premises for the purpose of leaving the area.
- (5) Schedule 1 and Schedule 2 are in substitution for Schedule—Streaky Bay Area 1 and Area 2 in the principal notice.

Schedule 1—Streaky Bay Area 1

1—Extent of prohibition

The consumption of liquor is prohibited and the possession of liquor is prohibited.

2—Period of prohibition

From 2.00 pm on Saturday, 26 November 2022 to 12.00 pm (Noon) on Sunday, 27 November 2022.

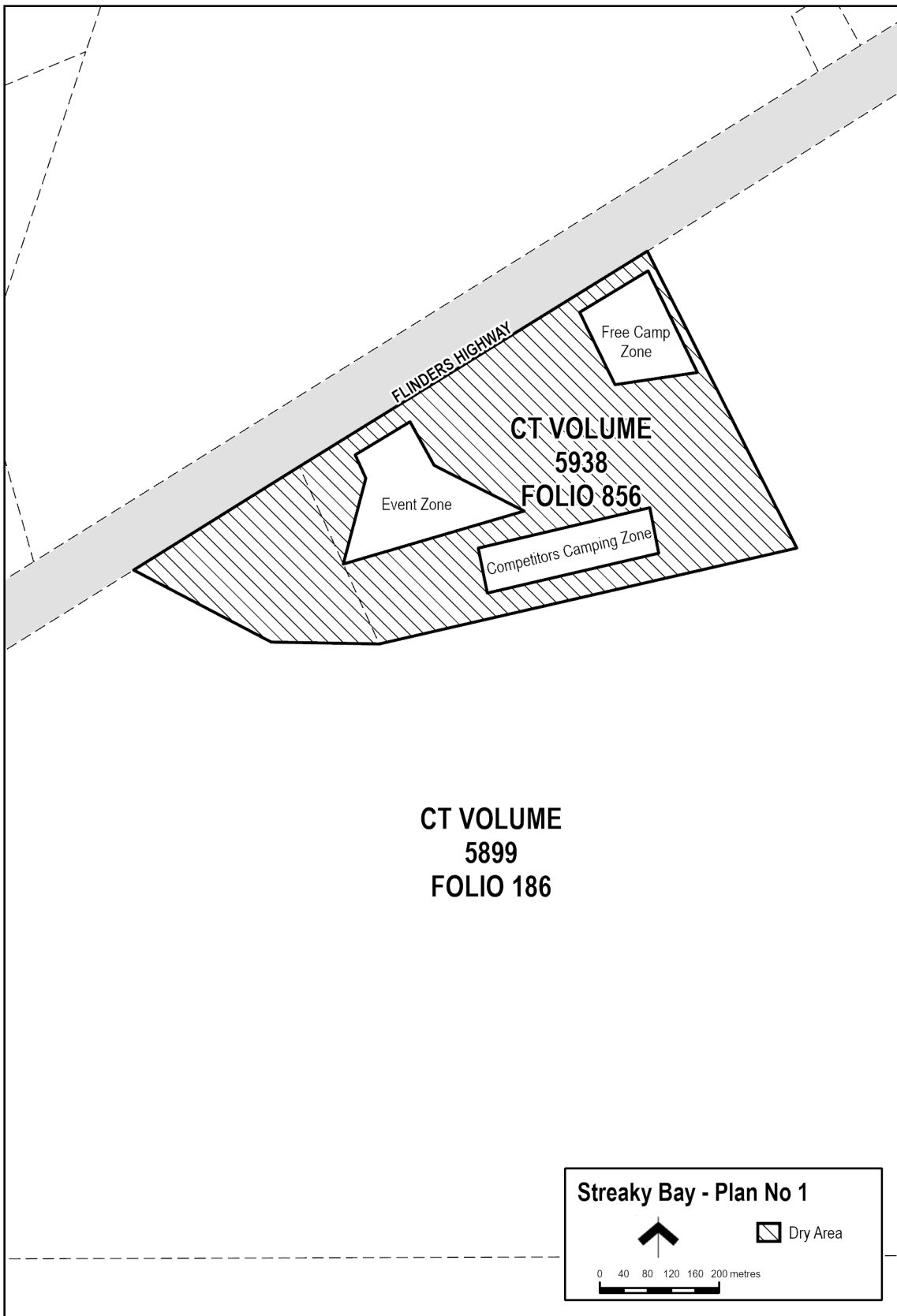
3—Description of area

The area commonly known as the Streaky Bay Race Course and officially known as 29614 Flinders Highway, as contained in Certificate of Title Volume 5938 Folio 856. Additionally, included is the area to the west of the allotment 326m from the North-western corner of Certificate of Title Volume 5938 Folio 856 following the Northern boundary of the Certificate of Title Volume 5899 Folio 186, then spanning 260m South East, then East connecting back to the South-western corner of the Certificate of Title Volume 5938 Folio 856.

