



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ADELAIDE, THURSDAY, 3 AUGUST 2023

CONTENTS

GOVERNOR'S INSTRUMENTS

Appointments—	2424
Corrigendum	2424
Environment Protection Act 1993	2425
Mutual Recognition Act 1992	2442
Trans-Tasman Mutual Recognition Act 1997	2447
Proclamations—	
Residential Tenancies (Protection of Prospective Tenants) Amendment Act (Commencement)	
Proclamation 2023	2457
Regulations—	
Associations Incorporation Regulations 2023—	
No. 74 of 2023	2458
Members of Parliament (Register of Interests) Regulations 2023—No. 75 of 2023	2485
Petroleum Products Regulations 2023—No. 76 of 2023	2493
Dangerous Substances (Dangerous Goods Transport) Regulations 2023—No. 77 of 2023	2496
Courts Administration Regulations 2023—	
No. 78 of 2023	2586
Crown Proceedings Regulations 2023—No. 79 of 2023	2588
Freedom of Information (Exempt Agency) Regulations 2023—No. 80 of 2023	2590
Serious and Organised Crime (Control) Regulations 2023—No. 81 of 2023	2595
Young Offenders Regulations 2023—No. 82 of 2023	2600
Work Health and Safety (Engineered Stone) Amendment Regulations 2023—No. 83 of 2023	2606

STATE GOVERNMENT INSTRUMENTS

Associations Incorporation Act 1985	2610
Fisheries Management (General) Regulations 2017	2610
Fisheries Management Act 2007	2611
Health Care Act 2008	2611
Housing Improvement Act 2016	2611
Justices of the Peace Act 2005	2612
Land Acquisition Act 1969	2612
Petroleum and Geothermal Energy Act 2000	2617
Planning, Development and Infrastructure Act 2016	2618
Professional Standards Act 2004	2620

LOCAL GOVERNMENT INSTRUMENTS

City of Tea Tree Gully	2621
City of Victor Harbor	2621
City of West Torrens	2640
Light Regional Council	2640
Adelaide Plains Council	2642
District Council of Coober Pedy—Republished	2642
Kingston District Council	2644
District Council of Peterborough	2659
Renmark Paringa Council	2660
District Council of Robe	2662
Wakefield Regional Council	2676

PUBLIC NOTICES

Aerodrome Fees Act 1998	2677
National Electricity Law	2678
National Energy Retail Law	2678
Trustee Act 1936	2678

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

GOVERNOR'S INSTRUMENTS

APPOINTMENTS

CORRIGENDUM

The appointments published in the *South Australian Government Gazette* No.50, dated 6 July 2023 on page 2132, were published with an incorrect date and *should* read as follows:

Department of the Premier and Cabinet
Adelaide, 6 July 2023

His Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the Construction Industry Long Service Leave Board, pursuant to the provisions of the Construction Industry Long Service Leave Act 1987:

Member: from 6 July 2023 until 28 September 2025
John Patrick Adley

Deputy Member: from 6 July 2023 until 28 September 2025
Adrian Valente (Deputy to Adley)

By command,

SUSAN ELIZABETH CLOSE, MP
For Premier

AGO0100-23CS

Department of the Premier and Cabinet
Adelaide, 3 August 2023

Her Excellency the Governor in Executive Council has been pleased to appoint the Honourable Justice Mark Christopher Livesey as Governor's Deputy of South Australia from 9.00am on Tuesday, 15 August 2023 until 3.00pm on Wednesday, 16 August 2023.

By command,

KYAM JOSEPH MAHER, MLC
For Premier

Department of the Premier and Cabinet
Adelaide, 3 August 2023

Her Excellency the Governor in Executive Council has been pleased to appoint the Honourable the Chief Justice Christopher John Kourakis as Governor's Deputy of South Australia from 6.00am on Thursday, 17 August 2023 until 1.30pm on Sunday, 20 August 2023.

By command,

KYAM JOSEPH MAHER, MLC
For Premier

Department of the Premier and Cabinet
Adelaide, 3 August 2023

Her Excellency the Governor in Executive Council has been pleased to appoint the Honourable the Chief Justice Christopher John Kourakis as Governor's Deputy of South Australia from 10.30am on Sunday 27 August 2023 until 10.00am on Thursday, 31 August 2023.

By command,

KYAM JOSEPH MAHER, MLC
For Premier

Department of the Premier and Cabinet
Adelaide, 3 August 2023

Her Excellency the Governor in Executive Council has been pleased to appoint the Honourable Nicholas David Champion, MP, to be also Acting Minister for Small and Family Business, Acting Minister for Consumer and Business Affairs and Acting Minister for Arts, from 8 August 2023 until 18 August 2023 inclusive, during the absence of the Honourable Andrea Michaels, MP.

By command,

KYAM JOSEPH MAHER, MLC
For Premier

23SFB0006CS

ENVIRONMENT PROTECTION ACT 1993

South Australia

Environment Protection (Commercial and Industrial Noise Policy) Notice 2023

under section 28 of the *Environment Protection Act 1993*

1—Short title

This notice may be cited as the *Environment Protection (Commercial and Industrial Noise Policy) Notice 2023*.

2—Declaration of environment protection policy

- (1) The draft policy known as the *Environment Protection (Commercial and Industrial Noise) Policy 2023* and referred to the Governor by the Minister under section 28 of the *Environment Protection Act 1993* is declared to be an authorised environment protection policy under that Act.
- (2) The policy comes into operation on 31 October 2023.

Made by the Governor

with the advice and consent of the Executive Council
on 3 August 2023

ENVIRONMENT PROTECTION ACT 1993

South Australia

**Environment Protection (Commercial and Industrial Noise)
Policy 2023**under the *Environment Protection Act 1993***Contents****Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Principal land uses and land use categories
- 5 Indicative noise levels
- 6 Application of policy
- 7 Amendment of policy without following normal procedure (section 32 of Act)

Part 2—Objects of policy

- 8 Objects of policy

Part 3—Measurement procedure

- 9 Application of Part
- 10 Instrumentation
- 11 Noise-affected premises and measurement place
- 12 General procedures
- 13 Source noise level procedures
- 14 Ambient and background noise level procedures
- 15 Rounding

Part 4—General noise control provisions

- 16 Application of Part
- 17 Compliance with noise goals satisfies general environmental duty
- 18 Criteria for determining action to deal with non-complying noise from noise source

Part 5—Development authorisation applications

- 19 Development authorisation applications

Part 6—Special noise control provisions—frost fans

- 20 Interpretation
- 21 Operation of frost fans

Part 7—Guidance documents

- 22 Wind farms
- 23 Issue of environment protection orders to give effect to guidelines

Schedule 1—Noise excluded from policy (clause 6)

- 1 Interpretation
- 2 Noise excluded from policy

Schedule 2—Repeal of *Environment Protection (Noise) Policy 2007*

Part 1—Preliminary

1—Short title

This policy may be cited as the *Environment Protection (Commercial and Industrial Noise) Policy 2023*.

2—Commencement

This policy comes into operation on a day to be fixed by the Governor by notice in the Gazette.

3—Interpretation

- (1) In this policy—

Act means the *Environment Protection Act 1993*;

ambient noise at a place affected by noise from a noise source means the noise at the place other than the noise from the noise source;

ambient noise level (continuous) means the value, expressed in dB(A), of a continuous steady sound that, for the period over which the measurement is taken using fast time weighting, has the same mean square sound pressure as the ambient noise level which varies with time when measured in accordance with Part 3;

ambient noise level (maximum) means the value, expressed in dB(A), of the highest instantaneous noise level measured using fast time weighting during measurement of the ambient noise level (continuous);

background noise level means the noise level that, according to a measurement taken using fast time weighting in accordance with Part 3, is equalled or exceeded for 90% of the period over which the measurement is taken;

building includes a structure and part of a building or structure;

characteristic, in relation to noise from a noise source, means a tonal, impulsive, low frequency, intermittent or modulating characteristic of the noise that is determined by the Authority or another administering agency, in accordance with the *Guidelines for the use of the Environment Protection (Commercial and Industrial Noise) Policy 2023* published by the Authority as in force from time to time, to be fundamental to the nature and impact of the noise;

dB(A) means decibels measured using the "A" weighting network of a sound level meter;

extraneous noise means—

- (a) noise caused by wind (such as wind on vegetation or the microphone diaphragm), insects, animals, birds, aircraft or unusual traffic conditions or any other infrequently occurring event; or
- (b) noise that the Authority or another administering agency determines to be of a significant level and the result of an organised activity that might be discontinued, reduced or relocated;

fast time weighting means a setting of a sound level meter to a "fast" or "F" response;

habitable room means any room that is not a storage area, bathroom, laundry or toilet;

impulsive characteristic—a noise has an impulsive characteristic if it has a dominant characteristic consisting of a single pressure peak, or a sequence of such peaks, or a single burst with multiple pressure peaks whose amplitude decays with time, or a sequence of such bursts;

indicative noise level for a noise source means the indicative noise level determined for the noise source under clause 5;

intermittent characteristic—a noise has an intermittent characteristic if the noise level increases noticeably and rapidly, and holds the higher level for a noticeable period, on at least 2 occasions during the assessment period that applies under clause 13(1)(b);

land use category means a category of land use determined under clause 4 for the purpose of determining the indicative noise level for a noise source or the relevant allowable noise level for noise-affected premises;

low frequency characteristic—a noise has a low frequency characteristic if it has a characteristic that dominates the overall noise with content between 20 hertz and 250 hertz;

modulating characteristic—a noise has a modulating characteristic if the noise level has a noticeable and cyclic variation in frequency or amplitude;

noise-affected premises—see clause 11;

noise designated area means an area to which the Planning and Design Code applies (whether described in the Code as a zone or subzone or otherwise) that is—

- (a) made subject to a set of land use rules by the provisions of the Code; and
- (b) not itself further divided by the Code into areas that are made subject to separate sets of land use rules;

noise level means sound pressure level in dB(A);

noise source means a commercial or industrial premises at which an activity is undertaken, or a machine or device is operated, resulting in the emission of noise;

Planning and Design Code or ***Code*** means the Planning and Design Code under the *Planning, Development and Infrastructure Act 2016*;

premises means land, or the whole or part of a building or vessel;

principal land use—see clause 4;

quiet noise designated area—a noise designated area is a quiet noise designated area if the land uses under the Planning and Design Code provisions that make land use rules for the noise designated area are principal land uses that all fall within either or both of the following land use categories:

- (a) Residential;
- (b) Rural living;

relevant Planning and Design Code provisions for premises means the Planning and Design Code provisions that make land use rules for the noise designated area in which the premises are situated;

source noise level (continuous) means the value, expressed in dB(A), of a continuous steady sound that, for the period over which the measurement is taken using fast time weighting, has the same mean square sound pressure as the noise level which varies over time when measured in relation to a noise source and noise-affected premises in accordance with Part 3;

source noise level (maximum), in relation to a noise source, means the value, expressed in dB(A), of the highest instantaneous noise level using fast time weighting during the measurement of the source noise level (continuous) in relation to the noise source and noise-affected premises;

tonal characteristic—a noise has a tonal characteristic if it has a perceptible and definite pitch or tone.

- (2) In this policy, a reference to an Australian Standard or an Australian/New Zealand Standard is a reference to the Standard as varied from time to time.

4—Principal land uses and land use categories

- (1) The Authority will, for the purposes of this policy, determine if a land use referred to in the relevant Planning and Design Code provisions for a noise designated area is a **principal land use** for the purposes of determining the land use category or categories that apply under this policy in respect of the area by reference to—
- (a) in the first instance—the Desired Outcomes provisions of the Code that apply in respect of the noise designated area; and
 - (b) to the extent that further clarification or specificity is required—
 - (i) in the second instance—the Performance Outcomes provisions of the Code that apply in respect of the noise designated area; and
 - (ii) in the third instance—the Designated Performance Features provisions of the Code that apply in respect of the noise designated area.
- (2) For the purposes of subclause (1), the Authority may also have regard to the *Guide to the Planning and Design Code* prepared by the Department for Trade and Investment, as in force from time to time.
- (3) The use of a particular land use term in a relevant Planning and Design Code provision for a noise designated area will be taken to correspond to a particular land use category for the purposes of this policy in accordance with the *Guidelines for the use of the Environment Protection (Commercial and Industrial Noise) Policy 2023* published by the Authority, as in force from time to time.
- (4) The land use category or categories within which a principal land use under the Planning and Design Code falls is to be determined by the Authority in accordance with the *Guidelines for the use of the Environment Protection (Commercial and Industrial Noise) Policy 2023* published by the Authority, as in force from time to time.
- (5) The allocation of a noise designated area to a particular land use category or categories for the purposes of this policy will be determined by the Authority in accordance with the *Indicative noise factor guidelines for the Environment Protection (Commercial and Industrial Noise) Policy 2023* published by the Authority, as in force from time to time.
- (6) If there is disagreement as to—
- (a) whether a land use referred to in the relevant Planning and Design Code provisions for a noise designated area is a principal land use; or
 - (b) which land use category a principal land use under the Planning and Design Code falls within,

the issue is to be determined, for the purposes of this policy, by the Authority after consultation with the State Planning Commission.

5—Indicative noise levels

- (1) Subject to this clause, the indicative noise level for a noise source is to be determined as follows:
 - (a) where—
 - (i) the principal land uses under the relevant Planning and Design Code provisions for the noise source fall within a land use category specified in Table 1 in subclause (9); and
 - (ii) the principal land uses under the relevant Planning and Design Code provisions for the noise-affected premises fall within the same category as the principal land uses under the relevant Planning and Design Code provisions for the noise source,
by reference to indicative noise factors set out in Table 1 in subclause (9);
 - (b) in any other case—by reference to indicative noise factors set out in Table 2 in subclause (9).
- (2) When measurements to determine the source noise level (continuous) are taken—
 - (a) between 7.00 a.m. and 10.00 p.m. on the same day—an indicative noise factor used to determine the indicative noise level for the noise source is found in Table 1 or 2 in the column under the heading "**Day**"; or
 - (b) between 10.00 p.m. on one day and 7.00 a.m. on the following day—an indicative noise factor used to determine the indicative noise level for the noise source is found in Table 1 or 2 in the column under the heading "**Night**".
- (3) An indicative noise factor is also selected from Table 1 or 2 by reference to a land use category (and an indicative noise factor for a land use category is found in the table in the column alongside the land use category).
- (4) If the principal land uses under the relevant Planning and Design Code provisions for the noise source and the principal land uses under the relevant Planning and Design Code provisions for the noise-affected premises all fall within a single land use category, the indicative noise level for the noise source is the indicative noise factor for that land use category.
- (5) Subject to subclause (6), if the principal land uses under the relevant Planning and Design Code provisions for the noise source and the principal land uses under the relevant Planning and Design Code provisions for the noise-affected premises do not all fall within a single land use category, the indicative noise level is the average of the indicative noise factors for the land use categories within which those land uses fall.
- (6) Subclause (5) does not apply if the noise designated area in which the noise source is situated is separated from the noise designated area in which the noise-affected premises are situated by another noise designated area that is (on an imaginary straight line joining the noise source and the noise-affected premises) at least 100 metres wide, but instead subclause (4) applies as if the principal land uses under the relevant Planning and Design Code provisions for the noise source were the same as the principal land uses under the relevant Planning and Design Code provisions for the noise-affected premises.
- (7) A figure resulting from the calculation of an average under subclause (5) must, if it contains a fraction, be rounded to the nearest whole number.