The area excludes 3 different licenced zones. The zone furthest to the east is set back 30 metres from the northern boundary of Certificate of Title Volume 5938 Folio 856, spanning 135 metres wide parallel to the northern boundary. The eastern side of the zone is 190 metres along the eastern boundary, perpendicular to the northern boundary, 15 metres into the land parcel. From the south eastern corner, the zone continues 140 metres at an angle of 260 degrees north then continuing 135 metres parallel to the eastern boundary.

The zone furthest to the south is a rectangle zone set back 45m from the southern boundary of Certificate of Title Volume 5938 Folio 856, spanning 295 metres wide parallel to the southern boundary. With the south eastern corner 215 metres from eastern boundary, the zone is 78m long perpendicular to the southern boundary.

The zone furthest to the west is set back 33 metres from the northern boundary of Certificate of Title Volume 5938 Folio 856, spanning 105 metres wide parallel to the northern boundary of the parcel. From the north most corner, the zone continues 83 metres parallel to the eastern boundary, then 170 metres at an angle of 255 north towards the southern boundary. The south most boundary runs parallel to the southern boundary of Certificate of Title Volume 5938 Folio 856 to the boundary of Certificate of Title Volume 5899 Folio 186. From Certificate of Title Volume 5899 Folio 186, the western boundary of the zones continues 128m at an angle of 15 degrees north, continuing 43m parallel to the eastern boundary.”



DISTRICT COUNCIL OF STREAKY BAY

South Australia

Liquor Licensing (Dry Areas) Notice 2022Under section 131(1a) of the *Liquor Licensing Act 1997***1—Short title**

This notice may be cited as the *Liquor Licensing (Dry Areas) Notice 2022*.

2—Commencement

This notice comes into operation on 31 December 2022.

3—Interpretation

(1) In this notice—

Principal notice means the *Liquor Licensing (Dry Areas) Notice 2015* published in the Gazette on 5.1.15, as in force from time to time.

(2) Clause 3 of the principal notice applies to this notice as if it were the principal notice.

4—Consumption etc of liquor prohibited in dry areas

(1) Pursuant to section 131 of the Act, the consumption and possession of liquor in the area described in the Schedule is prohibited in accordance with the provisions of the Schedule.

(2) The prohibition has effect during the periods specified in the Schedule.

(3) The prohibition does not extend to private land in the area described in the Schedule.

(4) Unless the contrary intention appears, the prohibition of the possession of liquor in the area does not extend to—

(a) a person who is genuinely passing through the area if—

(i) the liquor is in the original container in which it was purchased from licensed premises; and

(ii) the container has not been opened; or

(b) a person who has possession of the liquor in the course of carrying on a business or in the course of his or her employment by another person in the course of carrying on a business; or

(c) a person who is permanently or temporarily residing at premises within the area or on the boundary of the area and who enters the area solely for the purpose of passing through it to enter those premises or who enters the area from those premises for the purpose of leaving the area.

(5) Schedule 1 and Schedule 2 are in substitution for Schedule—Streaky Bay Area 1 and Area 2 in the principal notice.