- (8) Despite the other provisions of this clause, if the measurement place is within a habitable room but cannot be located at an open window, the indicative noise level for the noise source is—
- (a) the lowest end of the design sound level range set out in Australian and New Zealand Standard *AS/NZS 2107:2016: Acoustics — Recommended design sound levels and reverberation times for building interiors*, determined by the Authority to be the relevant level; or
 - (b) 20 dB(A) less than the indicative noise level that would, but for this subclause, apply,

whichever is the greater.

(9) **Tables**

Table 1 (subclause (1)(a))

Land use category	Indicative noise factor (dB(A))	
	Day	Night
General Industry	65	65
Special Industry	70	70

Table 2 (subclause (1)(b))

Land use category	Indicative noise factor (dB(A))	
	Day	Night
Rural Living	47	40
Residential	52	45
Rural Industry	57	50
Light Industry	57	50
Commercial	62	55
General Industry	65	55
Special Industry	70	60

6—Application of policy

Except insofar as it forms part of ambient noise, this policy does not apply to—

- (a) a noise of a class set out in Schedule 1; or
- (b) a noise if an environmental authorisation, environment protection order, or exemption, relating to the noise, applied to the noise immediately before the commencement of this policy and continues to apply to the noise.

7—Amendment of policy without following normal procedure (section 32 of Act)

- (1) The following provisions of this policy may be amended by the Minister, by notice in the Gazette, under section 32(1)(c) of the Act:
 - (a) clause 3;
 - (b) clause 5;
 - (c) Part 3;
 - (d) Part 6

- (e) Part 7;
 - (f) Schedule 1.
- (2) The kinds of changes that may be made to a provision by amendment under subclause (1) are as follows:
- (a) the provision may be substituted wholly or in part;
 - (b) material may be varied or struck out from the provision;
 - (c) material may be inserted into the provision.
- (3) The Authority will not make a recommendation to the Minister for amendment of a provision under subclause (1) unless it has—
- (a) developed a written proposal for the amendment, clearly setting out the purpose and likely impact of and reasons for the proposed amendment; and
 - (b) consulted with relevant organisations and industries and the community likely to be affected by the proposed amendment; and
 - (c) given consideration to and informed the Minister of the views expressed by those consulted.

Part 2—Objects of policy

8—Objects of policy

This policy has the following objects:

- (a) to set out procedures for measuring commercial and industrial noise to determine compliance with the Act and this policy (see Part 3);
- (b) to fix noise goals for most noise sources compliance with which will satisfy the general environmental duty under section 25 of the Act in relation to noise from those noise sources (see Part 4);

Note—

Clause 6 excludes certain noise from the application of this policy.

Part 4 does not apply to noises of a kind to which Part 6 and Part 7 apply.

- (c) to set out criteria for determining what requirements (if any) the Authority or another administering agency will impose to deal with noise sources not complying with applicable noise goals under this policy (see Part 4);
- (d) to provide the basis for a consistent approach to issues relating to commercial and industrial noise in the determination of applications for development authorisation under the *Development Act 1993* or the *Planning, Development and Infrastructure Act 2016* (see Part 5);
- (e) to make special provision for certain kinds of noises (see Part 6);
- (f) to apply guidelines or other guidance documents to certain kinds of noises (see Part 7).

Part 3—Measurement procedure

9—Application of Part

Except as otherwise specified, this Part does not apply to noise to which guidelines under Part 7 apply.

10—Instrumentation

- (1) The measurement of noise for the purposes of this policy must be taken by a sound level meter that complies with Australian and New Zealand Standard *AS/NZS IEC 61672.1:2019: Electroacoustics—Sound level meters Part 1: Specifications* and has been tested in the previous 24 months by a National Association of Testing Authorities of Australia registered laboratory and certified by the laboratory to be accurate within relevant tolerances allowed for a Performance Class 1 or 2 sound level meter in *AS/NZS IEC 61672.1:2019*.
- (2) Other equipment may be used in conjunction with a sound level meter when taking a noise measurement provided that the overall accuracy of the measurement, as certified by a National Association of Testing Authorities of Australia registered laboratory in the previous 24 months, is no less than that acceptable for a Class 2 sound level meter.
- (3) For each series of noise measurements taken, a calibrated reference sound source accurate within plus or minus 1 dB(A) must be used to check the performance of the sound level meter and other equipment used in the measurement, before and after that measurement.

11—Noise-affected premises and measurement place

- (1) For the purposes of this policy, measurements to determine the compliance with this policy of noise from a noise source are to be taken in relation to premises at which the noise is audible (*noise-affected premises*) that—
 - (a) are in separate occupation from the noise source and used for residential or business purposes; or
 - (b) constitute a quiet ambient environment set aside as a park or reserve or for public recreation or enjoyment.
- (2) The measurement of a source noise level (continuous) and, subject to clause 14, an ambient noise level (continuous) or background noise level must be taken at a place, determined in accordance with subclauses (3), (4) and (5), at the noise-affected premises that is within or near, and at the same approximate elevation as, an area frequented by persons residing, working or sleeping at the premises, or, in the case of land set aside as a park or reserve or for public recreation or enjoyment, by members of the public.
- (3) Unless the noise affected premises has existing acoustic attenuation installed, or the Authority or another administering agency determines that it is not practicable or relevant to do so, the measurement place must be located outside any buildings.
- (4) If the Authority or another administering agency determines that it is not practicable or relevant to locate the measurement place outside any buildings—
 - (a) the measurement place must be at a window of a habitable room; and
 - (b) the window must be opened as wide as possible.
- (5) If the noise affected premises has existing noise attenuation installed, or if the measurement place cannot be located at an open window of a habitable room, the measurement place must be within such a room.
- (6) Subclauses (3), (4) and (5) do not apply to measurements for the purposes of Part 6.

12—General procedures

The following procedures must be adopted when measuring a source noise level (continuous), ambient noise level (continuous) or background noise level:

- (a) if the measurement is taken outside—
 - (i) the microphone of the sound level meter must be at a height of 1.2 to 1.5 metres above any horizontal acoustically reflecting surface, and, if it is practicable and relevant, at a distance of at least 3.5 metres from any vertical acoustically reflecting surface; and
 - (ii) the axis of maximum sensitivity of the microphone of the sound level meter must be directed towards the noise source; and
 - (iii) a wind shield approved by the sound level meter manufacturer must be used; and
 - (iv) the wind velocity at the measurement place must not exceed 5 metres per second; and
 - (v) care must be taken to avoid any effect on the measurement of extraneous noise, acoustic vibration or electrical interference; and
 - (vi) steps must be taken, as determined by the Authority or another administering agency, to take account of any significantly varying meteorological patterns in the noise designated area;
- (b) if the measurement is taken at an open window of a room—
 - (i) the microphone of the sound level meter must be in the middle of the plane of the open window; and
 - (ii) the axis of maximum sensitivity of the microphone of the sound level meter must be perpendicular to the plane of the window; and
 - (iii) a wind shield approved by the sound level meter manufacturer must be used; and
 - (iv) the wind velocity at the measurement place must not exceed 5 metres per second; and
 - (v) care must be taken to avoid any effect on the measurement of extraneous noise, acoustic vibration or electrical interference or noise generated within the premises in which the measurement is taken; and
 - (vi) steps must be taken, as determined by the Authority or another administering agency, to take account of any significantly varying meteorological patterns in the noise designated area;
- (c) if the measurement is taken within a room or at any place determined by the Authority or another administering agency—
 - (i) the sound level meter must be held at a position that produces the highest noise level reading in the room or place when at least 1 metre from walls, at least 1.5 metres from windows, and at a height of 1.2 to 1.5 metres above floor level; and
 - (ii) a wind shield approved by the sound level meter manufacturer must be used; and

- (iii) care must be taken to avoid any effect on the measurement of any extraneous noise, acoustic vibration or electrical interference or noise generated within the premises in which the measurement is taken; and
- (iv) steps must be taken, as determined by the Authority or other administering agency, to take account of any significantly varying meteorological patterns in the noise designated area.

13—Source noise level procedures

- (1) A measurement of a source noise level (continuous) made for the purposes of this policy—
 - (a) must be made using fast time weighting; and
 - (b) must be made—
 - (i) over a period of 15 minutes; or
 - (ii) if the Authority or another administering agency has determined, in accordance with the *Guidelines for the use of the Environment Protection (Commercial and Industrial Noise) Policy 2023* published by the Authority as in force from time to time, that a different period is more or equally representative of the impact of the noise from the noise source—over the period so determined by the Authority or other administering agency.
- (2) The source noise level (continuous) must be adjusted in a manner determined by the Authority to remove the influence of the ambient noise level (continuous).
- (3) If the noise from the noise source contains characteristics, the source noise level (continuous) must be further adjusted in the following way (except for the purposes of comparison with the background noise level plus 5 dB(A)):
 - (a) if the noise from the noise source contains 1 characteristic, 5 dB(A) must be added to the source noise level (continuous);
 - (b) if the noise from the noise source contains 2 characteristics, 8 dB(A) must be added to the source noise level (continuous);
 - (c) if the noise from the noise source contains 3 or more characteristics, 10 dB(A) must be added to the source noise level (continuous).
- (4) For the purposes of subclause (3), a noise from a noise source will not be taken to contain an intermittent characteristic unless the intermittent characteristic occurs between 10 p.m. on one day and 7 a.m. on the following day.
- (5) Subclause (3) does not apply to measurements for the purposes of Part 6.

14—Ambient and background noise level procedures

- (1) A measurement of ambient noise level (continuous) or background noise level made for the purposes of this policy must be made—
 - (a) using fast time weighting; and
 - (b) over a period when the noise from the noise source is absent from the measurement place, being a period determined by the Authority or another administering agency to be adequately representative of the nature of the ambient noise.

- (2) If it is not reasonably practicable to measure the ambient noise level (continuous) or background noise level at the noise-affected premises because of difficulty in eliminating noise from the noise source or eliminating the effect of extraneous noise on the measurement, the measurement must be taken at a place determined by the Authority or another administering agency where—
- (a) the noise from the noise source is absent; and
 - (b) extraneous noise does not affect the measurement; and
 - (c) the noise is determined by the Authority or other administering agency to adequately match the ambient noise at the noise-affected premises.

15—Rounding

The final result of a measurement procedure under this Part must, if it contains a fraction, be rounded to the nearest whole number.

Part 4—General noise control provisions

16—Application of Part

Except as otherwise specified, this Part does not apply to noise to which the provisions of Part 6, or guidelines under Part 7, apply.

17—Compliance with noise goals satisfies general environmental duty

- (1) The general environmental duty under section 25 of the Act is satisfied in relation to noise from a noise source, insofar as the noise affects particular noise-affected premises, if the noise complies with the noise goals.
- (2) The noise from a noise source complies with the noise goals if measurements taken in relation to the noise source and the noise-affected premises show that—
 - (a) the source noise level (continuous) does not exceed the background noise level plus 5 dB(A); or
 - (b) the source noise level (continuous) does not exceed the indicative noise level for the noise source.

18—Criteria for determining action to deal with non-complying noise from noise source

If noise from a noise source does not comply with the noise goals, the Authority or another administering agency must, in determining whether it should require any action to be taken to reduce the noise and, if so, what action should be required and what period should be allowed for taking such action, have regard to the following matters:

- (a) the amount in dB(A) by which the source noise level (continuous) exceeds the relevant level and the frequency and duration of the noise level that give rise to that result;
- (b) any component of the ambient noise or extraneous noise that—
 - (i) has a noise level similar to or greater than the source noise level (continuous); and
 - (ii) has a similar noise character or similar regularity and duration to the noise from the noise source;
- (c) the times of occurrence of the noise from the noise source;

- (d) the number of persons adversely affected by the noise from the noise source and whether there is any special need for quiet at the noise-affected premises;
- (e) the land uses existing in the vicinity of the noise source when the kind of activity currently undertaken at the noise source was first undertaken there;
- (f) the kind of activity undertaken at the noise source and the other land uses existing in the vicinity of the noise-affected premises when the current occupancy of the noise-affected premises commenced;
- (g) whether Planning and Design Code provisions applicable to the noise source have been introduced or changed since the kind of activity currently undertaken at the noise source was first undertaken there;
- (h) whether Planning and Design Code provisions applicable to the noise-affected premises have been introduced or changed since the current occupancy of the noise-affected premises commenced;
- (i) any other matter required to be taken into account under section 25 of the Act or determined to be relevant by the Authority or the other administering agency.

Part 5—Development authorisation applications

19—Development authorisation applications

- (1) This clause applies for the purpose of the determination by the Authority under Part 6 Division 7 of the Act of the Authority's response in relation to an application for development authorisation referred to it under the *Development Act 1993* or the *Planning, Development and Infrastructure Act 2016*.
- (2) For the purposes of this clause—
 - (a) the land to which the application for development authorisation relates is to be taken to be a **noise source** of the kind that would exist if the development proposed in the application had been undertaken and an activity of the kind proposed to be undertaken by the applicant were being undertaken there; and
 - (b) assuming that measurements were taken, in accordance with this policy, in relation to the noise source and existing or future premises (**noise-affected premises**) determined by the Authority to be premises that might be adversely affected by the noise from the noise source—
 - (i) a **predicted source noise level (continuous)** for the development is the noise level determined by the Authority to be the source noise level (continuous) for the noise source that would result from those measurements; and
 - (ii) a **predicted source noise level (maximum)** for the development is a noise level determined by the Authority to be the source noise level (maximum) that would be recorded during those measurements; and
 - (c) the **relevant indicative noise level** is the indicative noise level determined for the noise source in relation to the noise-affected premises.
- (3) A predicted source noise level (continuous) for the development should not exceed the relevant indicative noise level less 5 dB(A).

- (4) In addition, if the noise-affected premises are situated in a quiet noise designated area—
- (a) a predicted source noise level (continuous) for the development, as determined by the Authority for a period between 7.00 a.m. and 10.00 p.m. on the same day, should not exceed 52 dB(A); and
 - (b) a predicted noise level (continuous) for the development, as determined by the Authority for a period between 10.00 p.m. on one day and 7.00 a.m. on the following day, should not exceed 45 dB(A); and
 - (c) a predicted source noise level (maximum) for the development, as determined by the Authority for a time between 10.00 p.m. on one day and 7.00 a.m. on the following day, should not exceed 60 dB(A).
- (5) Determinations to be made by the Authority for the purposes of subclauses (2) to (4) (inclusive) are, to the extent required by the Authority, to be made on the basis of documents and information (including calculations and technical details) provided by the applicant for development authorisation.
- (6) If a predicted source noise level (continuous) or predicted source noise level (maximum) for the development exceeds a relevant level prescribed in subclause (3) or (4), the Authority must have regard to the following matters in determining its response:
- (a) the amount in dB(A) by which the predicted source noise level (continuous) or predicted source noise level (maximum) exceeds the relevant level and the likely frequency and duration of the noise levels that give rise to that result;
 - (b) any component of the ambient noise or extraneous noise that—
 - (i) has a noise level similar to or greater than the predicted source noise level (continuous) or predicted source noise level (maximum); and
 - (ii) has a similar noise character or similar regularity and duration to the noise from the noise source;
 - (c) the times of occurrence of the noise from the noise source;
 - (d) the number of persons likely to be adversely affected by the noise from the noise source and whether there is or is likely to be any special need for quiet at noise-affected premises;
 - (e) the land uses existing in the vicinity of the noise source;
 - (f) any other matter required to be taken into account under section 25 of the Act or determined to be relevant by the Authority.