Schedule 1—Streaky Bay Area 1

1—Extent of prohibition

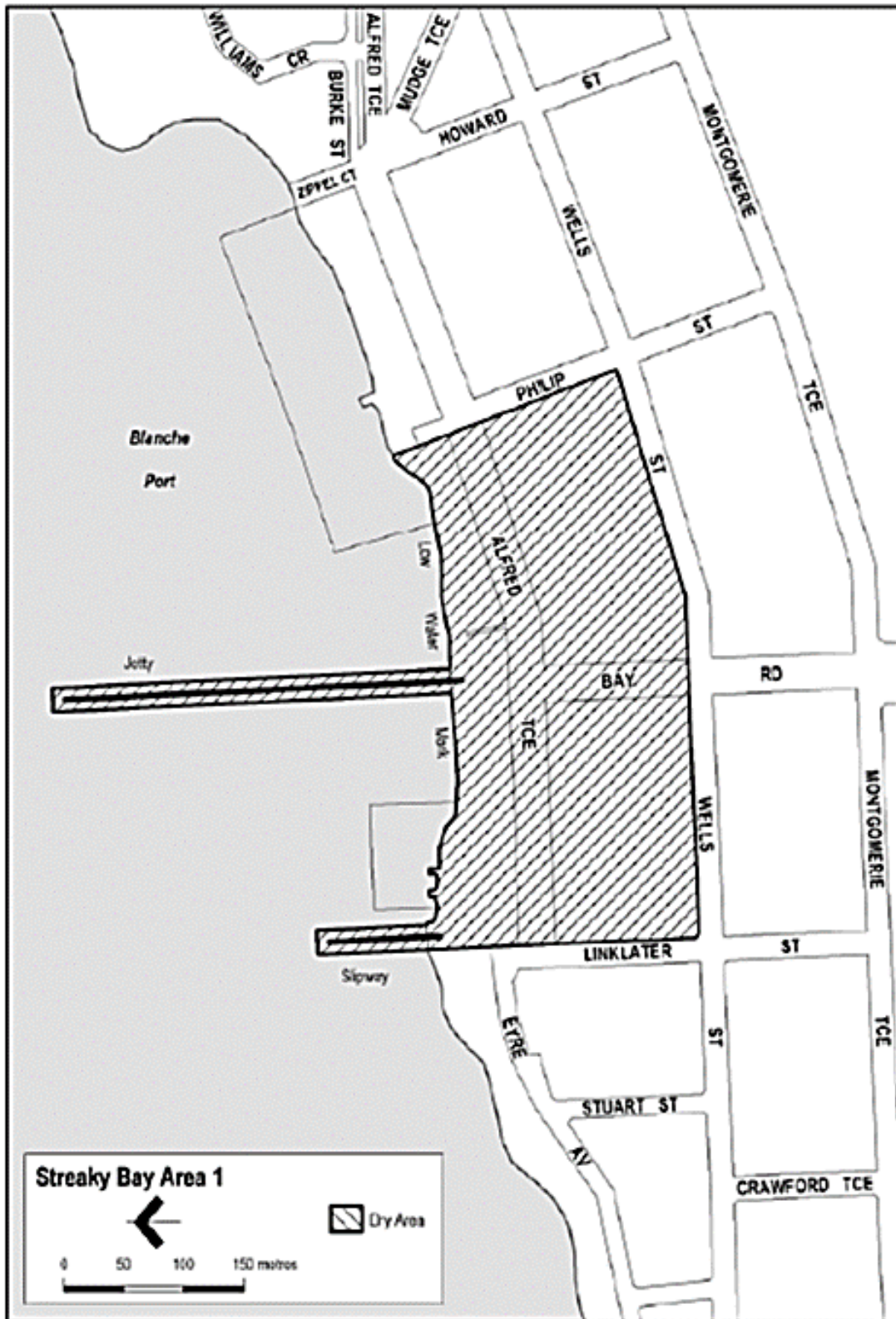
The consumption of liquor is prohibited and the possession of liquor is prohibited.

2—Period of prohibition

From 6.00pm on Saturday, 31 December 2022 to 8.00am on Sunday, 1 January 2023.

3—Description of area

The area in and adjacent to the town of Streaky Bay bounded as follows: commencing at the point at which the prolongation in a straight line of the eastern boundary of Linklater Street intersects the low water mark on the southern side of Blanche Port, then generally easterly along the low water mark to the point at which it is intersected by the prolongation in a straight line of the western boundary of Philip Street, then south-easterly along that prolongation and boundary of Philip Street to the northern boundary of Wells Street, then south-westerly and westerly along that boundary of Wells Street to the eastern boundary of Linklater Street, then northerly along that boundary of Linklater Street and the prolongation in a straight line of that boundary to the point of commencement. The area includes the whole of any jetty, boat ramp, slipway or other structure that projects below the low water mark from within the area described (as well as any area beneath such a structure).



Schedule 2—Streaky Bay Area 2

1—Extent of prohibition

The consumption of liquor is prohibited and the possession of liquor is prohibited.