Part 6—Special noise control provisions—frost fans

20—Interpretation

In this Part—

frost fan means a device designed or adapted to combat frost by fanning warmer air over the frost-affected surfaces;

operator of a frost fan means the person responsible for the operation of the fan.

21—Operation of frost fans

- (1) The following provisions apply to the operation of a frost fan:
- (a) the fan must not be of dimensions, or have an operating speed, greater than is reasonably required for its effective operation;
 - (b) the fan must not be operated except during a period when frost occurs or is reasonably likely to occur, or as necessary for maintenance work;
 - (c) maintenance work must not be carried out on the fan except between 7.00 a.m. and 10.00 p.m. on the same day;
 - (d) the fan must not be operated if measurements taken in relation to the noise source and noise-affected premises that are residential premises show that the source noise level (continuous) exceeds—
 - (i) the background noise level plus 5 dB(A); and
 - (ii) the relevant allowable noise level for the noise-affected premises set out in the table in subclause (6).
- (2) Measurements for the purposes of subclause (1)(d) must first be taken outside any buildings and, if the source noise level (continuous) exceeds the relevant levels prescribed in subclause (1)(d), that result must be ignored and measurements must then be taken in the noise-affected premises within the habitable room most affected by noise from the noise source and the windows of that room must be kept closed during the measurements.
- (3) If the fan is operated simultaneously with other frost fans at the same premises (whether on every occasion of its operation or some occasions only), measurements taken for the purposes of subclause (1)(d) must be taken in relation to the noise emitted when all the fans are in operation.
- (4) For the purposes of this clause, the *relevant allowable noise level* for noise-affected premises is selected from the table as follows:
- (a) if the principal land uses under the relevant Planning and Design Code provisions for the noise-affected premises fall within either or both of the land use categories Residential or Rural Living, the relevant allowable noise level is found in the table in the column alongside those land use categories;
 - (b) in any other case, the relevant allowable noise level is found in the column alongside the land use categories Rural Industry or Light Industry.
- (5) The operator of a frost fan or an occupier of premises at which a frost fan is operated must ensure compliance with subclause (1) in relation to its operation.
- (6) **Table**

Land use category	Allowable noise level (dB(A))	
	Measurements outside	Measurements within habitable room
Residential or Rural Living	45	25
Rural Industry or Light Industry	55	35

Part 7—Guidance documents

22—Wind farms

- (1) If an entity operates a wind farm, the *Wind farms environmental noise guidelines 2021*, prepared by the Authority, and as in force from time to time, apply.
- (2) In this clause—
wind farm means a group of wind turbine generators.

23—Issue of environment protection orders to give effect to guidelines

The Authority or another administering agency may issue an environment protection order to a person who undertakes an activity referred to in this Part to give effect to the guidelines that apply to the activity under this Part.

Schedule 1—Noise excluded from policy (clause 6)

1—Interpretation

In this Schedule—

construction activity includes—

- (a) demolition work, site preparation work and building maintenance or repair work; and
- (b) the operation of vehicles within, or entering or leaving, a construction site; and
- (c) any activities, at or within the immediate vicinity of a construction site, of persons who perform work at the site, or work connected with work at the site;

public infrastructure means—

- (a) infrastructure, equipment, structures, works and other facilities used in or in connection with the provision of essential services or telecommunications; and
- (b) roads and their supporting works;

public infrastructure works means works for the construction, installation, repair, maintenance or replacement of, or making of other physical changes to, public infrastructure.

2—Noise excluded from policy

This policy does not apply to the following:

- (a) noise from activities carried on in the ordinary course of the operation of a school, kindergarten, child care centre or place of worship;
- (b) aircraft noise;
- (c) railway noise;
- (d) other vehicle noise except from vehicles operating within, or entering or leaving, business premises;
- (e) noise that may be the subject of proceedings under the *Liquor Licensing Act 1997*;
- (f) noise from any of the following:
 - (i) aerodromes;
 - (ii) helicopter landing facilities;

- (iii) motor racing or testing venues;
- (iv) shooting ranges;
- (g) noise from blasting operations carried out as part of a mining operation within the meaning of the *Mines and Works Inspection Act 1920* or *Mining Act 1971*;
- (h) noise from construction activity other than construction activity at or within the immediate vicinity of a site where development authorisation is not required under the *Planning, Development and Infrastructure Act 2016* in respect of any of the activities undertaken at the site;
- (i) noise from public infrastructure works;
- (j) noise caused by emergency vehicle sirens, fire alarms and other emergency alarms and devices, except noise from reversing vehicle warning alarms or devices;
- (k) noise outside of the human audible range.

Schedule 2—Repeal of *Environment Protection (Noise) Policy 2007*

The *Environment Protection (Noise) Policy 2007* is repealed.

MUTUAL RECOGNITION ACT 1992

South Australia

Mutual Recognition (Tasmanian Container Deposit Scheme) Notice 2023

under section 47 of the *Mutual Recognition Act 1992* of the Commonwealth as adopted by section 4 of the *Mutual Recognition (South Australia) Act 1993*

1—Short title

This notice may be cited as the *Mutual Recognition (Tasmanian Container Deposit Scheme) Notice 2023*.

2—Commencement

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

3—Request for regulations to be made

For the purposes of section 47 of the *Mutual Recognition Act 1992* of the Commonwealth, it is requested that the proposed regulations set out in Schedule 1 be made.

Schedule 1—Proposed regulations



Mutual Recognition Legislation Amendment (Tasmanian Container Deposit Scheme) Regulations 2023

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 2023

David Hurley
Governor-General

By His Excellency's Command

Ed Husic
Minister for Industry and Science

Contents

1	Name	1
2	Commencement	1
3	Authority	1
4	Repeal of this instrument	1
5	Schedules	1
Schedule 1—Amendments		2
	<i>Mutual Recognition Act 1992</i>	2

1 Name

This instrument is the *Mutual Recognition Legislation Amendment (Tasmanian Container Deposit Scheme) Regulations 2023*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The later of: (a) the start of the day after this instrument is registered; and (b) immediately after the commencement of Part 2 of the <i>Container Refund Scheme Act 2022</i> (Tas.). However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 47 of the *Mutual Recognition Act 1992*.

4 Repeal of this instrument

This instrument is repealed on the day after it commences.

5 Schedules

Legislation that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1 Amendments

Schedule 1—Amendments***Mutual Recognition Act 1992*****1 At the end of Schedule 2**

Add:

38 Both of the following:

- (a) the *Container Refund Scheme Act 2022* (Tas.);
- (b) regulations or other instruments made under that Act, to the extent that they relate to the container deposit scheme established by Part 2 of that Act.

Made by the Governorwith the advice and consent of the Executive Council
on 3 August 2023

TRANS-TASMAN MUTUAL RECOGNITION ACT 1997

South Australia

Trans-Tasman Mutual Recognition (NT Container Deposit Scheme) Notice 2023

under section 43 of the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth as adopted by section 4 of the *Trans-Tasman Mutual Recognition (South Australia) Act 1999*

1—Short title

This notice may be cited as the *Trans-Tasman Mutual Recognition (NT Container Deposit Scheme) Notice 2023*.

2—Commencement

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

3—Endorsement of regulations

The proposed regulations set out in Schedule 1 are endorsed for the purposes section 45 of the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth.

Schedule 1—Proposed regulations



Trans-Tasman Mutual Recognition Legislation Amendment (Northern Territory Container Deposit Scheme) Regulations 2023

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 2023

David Hurley
Governor-General

By His Excellency's Command

Ed Husic
Minister for Industry and Science

Contents

1	Name	1
2	Commencement	1
3	Authority	1
4	Repeal of this instrument	1
5	Schedules	1
Schedule 1—Amendments		2
	<i>Trans-Tasman Mutual Recognition Act 1997</i>	2

1 Name

This instrument is the *Trans-Tasman Mutual Recognition Legislation Amendment (Northern Territory Container Deposit Scheme) Regulations 2023*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 45 of the *Trans-Tasman Mutual Recognition Act 1997*.

4 Repeal of this instrument

This instrument is repealed on the day after it commences.

5 Schedules

Legislation that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1 Amendments

Schedule 1—Amendments

Trans-Tasman Mutual Recognition Act 1997

1 Clause 11 of Schedule 2

Before “Firearms and other prohibited or offensive weapons”, insert:

Container deposit scheme

The following laws:

- (a) Part 2 of the *Environment Protection (Beverage Containers and Plastic Bags) Act 2011*;
- (b) all other provisions of that Act, to the extent that they relate to the container deposit scheme established by that Part;
- (c) regulations or other instruments made under that Act, to the extent that they relate to that scheme

2 *Trans-Tasman Mutual Recognition Legislation Amendment (Northern Territory
Container Deposit Scheme) Regulations 2023*

OPC66133 - A

Made by the Governor

with the advice and consent of the Executive Council
on 3 August 2023

TRANS-TASMAN MUTUAL RECOGNITION ACT 1997

South Australia

Trans-Tasman Mutual Recognition (Tasmanian Container Deposit Scheme) Notice 2023

under section 43 of the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth as adopted by section 4 of the *Trans-Tasman Mutual Recognition (South Australia) Act 1999*

1—Short title

This notice may be cited as the *Trans-Tasman Mutual Recognition (Tasmanian Container Deposit Scheme) Notice 2023*.

2—Commencement

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

3—Endorsement of regulations

The proposed regulations set out in Schedule 1 are endorsed for the purposes section 45 of the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth.

Schedule 1—Proposed regulations



Trans-Tasman Mutual Recognition Legislation Amendment (Tasmanian Container Deposit Scheme) Regulations 2023

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 2023

David Hurley
Governor-General

By His Excellency's Command

Ed Husic
Minister for Industry and Science

Contents

1	Name	1
2	Commencement	1
3	Authority	1
4	Repeal of the instrument	1
5	Schedules	1
Schedule 1—Amendments		2
	<i>Trans-Tasman Mutual Recognition Act 1997</i>	2

1 Name

This instrument is the *Trans-Tasman Mutual Recognition Legislation Amendment (Tasmanian Container Deposit Scheme) Regulations 2023*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The later of: (a) the start of the day after this instrument is registered; and (b) immediately after the commencement of Part 2 of the <i>Container Refund Scheme Act 2022</i> (Tas.). However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 45 of the *Trans-Tasman Mutual Recognition Act 1997*.

4 Repeal of the instrument

This instrument is repealed on the day after it commences.

5 Schedules

Legislation that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1 Amendments

Schedule 1—Amendments***Trans-Tasman Mutual Recognition Act 1997*****1 Clause 9 of Schedule 2**

Before “Firearms and other prohibited or offensive weapons”, insert:

Container deposit scheme

The following laws:

- (a) the *Container Refund Scheme Act 2022*;
- (b) regulations or other instruments made under that Act, to the extent that they relate to the container deposit scheme established by Part 2 of that Act

Made by the Governor

with the advice and consent of the Executive Council
on 3 August 2023

PROCLAMATIONS

South Australia

Residential Tenancies (Protection of Prospective Tenants) Amendment Act (Commencement) Proclamation 2023

1—Short title

This proclamation may be cited as the *Residential Tenancies (Protection of Prospective Tenants) Amendment Act (Commencement) Proclamation 2023*.

2—Commencement of Act

The *Residential Tenancies (Protection of Prospective Tenants) Amendment Act 2023* (No 22 of 2023) comes into operation on 1 September 2023.

Made by the Governor

with the advice and consent of the Executive Council
on 3 August 2023

REGULATIONS

South Australia

Associations Incorporation Regulations 2023under the *Associations Incorporation Act 1985***Contents**

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Definition of prescribed association
- 5 Forms
- 6 Accounting records
- 7 Periodic returns (section 36)
- 8 Modifications of Commonwealth Act for purposes of Part 5 and section 61 of Act
- 9 Prescribed particulars for application for deregistration (section 43A)
- 10 Prescribed commission (section 46)
- 11 Exception to requirement that name of association be printed etc on documents (section 54)
- 12 Commission may destroy documents (section 67(2)(d))
- 13 Copy of court order to be lodged with Commission
- 14 Offence to make false or misleading statement

Schedule 1—Forms

Schedule 2—Repeal of *Associations Incorporation Regulations 2008***1—Short title**

These regulations may be cited as the *Associations Incorporation Regulations 2023*.

2—Commencement

These regulations come into operation on 1 September 2023.

3—Interpretation

In these regulations—

Act means the *Associations Incorporation Act 1985*.

4—Definition of prescribed association

For the purposes of paragraph (a)(ii) of the definition of *prescribed association* in section 3(1) of the Act, the amount prescribed is \$500 000.

5—Forms

- (1) The forms set out in Schedule 1 must—
 - (a) be used for the purposes specified in the Schedule; and
 - (b) contain the information required by and be presented and completed in accordance with the instructions contained in the forms.
- (2) If the space provided in a form is insufficient to contain all the required information—
 - (a) the information must be set out in an annexure to the form; and

- (b) the annexure must have a distinguishing mark such as a letter or numeral; and
- (c) the space in the form must contain the statement "See Annexure" together with the distinguishing mark for the annexure, or words to similar effect.

6—Accounting records

An association must retain the accounting records kept by it under section 35 or 39C of the Act (as the case requires) for 7 years after the completion of the transactions to which they relate.

Maximum penalty: \$1 250.

7—Periodic returns (section 36)

- (1) For the purposes of section 36 of the Act, a prescribed association must lodge with the Commission a periodic return (in the form set out in Schedule 1) within 6 months after the end of each of its financial years.
- (2) A periodic return must be signed and dated by the public officer of the association.

8—Modifications of Commonwealth Act for purposes of Part 5 and section 61 of Act

- (1) The provisions of the *Corporations Act 2001* of the Commonwealth applied by Part 5 or section 61 of the Act apply with the following modifications, additions and exclusions (in addition to those contained in the Act):
 - (a) a reference to ASIC or the Commission is to be read as a reference to the Corporate Affairs Commission;
 - (b) a reference to the Court is to be read as a reference to the Supreme Court of South Australia;
 - (c) a reference to the Gazette is to be read as a reference to the South Australian Government Gazette;
 - (d) a reference to lodge is to be read as a reference to lodge with the Corporate Affairs Commission;
 - (e) in relation to an incorporated association—
 - (i) a reference to a constitution is to be read as a reference to the rules of the incorporated association;
 - (ii) a reference to a board of directors is to be read as a reference to the committee of the incorporated association;
 - (iii) a reference to a director is to be read as a reference to—
 - (A) a person who occupies or acts in a position of a member of the committee of the incorporated association, by whatever name called and whether or not validly appointed to occupy or duly authorised to act in the position; or
 - (B) a person in accordance with whose directions or instructions the committee of the incorporated association is accustomed to act;
 - (iv) a reference to an officer is to be read as including a reference to an officer within the meaning of the Act (in addition to the meaning given by paragraphs (c), (d), (e), (f) and (g) of the definition of *officer* of a corporation in section 9 of the *Corporations Act 2001* of the Commonwealth);

- (v) a reference to a registered office is to be read as a reference to an office of the incorporated association (if any);
- (f) in respect of Part 5.1 of the *Corporations Act 2001* of the Commonwealth—
 - section 411(13)—leave out from paragraph (b) "the registered office of the body" and insert "the office (or the main office if there is more than 1) of the incorporated association or, if the association does not have an office, the address of the public officer of the incorporated association"
- (g) in respect of Part 5.3A of the *Corporations Act 2001* of the Commonwealth—
 - (i) section 446A(2)—
 - (A) leave out from paragraph (a) "section 491" and insert "section 41 of the *Associations Incorporation Act 1985*"
 - (B) leave out from paragraph (b) "section 494" and insert "section 41C of the *Associations Incorporation Act 1985*"
 - (ii) section 446A(3)—leave out "is" and insert "and section 41D of the *Associations Incorporation Act 1985* are"
 - (iii) section 446B—after subsection (1) insert—
 - (1A) In applying the regulations to an incorporated association—
 - (a) the special resolution will be taken to have been passed under section 41(1)(b) of the *Associations Incorporation Act 1985*; and
 - (b) a reference to section 494 of the *Corporations Act 2001* of the Commonwealth will be taken to be a reference to section 41C of the *Associations Incorporation Act 1985*; and
 - (c) a reference to section 497 of the *Corporations Act 2001* of the Commonwealth will be taken to include a reference to section 41D of the *Associations Incorporation Act 1985*.
- (h) in respect of Part 5.4B of the *Corporations Act 2001* of the Commonwealth—
 - (i) section 465A—leave out "under section 459P, 462 or 464" wherever occurring and insert in each case "to the Court under section 41 of the *Associations Incorporation Act 1985*"
 - (ii) section 465B(1)—leave out "section 459P, 462 or 464" and insert "section 41 of the *Associations Incorporation Act 1985*"
 - (iii) section 465C—leave out "section 459P, 462 or 464" and insert "section 41 of the *Associations Incorporation Act 1985*"
 - (iv) section 467A—
 - (A) leave out "Part 5.4 or 5.4A" and insert "section 41 of the *Associations Incorporation Act 1985*"
 - (B) leave out paragraph (b) and insert:

- (b) in the case of an application for the winding up of an incorporated association on the ground that it is unable to pay its debts—a defect in a demand of a kind referred to in section 41(4)(a) of the *Associations Incorporation Act 1985*;
- (v) section 467B—leave out "section 233, 459A, 459B or 461" and insert "section 41 or 61 of the *Associations Incorporation Act 1985*"
- (vi) section 472—after subsection (2) insert:
 - (2A) The Court may appoint a person who is not an official liquidator to be liquidator or provisional liquidator of an incorporated association in accordance with section 41(9) of the *Associations Incorporation Act 1985*.
- (vii) section 475—leave out
- (i) in respect of Part 5.5 of the *Corporations Act 2001* of the Commonwealth—
 - (i) section 490—leave out
 - (ii) section 491—leave out subsection (1)
 - (iii) section 494—leave out
 - (iv) section 496(1)—
 - (A) leave out "section 494" and insert "section 41C of the *Associations Incorporation Act 1985*"
 - (B) leave out paragraph (a) and insert—
 - (a) apply to the Supreme Court for the association to be wound up under section 41 of the *Associations Incorporation Act 1985* on the ground that the association is unable to pay its debts;
 - (v) section 497—leave out subsection (5)
 - (vi) section 501—leave out
 - (vii) section 507—leave out
- (j) in respect of Part 5.6 of the *Corporations Act 2001* of the Commonwealth—
 - (i) section 513A—leave out "section 233, 459A, 459B or 461" and insert "section 41 or 61 of the *Associations Incorporation Act 1985*"
 - (ii) section 513D—leave out "section 233, 459A, 459B or 461" and insert "section 41 or 61 of the *Associations Incorporation Act 1985*"
 - (iii) section 532(1)—after "is a registered liquidator" insert "or is or is to be appointed or nominated for appointment as the liquidator of an incorporated association by the Corporate Affairs Commission under section 41 of the *Associations Incorporation Act 1985*"
 - (iv) section 532(8)—after "imposed on the person" insert "or is not appointed or nominated for appointment as the liquidator of an incorporated association by the Corporate Affairs Commission under section 41 of the *Associations Incorporation Act 1985*"

- (v) section 533(1)(d)—leave out "for an examination or order under section 597" and insert "to the Supreme Court under section 62 of the *Associations Incorporation Act 1985*"
- (vi) section 534(1)—after "the liquidator may" insert "(if they have the consent of the Minister under section 62E(6) of the *Associations Incorporation Act 1985*)"
- (vii) section 544(1)—leave out "to be dealt with under Part 9.7"
- (viii) section 544—leave out subsection (1A)
- (ix) section 544(2)—leave out "to be dealt with under Part 9.7"
- (x) section 544—after subsection (4) insert:
 - (4A) If money paid to the Corporate Affairs Commission under this section remains unclaimed or undistributed, the Commission may pay it to the Treasurer for payment into the Consolidated Account.
 - (4B) A person making a claim in respect of any money paid to the Treasurer under subsection (4A) may apply to the Supreme Court for an order of payment of an amount to the person and the Court, if satisfied that an amount should be paid to the person, must make an order for the payment accordingly.
 - (4C) On the making of an order under subsection (4B) for payment of an amount to a person, or where the Treasurer is otherwise of the opinion that an amount should be paid to a person out of the money paid to the Treasurer under this section, the Treasurer must pay that amount to the person out of money lawfully available for that purpose.
- (k) in respect of Part 5.7B of the *Corporations Act 2001* of the Commonwealth—
 - (i) section 588E(1)—leave out paragraphs (aa), (ab), (e), (ea) and (f) of the definition of "recovery proceeding"
 - (ii) section 588E(4)—leave out paragraphs (a) and (b) and insert:
 - (a) has failed to keep accounting records in relation to a period as required by section 35(1) or 39C(1) of the *Associations Incorporation Act 1985*; or
 - (b) has failed to retain accounting records in relation to a period for the 7 years required by regulation 6 of the *Associations Incorporation Regulations 2023*;
 - (iii) section 588E(5)—leave out "subsection 286(1)" and insert "section 35(1) or 39C(1) of the *Associations Incorporation Act 1985*"
 - (iv) section 588E(6)—
 - (A) leave out "subsection 286(2)" and insert "regulation 6 of the *Associations Incorporation Regulations 2023*"
 - (B) leave out "financial" wherever occurring and insert in each case "accounting"
 - (v) section 588E(8)—leave out paragraphs (aa), (d), (da) and (e)

- (vi) section 588GB(2)(b)—leave out "475(1),"
- (vii) section 588GB(5)—leave out "475(1),"
- (l) in respect of Part 5A.1 of the *Corporations Act 2001* of the Commonwealth—
 - (i) section 601AA—leave out
 - (ii) section 601AB—leave out
 - (iii) section 601AC—after subsection (1) insert:
 - (2) An incorporated association is dissolved on deregistration under this section.
 - (iv) section 601AD—leave out and insert:

601AD—Requirement to keep books following deregistration

The persons who were members of the committee of an incorporated association immediately before deregistration or cancellation of incorporation of the association must keep the association's books for 3 years after the deregistration or cancellation.

- (v) section 601AE—leave out
- (vi) section 601AF—leave out
- (2) When provisions of the *Corporations Act 2001* of the Commonwealth are applied in relation to an incorporated association, the provisions (together with the provisions of any regulation or rule for the time being in force under the provisions) are to be interpreted according to the definitions of words and expressions and other interpretative provisions contained in the *Corporations Act 2001* of the Commonwealth, except where a contrary intention is expressed in the Act or these regulations.

9—Prescribed particulars for application for deregistration (section 43A)

For the purposes of section 43A(7) of the Act, the following particulars are prescribed:

- (a) the name of the incorporated association;
- (b) the date of the application for deregistration of the incorporated association.

10—Prescribed commission (section 46)

For the purposes of section 46(3) of the Act, the prescribed commission is 5%.

11—Exception to requirement that name of association be printed etc on documents (section 54)

For the purposes of section 54 of the Act, a chit or ticket evidencing the receipt by an association of an amount not exceeding \$10 is prescribed as a receipt or document to which that section does not apply.

12—Commission may destroy documents (section 67(2)(d))

- (1) The Commission is authorised to destroy any of the following documents lodged with the Commission:
 - (a) any periodic return, and any annexure to that return, that has been lodged for not less than 7 years;

- (b) any document (other than rules and any amendment to rules) that has been lodged or registered for not less than 10 years;
 - (c) any document in the custody of the Commission relating to an association, or to an association that is to be taken to have been, incorporated under the repealed Act where the association has been dissolved or had its incorporation cancelled for not less than 10 years.
- (2) In this regulation—

document includes a reference to a transparency of a document produced by photographic or electronic means.

13—Copy of court order to be lodged with Commission

An incorporated association must, within 7 days of becoming aware of the making by a court of an order under the Act in relation to the association, lodge a copy of the order with the Commission.

Maximum penalty: \$1 250.

14—Offence to make false or misleading statement

A person must not, in a document lodged with the Commission for the purposes of the Act—

- (a) make a statement that is, to the person's knowledge, false or misleading; or
- (b) omit or authorise the omission from any such document a particular which is, to the person's knowledge, a material particular.

Maximum penalty: \$1 250.

Schedule 1—Forms

Application for incorporation of an association—Associations Incorporation Act 1985 section 19

1—Details of applicant

Full name:
Residential address:
Phone:
Email (optional):

2—Name of association to be incorporated

Full name of association:

3—Purpose of association

The purpose of the association is [*insert brief description eg educational, for conserving resources*].

The association is considered to be eligible for incorporation under section 18(1) [*specify paragraph*] of the *Associations Incorporation Act 1985*.

4—Financial year of association

The financial year of the association ends on [*insert end date of financial year as set out in proposed rules*].

5—Place at which books of association to be kept

The books of the association will be kept at [*insert details of location*].

6—Details of public officer of association

The following person has attained 18 years of age, is a resident of South Australia and has consented to be the public officer of the association:

Full name:
Occupation:
Residential address:
Postal address:
Phone:
Email:

7—Rules of association

Information about how the matters required by section 23A of the *Associations Incorporation Act 1985* are provided for in the proposed rules of the association must be included by way of an attachment in the form required by the regulations under the Act.

The application must be signed and dated by the applicant and, if the applicant is not the person who has consented to be the public officer of the association, by that person. The name of a person signing must be written legibly under or alongside the signature of that person.

Additional requirements

The documents required to accompany this form must be marked as follows:

"A"—copy of the rules of the association

"B"—copy of any instrument creating or establishing a trust—

- which is referred to in the rules of the association; or
- on which any rule of the association relies for its operation

or copy of the settled draft of any instrument prepared for the creation or establishment of a trust of which the association is intended to be the trustee—

- where the contemplated trust is referred to in the rules of the association; or
- where any rule of the association relies on the contemplated trust for its operation.

If there is more than 1 such instrument, the instruments must be marked "B1", "B2" and so on.

Each of the marked documents must comply with the following:

- the document must be marked with—
 - the name and registered number of the incorporated association to which it relates; and
 - a title that describes its contents; and
 - the name, address and telephone number of the person to be contacted about the application.

Application for amalgamation of incorporated associations—Associations Incorporation Act 1985 section 22

1—Details of associations and public officers

Association 1:

Full name of association:

Registration number of association:

Public officer of association

Full name:

Residential address:

Phone:

Email:

Association 2:

Full name of association:

Registration number of association:

Public officer of association

Full name:

Residential address:

Phone:

Email:

2—Name of association to be formed on amalgamation

Full name of association to be formed on amalgamation:

3—Purpose of association to be formed on amalgamation

The purpose of the association to be formed on amalgamation is [*insert brief description eg educational, for conserving resources*].

The association is considered to be eligible for incorporation under section 18(1) [*specify paragraph*] of the *Associations Incorporation Act 1985*.

4—Financial year of association to be formed on amalgamation

The financial year of the association to be formed on amalgamation ends on [*insert end date of financial year as set out in proposed rules*].

5—Place at which books of association to be formed on amalgamation will be kept

The books of the association to be formed on amalgamation will be kept at [*insert details of location*].

6—Details of public officer of association to be formed on amalgamation

The following person has attained 18 years of age, is a resident of South Australia and has consented to be the public officer of the association to be formed on amalgamation:

Full name:

Occupation:

Residential address:

Postal address:

Phone number:

Email:

7—Rules of association to be formed on amalgamation

Information about how the matters required by section 23A of the *Associations Incorporation Act 1985* are provided for in the proposed rules of the association to be formed on amalgamation must be included by way of an attachment in the form required by the regulations under the Act.

The application must be dated and signed on behalf of each of the associations and by the public officer of the association to be formed on amalgamation. The name of a person signing must be written legibly under or alongside the signature of that person.

Additional requirements

The certificates of incorporation of each of the associations proposed to be amalgamated must accompany this application.

Other documents required to accompany this application must be marked as follows:

"A"—copy of the special resolution passed by association 1 supporting the amalgamation

"B"—copy of the special resolution passed by association 2 supporting the amalgamation

"C"—copy of the rules of the association proposed to be formed by the amalgamation

"D"—copy of any instrument creating or establishing a trust—

- which is referred to in the rules of the association proposed to be formed by the amalgamation; or
- on which any rule of the association proposed to be formed by the amalgamation relies for its operation

or copy of the settled draft of any instrument prepared for the creation or establishment of a trust of which the association proposed to be formed by the amalgamation is intended to be the trustee—

- where the contemplated trust is referred to in the rules of the association proposed to be formed by the amalgamation; or
- where any rule of the association proposed to be formed by the amalgamation relies on the contemplated trust for its operation.

If there is more than 1 such instrument, the instruments must be marked "D1", "D2" and so on.

Each of the marked documents must comply with the following:

- the document must be marked with—
 - the name and registered number of the incorporated association to which it relates; and
 - a title that describes its contents; and
 - the name, address and telephone number of the person to be contacted about the application.

Application for registration of alteration to rules—Associations Incorporation Act 1985 section 24

1—Details of association

Full name of association:

Registration number of association:

2—Details of public officer

Full name:

Residential address:

Postal address:

Phone:

Email:

3—Making of alteration to rules

The association has altered its rules in accordance with those rules by [*insert "special resolution on [date]" or provide details of other mechanism for alteration as required or allowed by the rules, and provide details of any approvals or confirmations required by the rules*].

4—Alteration to rules

The nature of the alteration is—

*alteration to the name of the association

*substitution of new set of rules

*alteration to rules numbered [*specify numbers*]

* *Delete the inapplicable*

The rules of the association have been altered as follows:

[*include exact terms of resolution etc*]

5—Rules of association as altered

Information about how the matters required by section 23A of the *Associations Incorporation Act 1985* are provided for in the rules of the association as altered must be included by way of an attachment in the form required by the regulations under the Act.