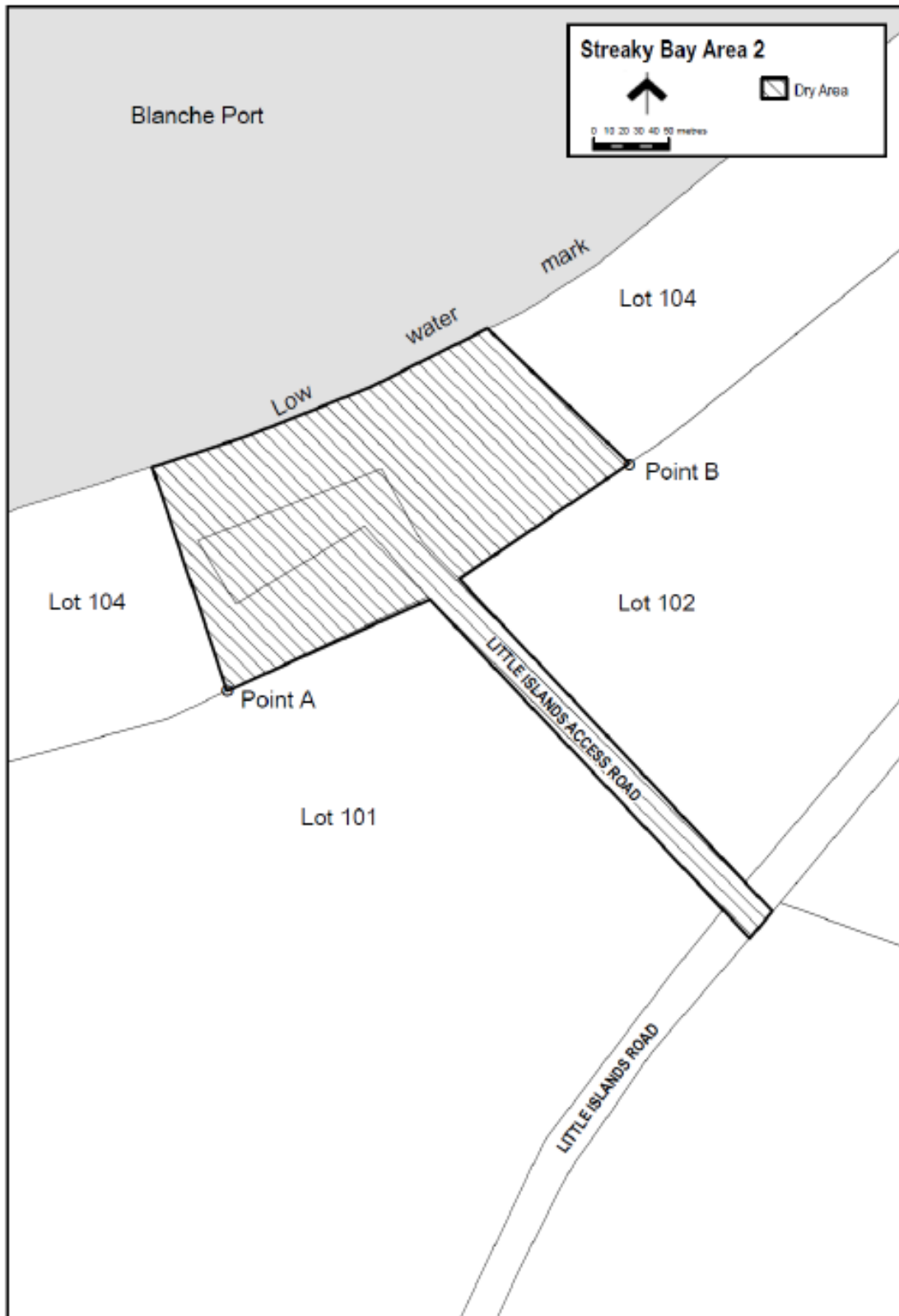
2—Period of prohibition

From 6.00pm on Saturday, 31 December 2022 to 8.00am on Sunday, 1 January 2023.

3—Description of area

The area adjacent to Streaky Bay, generally known as the Little Islands car park and access road (together with adjoining land), comprising—

- (a) the whole of that part of the Government road (the access road between Little Islands Road and the Little Islands car park) that lies between the north-eastern boundary of Lot 101 DP 70670 and the south-western boundary of Lot 102 DP 70670; and
- (b) the area at the north-western end of that part of the Government road (including a car park and other land) bounded on the south-east by the south-eastern boundary of Lot 104 DP 70670 from a point 140 metres south-west of the north-eastern boundary of Lot 101 DP 70670 ("*point A*") to a point 140 metres north-east of the south-western boundary of Lot 102 DP 70670 ("*point B*"), on the north-east by a straight line along the shortest route from point B to the low water mark of Blanche Port, on the north-west by the low water mark of Blanche Port and on the south-west by a straight line along the shortest route from the low water mark of Blanche Port to point A.



PUBLIC NOTICES

NATIONAL ELECTRICITY LAW

Notice of Final Rule

Notice of Extension of Draft Determination

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

Under ss 102 and 103, the making of the *National Electricity Amendment (Material change in network infrastructure project costs) Rule 2022 No. 10* (Ref. ERC0325) and related final determination. Provisions commence as follows: **Schedule 1 commences on 9 October 2023 and Schedule 2 commences on 27 October 2022.**

Under s 107, the time for making the draft determination on the *Efficient reactive current access standards for inverter-based resources* (Ref. ERC0272) proposal has been extended to **15 December 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: 27 October 2022

NATIONAL GAS LAW

Notice of Extension of 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 interim LNG storage measures* (Ref. GRC0065) proposal has been extended to **15 December 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: 27 October 2022

NOTICE SUBMISSION

The South Australian Government Gazette is published each Thursday afternoon.

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

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

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

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

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

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