The application must be dated and signed on behalf of the association. The name of a person signing must be written legibly under or alongside the signature of that person.

Additional requirements

A copy of the rules of the association as altered should accompany this application.

The copy must comply with the following:

- the document must be marked with—
 - the name and registered number of the incorporated association to which it relates; and
 - a title that describes its contents; and
 - the name, address and telephone number of the person to be contacted about the application.

Rules of association—Associations Incorporation Act 1985 section 23A**Matter required by section 23A****Rule number**

- name of association
- objects of association
- membership in the case of an association that has members
- the powers, duties and manner of appointment of the committee of the association
- the appointment of an auditor in the case of an association that is a prescribed association
- the calling of and procedure at general meetings
- who has the management and control of the funds and other property of the association
- the powers of the association and by whom and in what manner they may be exercised
- the manner in which the rules of the association may be altered

Periodic return of prescribed association—Associations Incorporation Act 1985 section 36(1)

1—Details of association

Full name of association:

Registration number of association:

2—Financial year to which return relates

Year:

3—Details of books and accounts for financial year

Place where books of the association kept:

Gross receipts of the association for the financial year:

If the association has members—

- date on which audited accounts for financial year laid before members:
- the members **did/*did not* accept the accounts
** Delete the inapplicable*

4—Details of auditor of accounts for financial year

Full name:

Address:

5—Information about association as at date of return

Details of public officer—

Full name:

Occupation:

Residential address:

Postal address:

Phone:

Email:

Any business names under which the association conducts its activities:

The principal object of the association:

The number of members of the association:

**Details of any alterations to the rules of the association that have not been lodged for registration with the Commission:*

Details of any variations or revocation of trusts referred to in the rules of the association or on which any rule of the association relies for its operation that have not been notified to the Commission:

Details of any exemptions granted by the Commission to the association under the Act and then in force:

The full name, residential address and occupation of each member of the committee of the association and the office (if any) held by that member:

** A separate application for registration of the alteration of the rules is required.*

Certification

I certify that the particulars contained in this return are true to the best of my knowledge and belief.

Signature of public officer:

Date:

Attachments

The following must be included:

- a copy of the accounts of the association for the financial year prepared under section 35(2)(a) of the Act;
- a copy of the signed statement made under section 35(2)(c) of the Act relating to those accounts;
- a copy of the auditor's report given under section 37(3) of the Act relating to those accounts.

Each of the documents must comply with the following:

- the document must be marked with—
 - the name and registered number of the incorporated association to which it relates; and
 - a title that describes its contents; and
 - the name, address and telephone number of the person to be contacted about the application.

Winding up report—Associations Incorporation Act 1985 section 41B and section 41D

1—Details of association

Full name of association:

Registration number of association:

2—Details of person lodging report

Full name:

Address:

Phone:

Email:

Facsimile:

3—Purpose of lodging report

This report as to the affairs of the association—

- * has been prepared for the purposes of section 41B of the *Associations Incorporation Act 1985* (Reports to be submitted to liquidator) and is made up to the date the order for winding up of the association was made by the Supreme Court or an earlier date specified by the liquidator;
- * has been prepared for the purposes of section 41D of the *Associations Incorporation Act 1985* (Disclosure to creditors on voluntary winding up) and is made up to the latest practicable date before the notices of the meeting were sent.

**Delete the inapplicable*

4—Report on affairs of association

This report details assets and liabilities as at [*insert date*].

	Valuation* \$	Estimated realisable value \$
1 Assets not specifically charged		
(a) interests in land (see Attachment A)		
(b) sundry debtors (see Attachment B)		
(c) cash on hand		
(d) cash at bank		
(e) stock (see Attachment C)		
(f) work in progress (see Attachment C)		
(g) plant and equipment (see Attachment C)		
(h) other assets (see Attachment D)		
Subtotals		
2 Assets subject to specific charges less amounts owing (see Attachment E)		
Totals		
3 Less amounts payable to priority creditors		

(a) tax instalment deductions and prescribed payments tax	
(b) employee entitlements (see Attachment F)	
(c) other priority creditors (see Attachment G)	
4 Less amounts owing to unsecured creditors (see Attachment H)	
5 Contingent assets	\$
Estimated to produce (see Attachment I)	
6 Contingent liabilities	\$
Estimated to rank (see Attachment J)	
This is an estimated deficiency:	Y or N
This is an estimated surplus:	Y or N
The estimate is subject to the cost of administration:	Y or N
The estimate is subject to costs of liquidation:	Y or N
Liability of members to contribute (as set out in rules)	\$

** For each valuation amount show whether the amount is the cost of the asset or liability or the net book amount assigned to the asset or liability.*

The attachments must include information as follows:

Attachment A—for each interest in land:

- address of land and description of interest
- valuation (\$)
- estimated realisable value (\$)
- valuation for rating purpose
- particulars of tenancy
- where possession of deeds may be obtained
- short particulars of title

Attachment B—for each sundry debtor (including loan debtors):

- name and address of debtor
- amount owing (\$)
- amount realisable (\$)
- deficiency (\$)
- particulars of security (if any) held
- explanation of deficiency

Attachment C—for each item or class of stock, work in progress, plant or equipment:

- detailed description
- value (\$)

Attachment D—for other assets:

- brief description (for example, deposit or investment)

cost (\$)

amount realisable (\$)

Attachment E—for each asset subject to a specific charge:

description of asset

date charge given

description of charge

holder of charge

terms of repayment

valuation (\$)

estimated realisable value (\$)

amount owing under charge (\$)

Attachment F—for each employee claim:

name and address of employee

wages (\$)

holiday pay (\$)

long service leave (\$)

estimated liability

Attachment G—for each priority creditor other than those detailed in Attachment F:

name and address of creditor

statement of whether the creditor is or is not an officer of the association

description of nature of debt

amount owing (\$)

Attachment H—for each unsecured creditor:

name and address of creditor

statement of whether the creditor is or is not an officer of the association

amount claimed by creditor (\$)

amount admitted as owing (\$)

reasons for difference (if any) between amount claimed and admitted

Attachment I—for each contingent asset:

description of asset

gross assets (\$)

estimated to produce (\$)

Attachment J—for each contingent liability:

name and address of creditor

nature of liability

gross liability (\$)

estimated rank for (\$)

If the report is prepared for the purposes of section 41D of the Associations Incorporation Act 1985, Attachments A, B, D and E must show the method and manner of arriving at the valuation of the asset.

Certification

I certify that the particulars contained in this report are true to the best of my knowledge and belief.

[Insert name of each committee member and each member must sign and date the report against his or her name.]

Declaration of solvency for voluntary winding up—Associations Incorporation Act 1985 section 41C

1—Details of association

Full name of association:

Registration number of association:

2—Details of person lodging declaration

Full name:

Address:

Phone:

Email (optional):

Facsimile (optional):

3—Declaration

We declare that—

- it is proposed to wind up the association voluntarily; and
- we constitute a majority of the members of the committee of the association; and
- we have made an inquiry into the affairs of the association; and
- at a meeting of the committee, we formed the opinion that the association will be able to pay its debts in full within a period not exceeding 12 months after the commencement of the winding up; and
- the statement showing the affairs of the association attached to this declaration is correct as at the latest practicable date before the making of this declaration.

[Insert name of each committee member making declaration and each member must sign and date the declaration against his or her name.]

Statement showing affairs of association

This statement details assets and liabilities as at *[insert date]*.

Estimated realisable value
\$

Assets

cash at bank

cash on hand

marketable securities

bills receivable

trade debtors

loans and advances

stock in trade

work in progress (as detailed in inventory)

freehold property

leasehold property

plant and machinery

furniture, fittings, utensils etc
patents, trademarks etc
investments other than marketable securities
other property (as detailed in inventory)

Total estimated realisable value of assets

Liabilities secured on specific assets Rank for payment

estimated expenses of winding up
other estimated expenses (including interest accruing until payment of debts in full)
unsecured creditors (amounts estimated to rank for payment)

- trade accounts
- bills payable
- accrued expenses
- other liabilities

contingent liabilities

Total of liabilities

Estimated surplus after paying debts in full

Application for deregistration of incorporated association with surplus assets not exceeding \$5 000—Associations Incorporation Act 1985 section 43A

1—Details of association

Full name of association:

Registration number of association:

2—Details of person lodging application

Full name:

Address:

Phone:

Email (optional):

Facsimile (optional):

3—Details of applicant authorised by special resolution to apply for deregistration of association

Fill in this section if the applicant is authorised by special resolution of the association to apply for deregistration of the association.

Full name:

Residential address:

Date of meeting at which special resolution passed:

Type of meeting at which special resolution passed:

- * annual general meeting
- * special general meeting
- * other (please specify)

**Delete the inapplicable*

Additional requirements—The application must be accompanied by a copy of the resolution and the minutes of the meeting at which it was passed.

4—Details of applicants if association no longer has an active membership

Fill in this section if the association no longer has an active membership

Applicant 1

Full name:

Residential address:

Phone (optional):

Email (optional):

Facsimile (optional):

The applicant is—

- * an officer of the association
- * a member of the association
- * a person who claims proper interest in the application on the following grounds:

** Delete the inapplicable*

Applicant 2

Full name:
Residential address:
Phone (optional):
Email (optional):
Facsimile (optional):

The applicant is—

- * an officer of the association
- * a member of the association
- * a person who claims proper interest in the application on the following grounds:

** Delete the inapplicable*

Attach details separately if there are further applicants.

Certification

I certify that—

- (a) the association has no liabilities and is not a party to any legal proceedings; and
- (b) none of the assets available for distribution have been, or are proposed to be, distributed to members or former members or associates of members or former members of the association; and
- (c) the information contained in the attachments is, to the best of my knowledge and belief, true and complete.

[Insert name of each applicant and each applicant must sign and date the form against his or her name]

Attachments**Attachment 1—Surplus assets: details and manner in which distributed or proposed to be distributed**

For each asset:

description of asset
name of body to whom asset has been or is to be distributed
value (\$)

Attachment 2—Rules governing distribution of assets

The association **has/**does not have rules governing the distribution of surplus assets on deregistration.

** Delete the inapplicable*

If the association has such rules, a copy of the rules must accompany the application.

If the association has no such rules, the applicants request that the Commission approve the manner or proposed manner of distribution.

Attachment 3—Committee of association

Insert name and residential address of each member of the committee of the association

Additional requirements

Any document required to accompany the application must comply with the following:

- the document must be marked with—
 - the name and registered number of the incorporated association to which it relates; and
 - a title that describes its contents; and
 - the name, address and telephone number of the person to be contacted about the application.

**Application for reservation of name—Associations Incorporation Act 1985
section 53A****1—Details of applicant**

Full name:

Address:

Phone:

Email (optional):

Facsimile (optional):

2—Name to be reserved

Name:

If the name is the same as a business name, provide details:

If the name is the same as the name of a body corporate, provide details:

3—Purpose of association

The purpose of the proposed incorporated association is [*insert brief description eg educational, for conserving resources*].

The association is considered to be eligible for incorporation under section 18(1) [*specify paragraph*] of the *Associations Incorporation Act 1985*.

Signature of applicant:

Date:

**Notice of change of public officer or change of address of public officer—
Associations Incorporation Act 1985 section 56**

1—Association details

Full name of association:

Registration number of association:

2—Change of public officer*

Details of new public officer

Full name:

Occupation:

Residential address:

Postal address:

Phone:

Email:

Date of appointment as public officer:

Details of former public officer

Full name:

Date ceased to be public officer:

3—Change of address of public officer*

Details of public officer

Full name:

Phone:

Email:

New residential address:

New postal address:

Date changed:

** Delete the inapplicable*

Signature of public officer:

Date:

**Notice of variation or revocation of trust affecting rules—Associations
Incorporation Act 1985 section 59****1—Details of association**

Full name of association:

Registration number of association:

**2—Notice of variation or revocation of trust referred to in rules of association or on
which any rule of association relies for its operation**

Details of trust

Name:

Date of instrument of trust:

Date of variation or revocation:

Full particulars of the variation or revocation:

Name of trustee:

Signature of trustee:

Date:

Schedule 2—Repeal of *Associations Incorporation Regulations 2008*

The *Associations Incorporation Regulations 2008* are repealed.

Editorial note—

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

Made by the Governor

with the advice and consent of the Executive Council

on 3 August 2023

No 74 of 2023

South Australia

Members of Parliament (Register of Interests) Regulations 2023

under the *Members of Parliament (Register of Interests) Act 1983*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Form of returns

Schedule 1—Form of primary return

Schedule 2—Form of ordinary return

Schedule 3—Repeal of *Members of Parliament (Register of Interests) Regulations 2008*

1—Short title

These regulations may be cited as the *Members of Parliament (Register of Interests) Regulations 2023*.

2—Commencement

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

3—Interpretation

In these regulations—

Act means the *Members of Parliament (Register of Interests) Act 1983*.

4—Form of returns

- (1) For the purposes of section 4(1) of the Act, the prescribed form for a primary return is set out in Schedule 1.
- (2) For the purposes of section 4(2) of the Act, the prescribed form for an ordinary return is set out in Schedule 2.
- (3) A primary return or an ordinary return and each annexure to the return must be signed by the Member to whom it relates in the presence of a witness who must subscribe their signature to the return and each annexure.

Schedule 1—Form of primary return

Primary return under the *Members of Parliament (Register of Interests) Act 1983* for [insert full name of Member]

Instructions—

This return must be submitted to the Registrar within 30 days after taking and subscribing the oath or affirmation as a Member.

A Member must disclose all information known to the Member or ascertainable by the Member by the exercise of reasonable diligence.

A Member may disclose the information in a way that no distinction is made between information relating to the Member personally and information relating to a person related to the Member.

A Member is not required to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the Member.

A Member is not required to disclose the actual amount or extent of any contribution or interest.

A Member may include in a return such additional information as the Member thinks fit.

A Member may at any time notify the Registrar of any change or variation in the information appearing on the Register in respect of the Member or a member of their family.

Defined terms—

A person is **related to a Member** if the person is—

- a member of the Member's family; or
- a family company of the Member; or
- a trustee of a family trust of the Member.

A person is a **member of the Member's family** if the person is—

- the Member's spouse or domestic partner; or
- a child of the Member who is under 18 and normally resides with the Member.

A person is, on a certain date, the domestic partner of another person if they are, on that date, living with that person in a close personal relationship and—

- (a) they—
 - (i) have so lived with that other person continuously for the period of 3 years immediately preceding that date; or
 - (ii) have during the period of 4 years immediately preceding that date so lived with that other person for periods aggregating not less than 3 years; or
- (b) a child, of whom they and the other person are the parents, has been born (whether or not the child is still living at that date).

A close personal relationship means the relationship between 2 adult persons (whether or not related by family and irrespective of their gender) who live together as a couple on a genuine domestic basis, but does not include—

- (a) the relationship between a legally married couple; or
- (b) a relationship where 1 of the persons provides the other with domestic support or personal care (or both) for fee or reward, or on behalf of some other person or an organisation of whatever kind.

A **family company of the Member** is a proprietary company—

- in which the Member or a member of their family is a shareholder; and
- in respect of which the Member or a member of their family, or any such persons together, are in a position to cast, or control the casting of, more than one-half of the maximum number of votes that might be cast at a general meeting of that company.

A **family trust of the Member** is a non-testamentary trust—

- of which the Member or a member of their family is a beneficiary; and
- which is established or administered wholly or substantially in the interests of the Member or a member of their family, or any such persons together.

A person who is an object of a discretionary trust is to be taken to be a beneficiary of that trust.

1—Income sources (existing and expected in the next 12 months) (section 4(1)(a) of Act)

Include a statement of each income source that the Member or a person related to the Member has or expects to have in the period of 12 months after the date of this return.

Income source, in relation to a person, means—

- (a) *any person or body of persons with whom the person entered into a contract of service or held any paid office; and*
- (b) *any trade, vocation, business or profession engaged in by the person.*

2—Directorships etc (section 4(1)(b) of Act)

Include the name of each company or other body, corporate or unincorporate, in which the Member or a member of their family holds any office whether as director or otherwise.

3—Investments (section 4(3)(a) of Act)

Include the name or description of each company, partnership, association or other body in which the Member or a person related to the Member is an investor.

A person is an investor in a body if—

- (a) *the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds \$10 000; or*
- (b) *the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.*

4—Political, trade and professional bodies (section 4(3)(b) of Act)

Include the name of each political party, each body or association formed for political purposes, and each trade or professional organisation, of which the Member is a member.

A trade or professional organisation means a body, corporate or unincorporate, of—

- (a) *employers or employees; or*
- (b) *persons engaged in a profession, trade or other occupation,*

being a body of which the object, or 1 of the objects, is the furtherance of its own professional, industrial or economic interests or those of any of its members.

5—Trusts (section 4(3)(c) of Act)

Include a concise description of each non-testamentary trust (including the name and address of each trustee) of which the Member or a person related to the Member is a beneficiary or trustee.

A person who is an object of a discretionary trust is to be taken to be a beneficiary of that trust.

6—Beneficial interests in land (section 4(3)(d) of Act)

Include the address or description of all land in which the Member or a person related to the Member has a beneficial interest other than by way of security for a debt.

Beneficial interest in property includes a right to reacquire the property.

Interests in land by way of security for a debt must be disclosed at clause 9.

7—Contributions made to funds for Member's benefit (section 4(3)(e) of Act)

Include details of each fund in which the Member or a person related to the Member has an actual or prospective interest to which contributions are made by someone other than the Member or a person related to the Member.

8—Creditors (section 4(3)(f) of Act)

Include the name and address of each person or body to whom the Member or a person related to the Member owes an amount of \$7 500 or more.

It is not necessary to disclose creditors who are related by blood or marriage to the Member or a member of their family.

9—Debtors (section 4(3)(fa) of Act)

Include the name and address of each natural person who owes an amount of \$10 000 or more to the Member or a person related to the Member.

It is not necessary to disclose debtors who are related by blood or marriage to the Member or a member of their family.

10—Other substantial interests (section 4(3)(g) of Act)

Include details of all other substantial interests (whether of a pecuniary nature or not) of the Member or a person related to the Member of which the Member is aware and which the Member considers might appear to raise a material conflict between the Member's private interest and the public duty that the Member has or may subsequently have as a Member.

Signature of Member:

Signature of witness:

Date:

Schedule 2—Form of ordinary return**Ordinary return under the *Members of Parliament (Register of Interests) Act 1983* for [insert full name of Member] for [insert beginning and end dates of return period]****Instructions—**

If the Member's previous return was a primary return, the return period runs from the date of the primary return until the following 30 June. Otherwise, the return period is a financial year.

This return must be submitted to the Registrar within 60 days after 30 June.

A Member must supply all information for the return period, even if the information was previously disclosed in an earlier return.

A Member must disclose all information known to the Member or ascertainable by the Member by the exercise of reasonable diligence.

A Member may disclose the information in a way that no distinction is made between information relating to the Member personally and information relating to a person related to the Member.

A Member is not required to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the Member.

A Member is not required to disclose the actual amount or extent of any financial benefit, gift, contribution or interest.

A Member may include in a return such additional information as the Member thinks fit.

A Member may at any time notify the Registrar of any change or variation in the information appearing on the Register in respect of the Member or a member of their family.

Defined terms—

A person is **related to a Member** if the person is—

- a member of the Member's family; or
- a family company of the Member; or
- a trustee of a family trust of the Member.

A person is a **member of the Member's family** if the person is—

- the Member's spouse or domestic partner; or
- a child of the Member who is under 18 and normally resides with the Member.

A person is, on a certain date, the domestic partner of another person if they are, on that date, living with that person in a close personal relationship and—

- (a) they—
 - (i) have so lived with that other person continuously for the period of 3 years immediately preceding that date; or
 - (ii) have during the period of 4 years immediately preceding that date so lived with that other person for periods aggregating not less than 3 years; or
- (b) a child, of whom they and the other person are the parents, has been born (whether or not the child is still living at that date).

A close personal relationship means the relationship between 2 adult persons (whether or not related by family and irrespective of their gender) who live together as a couple on a genuine domestic basis, but does not include—

- (a) the relationship between a legally married couple; or
- (b) a relationship where 1 of the persons provides the other with domestic support or personal care (or both) for fee or reward, or on behalf of some other person or an organisation of whatever kind.

A **family company of the Member** is a proprietary company—

- in which the Member or a member of their family is a shareholder; and
- in respect of which the Member or a member of their family, or any such persons together, are in a position to cast, or control the casting of, more than one-half of the maximum number of votes that might be cast at a general meeting of that company.

A **family trust of the Member** is a non-testamentary trust—

- of which the Member or a member of their family is a beneficiary; and
- which is established or administered wholly or substantially in the interests of the Member or a member of their family, or any such persons together.

A person who is an object of a discretionary trust is to be taken to be a beneficiary of that trust.

1—Income sources of certain financial benefits (section 4(2)(a) of Act)

Include the income source of each financial benefit that the Member, or a person related to the Member received, or was entitled to receive, during any part of the return period.

A financial benefit, in relation to a person, means—

- (a) *any remuneration, fee or other pecuniary sum exceeding \$1 000 received by the person in respect of a contract of service entered into, or paid office held by, the person; and*

- (b) *the total of all remuneration, fees or other pecuniary sums received by the person in respect of a trade, profession, business or vocation engaged in by the person where that total exceeds \$1 000,*

but does not include any such financial benefit received by the person as a Member or officer of Parliament or a Minister of the Crown, or in respect of membership of a committee to which the person was appointed by Parliament or either House of Parliament.

Income source, in relation to a person, means—

- (a) *any person or body of persons with whom the person entered into a contract of service or held any paid office; and*
- (b) *any trade, vocation, business or profession engaged in by the person.*

2—Directorships etc (section 4(2)(b) of Act)

Include the name of each company or other body, corporate or unincorporate, in which the Member or a member of their family held an office (whether as director or otherwise) during the return period.

3—Travel contributions (section 4(2)(c) of Act)

Include the source of each contribution in cash or in kind of an amount or value of \$750 or more for or towards the costs of any travel undertaken by the Member or a member of their family outside South Australia during the return period (but not including a contribution by the State, a State public statutory corporation, an employer or a person related by blood or marriage).

The costs of travel include accommodation costs and other costs and expenses associated with the travel.

2 or more separate contributions made by the same person for or towards the costs of travel undertaken by the Member or a member of their family during the return period are to be treated as 1 contribution for or towards the cost of travel undertaken by the Member.

4—Gifts (section 4(2)(d) of Act)

Include particulars (including the name of the donor) of each gift of an amount or value of \$750 or more received by the Member or a person related to the Member during the return period from a person other than a person who is related by blood or marriage to the Member or a member of their family.

A gift means a transaction in which a benefit of pecuniary value is conferred without consideration or for less than adequate consideration, but does not include an ordinary commercial transaction or a transaction in the ordinary course of business.

2 or more separate gifts received by the Member or a person related to the Member from the same person during the return period are to be treated as 1 gift received by the Member.

5—Use of property (section 4(2)(e) of Act)

If the Member or a person related to the Member has been a party to a transaction under which the Member or person related to the Member has had the use of property of the other person during the return period and—

- the use of the property was not acquired for adequate consideration or through an ordinary commercial transaction or in the ordinary course of business; and*
- the market price for acquiring a right to such use of the property would be \$750 or more; and*

- *the person granting the use of the property was not related by blood or marriage to the Member or a member of their family,*

include the name and address of that person.

2 or more separate transactions to which the Member or a person related to the Member is a party with the same person during the return period under which the Member or a person related to the Member has had the use of property of the other person (whether or not being the same property) during the return period are to be treated as 1 transaction under which the Member has had the use of property of the other person during the return period.

6—Contracts with Crown (section 4(2)(ea) of Act)

Include particulars of each contract made during the return period with the Crown in right of the State by the Member or a person related to the Member where any monetary consideration payable by a party to the contract equals or exceeds \$7 500.

If each contract of a class of contracts with the Crown is an ordinary commercial or arm's length contract, it is necessary to disclose only particulars of the class of contracts (rather than particulars of the individual contracts).

7—Investments (section 4(3)(a) of Act)

Include the name or description of each company, partnership, association or other body in which the Member or a person related to the Member is an investor.

A person is an investor in a body if—

- the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds \$10 000; or*
- the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.*

8—Political, trade and professional bodies (section 4(3)(b) of Act)

Include the name of each political party, each body or association formed for political purposes, and each trade or professional organisation, of which the Member is a member.

A trade or professional organisation means a body, corporate or unincorporate, of—

- employers or employees; or*
- persons engaged in a profession, trade or other occupation,*

being a body of which the object, or 1 of the objects, is the furtherance of its own professional, industrial or economic interests or those of any of its members.

9—Trusts (section 4(3)(c) of Act)

Include a concise description of each non-testamentary trust (including the name and address of each trustee) of which the Member or a person related to the Member is a beneficiary or trustee.

A person who is an object of a discretionary trust is to be taken to be a beneficiary of that trust.

10—Beneficial interests in land (section 4(3)(d) of Act)

Include the address or description of all land in which the Member or a person related to the Member has a beneficial interest other than by way of security for a debt.

Beneficial interest in property includes a right to re-acquire the property.

Interests in land by way of security for a debt must be disclosed at clause 13.

11—Contributions made to funds for Member's benefit (section 4(3)(e) of Act)

Include details of each fund in which the Member or a person related to the Member has an actual or prospective interest to which contributions are made by someone other than the Member or a person related to the Member.

12—Creditors (section 4(3)(f) of Act)

Include the name and address of each person or body to whom the Member or a person related to the Member owes an amount of \$7 500 or more.

It is not necessary to disclose creditors who are related by blood or marriage to the Member or a member of their family.

13—Debtors (section 4(3)(fa) of Act)

Include the name and address of each natural person who owes an amount of \$10 000 or more to the Member or a person related to the Member.

It is not necessary to disclose debtors who are related by blood or marriage to the Member or a member of their family.

14—Other substantial interests (section 4(3)(g) of Act)

Include details of all other substantial interests (whether of a pecuniary nature or not) of the Member or a person related to the Member of which the Member is aware and which the Member considers might appear to raise a material conflict between the Member's private interest and the public duty that the Member has or may subsequently have as a Member.

Signature of Member:

Signature of witness:

Date:

Schedule 3—Repeal of *Members of Parliament (Register of Interests) Regulations 2008*

The *Members of Parliament (Register of Interests) Regulations 2008* are repealed.

Editorial note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 3 August 2023

No 75 of 2023

South Australia

Petroleum Products Regulations 2023

under the *Petroleum Products Regulation Act 1995*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Corresponding laws (section 4(1))
- 5 Notional sale and purchase (section 4D)
- 6 Records to be kept of bulk transport of petroleum products (section 52)
- 7 Permitted disclosure of information (section 56)
- 8 Exercise of certain powers for purposes of administration or enforcement of corresponding laws

Schedule 1—Corresponding laws

Schedule 2—Permitted disclosures

Schedule 3—Repeal of *Petroleum Products Regulations 2008*

1—Short title

These regulations may be cited as the *Petroleum Products Regulations 2023*.

2—Commencement

These regulations come into operation on 1 September 2023.

3—Interpretation

In these regulations—

Act means the *Petroleum Products Regulation Act 1995*.

4—Corresponding laws (section 4(1))

For the purposes of the Act, each of the laws specified in Schedule 1 is declared to be a corresponding law.

5—Notional sale and purchase (section 4D)

- (1) If the holder of a wholesale licence referred to in Part 2 of the Act delivers petroleum products to premises at which petroleum products are sold by retail under a retail licence by another person who is the holder of the retail licence, then, for the purposes of section 53 of the Act, the following are to be taken to occur:
 - (a) a sale of the petroleum products by wholesale by the holder of the wholesale licence;
 - (b) a purchase of the petroleum products by the holder of the retail licence for sale under the licence.
- (2) If—
 - (a) a person is a manufacturer or importer of eligible petroleum products; and
 - (b) the person holds a wholesale licence and a bulk end user certificate; and

- (c) eligible petroleum products manufactured or imported by the person or supplied to the person by another manufacturer or importer are delivered or allocated by the person for the person's own use as a bulk end user (but not for sale as a bulk end user),

then, for the purposes of section 53 of the Act, the following are to be taken to occur:

- (d) a sale of the petroleum products by the person under the wholesale licence to the holder of a bulk end user certificate;
- (e) a purchase of the petroleum products by the person under the certificate.

6—Records to be kept of bulk transport of petroleum products (section 52)

A record referred to in section 52 of the Act must be in writing and contain the following particulars:

- (a) the date on which transportation commenced;
- (b) the type and quantity of each petroleum product being transported;
- (c) the name and address of the person (if any) from whom the petroleum products were purchased;
- (d) the name and address of the person who owns the petroleum products;
- (e) the name and address of the person on whose behalf the petroleum products are being transported;
- (f) the name of the person (if any) to whom the petroleum products are being transported;
- (g) the address at which the petroleum products were loaded for transportation;
- (h) the address to which the petroleum products are being transported;
- (i) the name and address of the person (if any) who has agreed to purchase the petroleum products.

7—Permitted disclosure of information (section 56)

For the purposes of section 56(2)(e) of the Act, the offices and bodies specified in Schedule 2 are prescribed.

8—Exercise of certain powers for purposes of administration or enforcement of corresponding laws

Pursuant to section 64(2a) of the Act—

- (a) an authorised officer may exercise the powers conferred by section 44 of the Act for the purposes of the administration or enforcement of a corresponding law;
- (b) a magistrate may exercise the powers conferred by section 44(2) of the Act for the purposes of the administration or enforcement of a corresponding law.

Schedule 1—Corresponding laws

Business Franchise (Petroleum Products) Act 1979 of Victoria

Schedule 2—Permitted disclosures

Attorney-General

Auditor-General

Australian Statistician

Chairperson of the Australian Securities and Investments Commission

Chief Executive Officer of Return to Work Corporation of South Australia

Chief Executive Officer of the Australian Crime Commission

Commissioner for Consumer Affairs

Commissioner of Police of the Australian Federal Police

Director of Public Prosecutions

Environment Protection Authority

A Minister responsible for the administration of the *Mining Act 1971*

Offices in the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the *Mining Act 1971*

Offices in the Attorney-General's Department

Offices of another State, a Territory, or the Commonwealth, the holders of which are employed in the administration of laws relating to taxation or customs

Ombudsman

Police officers of or above the rank of inspector

Registrar of Motor Vehicles

Solicitor-General

Schedule 3—Repeal of *Petroleum Products Regulations 2008*

The *Petroleum Products Regulations 2008* are repealed.

Editorial note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 3 August 2023

No 76 of 2023

South Australia

Dangerous Substances (Dangerous Goods Transport) Regulations 2023

under the *Dangerous Substances Act 1979*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Scope of Act and regulations

Part 2—Interpretation

Division 1—General

- 4 Interpretation
- 5 Reference to ADG Code extends to special provisions
- 6 References in the ADG Code to regulations
- 7 References to codes, standards and rules
- 8 References to licences, determinations, approvals and exemptions
- 9 References to variation of licences, determinations, approvals and exemptions
- 10 Inconsistency between regulations and codes etc
- 11 Transitional arrangement if ADG Code or related instrument amended or remade

Division 2—Key concepts

- 12 Dangerous goods
- 13 Goods too dangerous to transport
- 14 UN Classes, Divisions and Categories
- 15 Subsidiary Hazard
- 16 Packing Groups
- 17 Incompatibility

Part 3—Licences

Division 1—Preliminary

- 18 Circumstances in which licence required
- 19 Part additional to other laws

Division 2—Dangerous goods driver licences

- 20 Application for licence or renewal of licence
- 21 Grant of licence
- 22 Renewal of licence
- 23 Licence period
- 24 Licence conditions imposed by Competent Authority
- 25 Licence condition requiring production of certificate of medical fitness

Division 3—Dangerous goods vehicle licences

- 26 Application for licence or renewal of licence
- 27 Grant or renewal of licence
- 28 Licence period
- 29 Licence conditions imposed by Competent Authority

Division 4—Cancellation, suspension and variation of licences

- 30 Interpretation
- 31 Variation of licence on application
- 32 When licence taken to be suspended
- 33 Grounds for cancelling, suspending or varying licence
- 34 Cancellation and suspension giving effect to court order
- 35 When cancellation, suspension and variation take effect

Division 5—Licences generally

- 36 Interpretation
- 37 Replacement licences
- 38 Failure to comply with licence condition
- 39 Surrender of licence
- 40 Change of information given in licence application
- 41 Production of licence to Competent Authority

Division 6—Corresponding licences

- 42 Corresponding licences

Division 7—Additional requirements

- 43 Driver licence to be carried
- 44 Disposal of licensed vehicle
- 45 Consignor's duties

Part 4—General industry requirements

Division 1—Insurance

- 46 Requirements for insurance
- 47 Requiring evidence of insurance etc

Division 2—Instruction and training

- 48 Instruction and training

Division 3—Goods suspected of being dangerous goods

- 49 Goods suspected of being dangerous goods

Part 5—Packaging

Division 1—General

- 50 Packing of dangerous goods in limited or excepted quantities
- 51 Suitability of packaging for transport
- 52 References to Part 4 of ADG Code include Dangerous Goods List requirements (including Special Provisions) and determinations effectively modifying Part 4
- 53 Breach of conditions of approvals
- 54 Marking packaging
- 55 Seller's and supplier's duties

Division 2—MEGCs, portable tanks, demountable tanks, bulk containers, freight containers and tanks on tank vehicles

- 56 Application of Division
- 57 Manufacturer's duties—compliance plates
- 58 Owner's duties
- 59 Consignor's duties

- 60 Packer's duties
- 61 Loader's duties
- 62 Prime contractor's and rail operator's duties
- 63 Driver's duties

Division 3—Overpacks

- 64 Consignor's duties
- 65 Duty on packers
- 66 Loader's duties
- 67 Prime contractor's and rail operator's duties
- 68 Driver's duties

Division 4—Other packaging

- 69 Meaning of other packaging
- 70 Consignor's duties
- 71 Packer's duties
- 72 Loader's duties
- 73 Prime contractor's and rail operator's duties
- 74 Driver's duties

Part 6—Signage

Division 1—Marking and labelling of packages

- 75 Appropriately marked and labelled
- 76 Consignor's duties
- 77 Packer's duties
- 78 Prime contractor's and rail operator's duties

Division 2—Placarding of loads

- 79 Appropriately placarded
- 80 Consignor's duties
- 81 Loader's duties
- 82 Prime contractor's and rail operator's duties
- 83 Driver's duties

Part 7—Vehicles and equipment

Division 1—Standards

- 84 Owner's duties
- 85 Consignor's duties
- 86 Loader's duties
- 87 Prime contractor's and rail operator's duties
- 88 Driver's duties

Division 2—Safety equipment

- 89 Owner's duties
- 90 Prime contractor's duties
- 91 Driver's duties

Part 8—Self-reactive substances, organic peroxides and certain other substances

Division 1—Self-reactive substances, organic peroxides and certain other substances

- 92 Interpretation
- 93 Owner's duties
- 94 Consignor's duties

- 95 Loader's duties
- 96 Prime contractor's and rail operator's duties
- 97 Driver's duties

Division 2—Nominally empty storage vessels

- 98 Application of Division
- 99 Consignor's duties
- 100 Loader's duties
- 101 Prime contractor's and rail operator's duties
- 102 Driver's duties

Part 9—Stowage and restraint

- 103 Consignor's duties
- 104 Loader's duties
- 105 Prime contractor's and rail operator's duties
- 106 Driver's duties

Part 10—Segregation

- 107 Application of Part
- 108 Exceptions
- 109 Consignor's duties
- 110 Loader's duties
- 111 Prime contractor's duties
- 112 Rail operator's duties
- 113 Driver's duties

Part 11—Special requirements for transport in tank vehicles and bulk transfer

Division 1—Equipment and transfer

- 114 Application of Division
- 115 Transferor's duties—hose assemblies
- 116 Transferor's duties—general
- 117 Occupier's duties
- 118 Prime contractor's duties
- 119 Rail operator's duties

Division 2—Filling ratio and ullage for tank vehicles

- 120 Transferor's duties
- 121 Prime contractor's and rail operator's duties
- 122 Driver's duties

Part 12—Documentation

Division 1—Transport documentation

- 123 False or misleading information
- 124 Consignor's duties—transport by road vehicle
- 125 Consignor's duties—transport by rail
- 126 Prime contractor's duties
- 127 Rail operator's duties
- 128 Driver's duties
- 129 Train driver's duties

Division 2—Emergency information

- 130 Meaning of required emergency information

- 131 Consignor's duties
- 132 Prime contractor's duties
- 133 Rail operator's duties
- 134 Driver's duties
- 135 Train driver's duties

Division 3—Dangerous goods packed in limited quantities

- 136 Consignor's duties
- 137 Prime contractor's duties
- 138 False or misleading information

Part 13—Procedures during transport

Division 1—General precautions—driver's duties

- 139 Driving
- 140 Parking
- 141 Control of ignition sources
- 142 Unloading or unpacking
- 143 Detaching trailer
- 144 Road tank vehicle equipped with burner

Division 2—General precautions—prime contractor's duties

- 145 Parking
- 146 Unloading
- 147 Detaching trailer
- 148 Road tank equipped with burner

Division 3—Routes, times etc

- 149 Prime contractor's and rail operator's duties
- 150 Driver's duties

Division 4—Immobilised and stopped vehicles

- 151 Interpretation
- 152 Driver's duties
- 153 Prime contractor's duties
- 154 Rail operator's duties

Division 5—Emergencies generally

- 155 Driver's duties
- 156 Train driver's and rail operator's duties
- 157 Prime contractor's and rail operator's duties—food or food packaging
- 158 Prime contractor's and rail operator's duties—reporting

Division 6—Emergencies involving placard loads

- 159 Telephone advisory service for certain placard loads
- 160 Emergency plans
- 161 Provision of information and resources

Part 14—ADG Code Special Provisions

- 162 Application of this Part
- 163 Consignor's duties
- 164 Packer's duties
- 165 Loader's duties
- 166 Prime contractor's and rail operator's duties

167 Driver's duties

Part 15—Administration

Division 1—Determinations and approvals

Subdivision 1—Determinations

168 Determinations

169 Corresponding determinations

Subdivision 2—Approvals

170 Approvals

171 Corresponding approvals

Subdivision 3—General

172 Application of Subdivision

173 Application for determination or approval

174 Court orders

175 Form and term of determination or approval

176 Variation or revocation of determination or approval on application

177 Grounds for revocation or variation

178 Revocation giving effect to court orders

179 When revocation and variation take effect

180 Application for reconsideration of decision

Division 2—Exemptions

181 Applications for exemptions

182 Corresponding exemptions

Division 3—Relationship with corresponding authorities

183 References to CAP

184 Recommendations by Competent Authority

185 Recommendations by corresponding authorities

Division 4—Register

186 Register

187 Inspection of register

Division 5—Service of notices

188 Giving of notice

Schedule 1—Repeal of *Dangerous Substances (Dangerous Goods Transport) Regulations 2008*

1 Repeal of regulations

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Dangerous Substances (Dangerous Goods Transport) Regulations 2008*.

2—Commencement

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

3—Scope of Act and regulations

- (1) For the purposes of Part 4 of the Act and these regulations, the following will not be regarded as dangerous goods that are being transported in or on a vehicle:
 - (a) dangerous goods that are in the vehicle's fuel tank;
 - (b) dangerous goods that are in an appliance or plant that is necessary for the vehicle's operation and forms part of the vehicle;
 - (c) dangerous goods that comprise portable fire fighting equipment or other portable safety equipment and are part of the safety equipment of the vehicle.
- (2) Part 4 of the Act and these regulations do not apply to the transport of the following dangerous goods except when they are being transported with other dangerous goods:
 - (a) dangerous goods of UN Class 1 (explosives);
 - (b) dangerous goods of UN Division 6.2 (infectious substances);
 - (c) dangerous goods of UN Class 7 (radioactive material);
 - (d) explosives within the meaning of the *Explosives Act 1936* and substances declared to be explosives by proclamation under section 5 of that Act.

Note—

Security sensitive ammonium nitrate has been declared to be an explosive by proclamation (see Gazette 25.1.2006 p 348).

- (3) Part 4 of the Act and these regulations do not apply to—
 - (a) goods that satisfy the criteria set out, or referred to, in Part 2 of the ADG Code if a determination under regulation 168 that the goods are not dangerous goods is in effect; and
 - (b) goods if they are described as not subject to the ADG Code in a Special Provision applied to the goods by column 6 of the Dangerous Goods List and any criteria set out in that description as the basis for the goods not being subject to the code are satisfied.
- (4) Part 4 of the Act and these regulations do not apply to the transport of a load containing dangerous goods in or on a vehicle if the aggregate quantity of dangerous goods in the load is no more than the quantity set out in section 1.1.1.2(3)(a) of the ADG Code.
- (5) Part 4 of the Act and these regulations do not apply to the transport of a load containing dangerous goods in or on a vehicle if each of the following is satisfied:
 - (a) the load does not include dangerous goods of UN Class 1 (explosives), disregarding any track signals carried in a unit of rolling stock for the safety of persons working in rail transport and any dangerous goods of UN Division 1.4S other than detonators, shaped charges and detonating cord;
 - (b) if the load includes dangerous goods of UN Division 2.1 (other than aerosols), UN Division 2.3 or Packing Group I—the aggregate quantity of dangerous goods in the load is less than 62.5;
 - (c) the load does not include dangerous goods of Category A of UN Division 6.2 (infectious substances) or UN Class 7 (radioactive material);

- (d) the load does not include dangerous goods in a receptacle with a capacity of more than 500 litres;
 - (e) the load does not include more than 500 kilograms of dangerous goods in a receptacle;
 - (f) the aggregate quantity of the dangerous goods in the load is less than 250;
 - (g) the goods are packed in packaging that is suitable for their transport, and in accordance with any relevant provisions of Part 4 (or, if applicable, Chapter 3.4 or 3.5) of the ADG Code, as required by Part 5;
 - (h) the goods are not being transported in the course of a business of transporting goods by road;
 - (i) in relation to transport by rail—the goods are not being transported on a passenger train.
- (6) Part 4 of the Act and these regulations do not apply to the transport of dangerous goods by or at the direction of—
- (a) an authorised officer who is exercising a power under the Act; or
 - (b) an emergency services officer who is acting to reduce, eliminate or avert risk of personal injury, property damage or environmental harm from dangerous goods in a dangerous situation.

Part 2—Interpretation

Division 1—General

4—Interpretation

- (1) For the purposes of these regulations—

Act means the *Dangerous Substances Act 1979*;

ADG Code means the *Australian Code for the Transport of Dangerous Goods by Road and Rail* approved by the Ministerial Council as in force or remade from time to time;

ADR approved means approved in accordance with the *Agreement Concerning the International Carriage of Dangerous Goods by Road* published by the Inland Transport Committee of the Economic Commission for Europe;

aggregate quantity—the aggregate quantity of dangerous goods in a load is the total of—

- (a) the number of kilograms of—
 - (i) solid dangerous goods; and
 - (ii) articles (including aerosols),in the load; and
- (b) the number of litres or kilograms, whichever is used in the transport documentation for the load to describe the goods, of liquid dangerous goods in the load; and
- (c) the total capacity in litres of receptacles in the load containing dangerous goods of UN Class 2 (other than aerosols);

ambulance officer means a person employed as an ambulance officer, or engaged as a volunteer ambulance officer, with an organisation that provides ambulance services;

appropriately marked and labelled—see regulation 75;

appropriately placarded—see regulation 79;

approval—see regulation 170;

approved packaging means—

- (a) packaging of a design that is approved under regulation 170(3); or
- (b) foreign approved packaging;

approved tank means—

- (a) a tank of a design that is approved under regulation 170(3); or
- (b) a foreign approved tank;

approved test means a test that is approved under regulation 170(1);

approved training course means a training course that is approved under regulation 170(1);

article means a manufactured item, other than a fluid or particle, that—

- (a) is formed into a particular shape or design during manufacture; and
- (b) has hazard properties and a function that are wholly or partly dependent on that shape or design,

and includes batteries, aerosols, gas-filled lighters, seat belt pre-tensioners and refrigerating machines;

bulk container means a system for containing solid substances, including any liner or coating that—

- (a) is designed for transporting solid substances in direct contact with the system; and
- (b) is of a permanent character suitable for repeated use; and
- (c) is designed to facilitate the transport of solid substances by 1 or more modes of transport, without the need for the substances to be unloaded and reloaded when transferred from 1 mode to another; and
- (d) is fitted with devices that permit ready handling; and
- (e) has a capacity of at least 1 m³,

Examples—

Freight containers, offshore bulk containers, skips, bulk bins, swap bodies, trough-shaped containers, roller containers, load compartments of vehicles and flexible containers are bulk containers.

however, an IBC, large packaging or a portable tank is not a bulk container;

bulk transfer of dangerous goods means the transfer by gravity, pump or pressure differential of liquid, solid or gaseous dangerous goods by the use of pipework or hose;

CAP means the Competent Authorities Panel comprised of the Competent Authority and the corresponding authorities and acting under rules established by the participating jurisdictions through the National Transport Commission;

capacity means the total internal volume of a packaging at a temperature of 15° Celsius, expressed in litres or cubic metres;

cargo transport unit means—

- (a) a road transport tank or freight vehicle; or

- (b) a railway transport tank or freight wagon; or
- (c) a portable tank; or
- (d) a bulk container; or
- (e) a freight container; or
- (f) a MEGC;

compliance plate means a plate that must be attached to an MEGC, portable tank or tank vehicle under Part 6 of the ADG Code;

consignor—a person is the consignor of goods that are transported if—

- (a) the person is, with the person's authority, named or otherwise identified in transport documentation as the consignor of the goods; or
- (b) the person engages a prime contractor or rail operator, either directly or through an agent or other intermediary, to transport the goods; or
- (c) the person has possession of, or control over, the goods immediately before the goods are transported; or
- (d) the person loads a vehicle with the goods, for transport, at a place—
 - (i) where dangerous goods are awaiting collection; and
 - (ii) that is unattended (except by the driver) during loading; or
- (e) in the case of goods transported following their import into Australia—the person is the importer of the goods;

converter dolly—

- (a) in relation to a light vehicle (within the meaning of the *Road Traffic Act 1961*)—has the same meaning as in the *Road Traffic (Light Vehicle Standards) Rules 2018*;
- (b) in relation to a heavy vehicle (within the meaning of the *Road Traffic Act 1961*)—has the same meaning as in the *Heavy Vehicle National Law (South Australia)*;

corresponding approval means an approval to which regulation 171 applies;

corresponding authority means the authority in another participating jurisdiction, or if there are separate authorities in that jurisdiction in relation to road transport and to rail transport, the authority in relation to road transport or rail transport, as the case requires, whose functions most nearly correspond to those of the Competent Authority;

corresponding dangerous goods driver licence means a licence granted under a provision of the law of another State or a Territory of the Commonwealth corresponding to regulation 21 and to which regulation 42 applies;

corresponding dangerous goods vehicle licence means a licence granted under a provision of the law of another State or a Territory of the Commonwealth corresponding to regulation 27 and to which regulation 42 applies;

corresponding determination means a determination to which regulation 169 applies;

corresponding exemption means an exemption to which regulation 182 applies;

corresponding law means a law of another State or a Territory of the Commonwealth corresponding, or substantially corresponding, to Part 4 of the Act and these regulations;

dangerous goods—see regulation 12;

dangerous goods driver licence means a licence that is in force under Part 3 Division 2;

Dangerous Goods List means the list set out in section 3.2.3 of the ADG Code;

dangerous goods vehicle licence means a licence that is in force under Part 3 Division 3;

demountable tank means a tank, other than a portable tank, that is designed to be carried on a vehicle but that does not form part of and is not permanently attached to the vehicle and is designed to be removable;

determination—see regulation 168;

driver licence means a licence (including a probationary and a conditional licence but not including a provisional or learner's licence or permit) issued under the *Motor Vehicles Act 1959* or a law of another State or a Territory of the Commonwealth that corresponds to that Act authorising the driver to drive a road vehicle;

emergency services officer means—

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

equipment, in relation to a vehicle, includes a device for segregating dangerous goods from incompatible goods;

exemption means an exemption granted under section 36 of the Act;

fire service means the South Australian Metropolitan Fire Service or the South Australian Country Fire Service;

food includes—

- (a) a substance prepared or intended for human or animal consumption; and
- (b) a substance (except dangerous goods) intended to be an ingredient of food;

food packaging means—

- (a) a receptacle that contains, or is designed or intended to contain, food; or
- (b) material designed or intended to be used in a receptacle that is designed or intended to contain food; or
- (c) plastic wrapping intended for the packaging of food;

foreign approved, in relation to packaging, means packaging that has the markings required by Part 6 of the ADG Code for packaging of its type, in confirmation that the packaging is ADR, ICAO, IMO, RID or UN approved;

Note—

Types of foreign approved packaging include, but are not limited to, bulk containers, IBCs, large packagings, MEGCs, portable tanks, pressure drums and tubes that are ADR, ICAO, IMO, RID or UN approved.

freight container means a container that—

- (a) is of a permanent character suitable for repeated use; and
- (b) is designed to facilitate the transport of goods by 1 or more modes of transport, without the need for the goods to be unloaded and reloaded when the container is transferred from 1 mode to another; and

- (c) is fitted with devices that permit the ready stowage and handling of the container, particularly in relation to the transfer of the container from 1 mode of transport to another; and
- (d) is designed in a way that facilitates the ease of loading and unloading of goods from the container; and
- (e) for a container used to transport goods other than radioactive material—has an internal volume of at least 1 m³;

goods means substances or articles;

goods too dangerous to transport—see regulation 13;

Heavy Vehicle National Law (South Australia) has the same meaning as in the *Heavy Vehicle National Law (South Australia) Act 2013*;

hose assembly means a hose, or hoses connected together, for use in the transfer of dangerous goods to or from a tank on a vehicle, a portable tank or a storage receptacle and includes—

- (a) if there are 2 or more hoses connected together—the connections between the hoses; and
- (b) the attachment connecting the hose or hoses to the tank; and
- (c) anything else (except the vehicle, tank or receptacle) attached to the hose or hoses;

IBC (intermediate bulk container) means a rigid or flexible portable packaging for the transport of dangerous goods that complies with the specifications in Chapter 6.5 of the ADG Code and that—

- (a) has a capacity of not more than—
 - (i) for solids of Packing Group I packed in a composite, fibreboard, flexible, wooden or rigid plastics container—1 500 litres; and
 - (ii) for solids of Packing Group I packed in a metal container—3 000 litres; and
 - (iii) for solids or liquids of Packing Groups II and III—3 000 litres; and
- (b) is designed for mechanical handling,

but does not include rigid or flexible portable packaging that complies with the requirements of Chapter 6.1, 6.3 or 6.6 of the ADG Code;

ICAO approved means approved in accordance with the ICAO Technical Instructions as in force from time to time;

ICAO Technical Instructions means the *Technical Instructions for the Safe Transport of Dangerous Goods by Air* published by the International Civil Aviation Organisation as in force from time to time;

IMDG Code means the *International Maritime Dangerous Goods Code* published by the International Maritime Organisation as in force from time to time;

IMO approved means approved in accordance with the IMDG Code;

incompatible—see regulation 17;

inner packaging has the same meaning as in section 1.2.1 of the ADG Code;

intermediate packaging has the same meaning as in section 1.2.1 of the ADG Code;

journey means the transport of dangerous goods from where the goods are consigned to where the goods are delivered to the consignee;

large packaging means packaging that—

- (a) consists of outer packaging that contains articles or inner packagings; and
- (b) is designed for mechanical handling; and
- (c) has—
 - (i) a net mass of more than 400 kilograms or a capacity of more than 450 litres; and
 - (ii) a volume of not more than 3 m³;

load—a person loads goods on to a vehicle for transport if the person—

- (a) places or secures unpackaged articles or 1 or more packages of goods in or on the vehicle (but not by placing or securing a package in further packaging already on the vehicle); or
- (b) supervises an activity mentioned in paragraph (a); or
- (c) manages or controls an activity mentioned in paragraph (a) or (b);

load—

- (a) all the goods transported in a cargo transport unit on a unit of rolling stock being operated or used on rails constitute a load; and
- (b) all the goods transported in or on a vehicle (other than a vehicle that is a unit of rolling stock being operated or used on rails or a cargo transport unit on such a unit of rolling stock) constitute a load,

and, for those purposes, goods transported in or on all trailers attached to a vehicle (including a vehicle that is a cargo transport unit on a unit of rolling stock) will be regarded as being transported in or on the vehicle;

MEGC (multiple-element gas container) means a multimodal assembly of cylinders, tubes or bundles of cylinders that are interconnected by a manifold and assembled within a framework for the transport of gases in the cylinders and tubes, together with service equipment and structural equipment necessary for the transport of gases in the cylinders and tubes;

Ministerial Council means the body (however described) that consists of the Minister of the Commonwealth, and the Minister of each State and Territory, who is responsible, or principally responsible, for matters relating to infrastructure and transport;

multimodal means applicable to, or suitable for use on, more than 1 mode of transport;

NATA means the National Association of Testing Authorities Australia;

outer packaging has the same meaning as in section 1.2.1 of the ADG Code;

overpack means an enclosure, other than large packaging, used to contain 1 or more packages in a way that forms 1 unit for convenience of stowage and handling during transport;

Examples—

- packages placed or stacked on a pallet and secured by strapping, shrink wrapping, stretch wrapping or another suitable way;
- packages placed in protective outer packaging such as in a box or crate.

owner—a person is an owner of a vehicle if the person—

- (a) is the sole owner, a joint owner or a part owner of the vehicle; or
- (b) has possession or use of the vehicle under a credit, hire-purchase, lease or other agreement, except an agreement requiring the vehicle to be registered in the name of someone else;

pack—a person packs goods for transport if the person—

- (a) puts the goods in a packaging (even if that packaging is already in or on a vehicle); or
- (b) assembles, places or secures packages in packaging designed to hold, enclose or otherwise contain more than 1 package (even if that packaging is already in or on a vehicle); or
- (c) supervises an activity mentioned in paragraph (a) or (b); or
- (d) manages or controls an activity mentioned in paragraph (a), (b) or (c);

package—a package of dangerous goods or other goods is the complete product of the packing of the goods for transport, and consists of the goods and their packaging;

packaging includes—

- (a) inner packaging, intermediate packaging, outer packaging, an overpack, large packaging, an IBC, an MEGC, a tank (including the tank of a tank vehicle), a bulk container or freight container, a drum, a barrel, a jerry can, a box and a bag; and
- (b) any other components or materials used for containing the contents of the packaging, or performing another safety function in relation to the transport of the packaging and its contents;

Packing Group—see regulation 16;

participating jurisdiction means this State or another State or a Territory of the Commonwealth that has a corresponding law;

placard load means a load of dangerous goods that—

- (a) contains dangerous goods in a receptacle, other than an article, with a capacity of more than 500 litres; or
- (b) contains more than 500 kilograms of dangerous goods in a receptacle, other than an article; or
- (c) contains an aggregate quantity of dangerous goods (other than specified goods) of 250 or more and those goods include—
 - (i) dangerous goods of UN Division 2.1 that are not aerosols; or
 - (ii) dangerous goods of UN Division 2.3; or
 - (iii) dangerous goods of Packing Group I; or
- (d) contains dangerous goods of Category A of UN Division 6.2; or
- (e) contains an aggregate quantity of dangerous goods of UN Division 6.2 (other than Category A) of 10 or more; or
- (f) contains an aggregate quantity of dangerous goods (other than specified goods) of 1 000 or more; or
- (g) contains specified goods if—

- (i) the specified goods include an aggregate of 2 000 or more of any 1 UN Number from a single place or consignment; or
- (ii) the total gross mass of the specified goods is 8 tonnes or more; or
- (h) contains a mixture of specified goods and dangerous goods that do not otherwise constitute a placard load under paragraphs (a) to (g) (inclusive) with a combined quantity as follows:
 - (i) if the load contains dangerous goods referred to in subparagraphs (c)(i), (ii) or (iii)—the aggregate quantity of those goods plus 10% of the total gross mass of the specified goods is 250 or more;
 - (ii) in any other case—the aggregate quantity of dangerous goods that are not specified goods plus 25% of the total gross mass of the specified goods is 1 000 or more;

portable tank means a tank used for the transport of a solid, liquid or gas that—

- (a) includes a shell fitted with service equipment and structural equipment necessary for the transport of the solid, liquid or gas; and
- (b) is capable of being loaded and unloaded without removing its structural equipment; and
- (c) has stabilising components external to its shell, and is capable of being lifted when full; and
- (d) is designed primarily to be loaded on to a vehicle or vessel and is equipped with skids, mountings or accessories to facilitate mechanical handling; and
- (e) for a tank used for transporting a substance of UN Class 1 or UN Class 3 to 9—is a multimodal tank; and
- (f) for a tank used for transporting non-refrigerated, liquefied gases of UN Class 2—is a multimodal tank having a capacity of more than 450 litres; and
- (g) for a tank used for transporting refrigerated, liquefied gases of UN Class 2—is a thermally insulated tank having a capacity of more than 450 litres; and
- (h) is not an item that is not considered to be a portable tank for the purposes of the ADG Code;

Note—

See the definition of portable tank in section 1.2.1 of the ADG Code for the list of items that are not considered to be a portable tank for the purposes of the ADG Code.

pressure drum means a welded transportable pressure receptacle of a water capacity of more than 150 litres but not more than 1 000 litres;

prime contractor—a person is a prime contractor in relation to goods transported by road vehicle if the person, in conducting a business of or involving the transport of dangerous goods, undertakes to be responsible, or is responsible, for the transport of the goods by road vehicle;

prime mover means a road vehicle that is designed to tow a trailer but does not include a vehicle that has a load carrying capacity without a trailer;

rail operator—a person is a rail operator in relation to goods transported by rail if the person undertakes to be responsible, or is responsible, for—

- (a) the transport of the goods by rail; or

- (b) the condition of a unit of rolling stock transporting the goods;

rail tank wagon means a rail wagon of which a tank forms an integral part;

rail wagon means a unit of rolling stock that—

- (a) is designed to carry freight by rail; and
- (b) bears a unique identifying number or alphanumeric identifier;

receptacle, in relation to a substance or article, means a container that is—

- (a) for receiving and holding the substance or article (including anything that enables the container to be closed); and
- (b) in contact with the substance or article;

registered vehicle means a vehicle registered under the *Motor Vehicles Act 1959* or a law of the Commonwealth or of another State or a Territory of the Commonwealth dealing with the registration of motor vehicles;

RID approved means approved in accordance with the *Regulations Concerning the International Carriage of Dangerous Goods by Rail* published by the Intergovernmental Organisation for International Carriage by Rail;

road includes a road-related area within the meaning of the *Road Traffic Act 1961* (but the meaning of road in these regulations is not limited to the meaning of road in that Act);

road tank vehicle means a road vehicle of which a tank forms part or to which a tank, other than a portable tank, is attached;

road vehicle means any vehicle other than a unit of rolling stock being operated or used on rails;

service equipment, in relation to an MEGC or tank, has the meaning given in section 6.7.2.1, 6.7.3.1, 6.7.4.1 or 6.7.5.1 of the ADG Code, as the case requires;

Special Provision—Column 6 of the Dangerous Goods List specifies whether a Special Provision applies to dangerous goods, and Chapter 3.3 of the ADG Code lists the Special Provisions that apply;

specified goods means—

- (a) dangerous goods that are packed in limited quantities; and
- (b) the following dangerous goods:
 - (i) fireworks that are bon bons, party poppers or sparklers;
 - (ii) domestic smoke detectors containing radioactive material;
 - (iii) lighters or lighter refills containing flammable gas;
 - (iv) fire extinguishers with compressed or liquefied gas, up to a net mass of 23 kilograms; and
- (c) a combination of the dangerous goods referred to in paragraphs (a) and (b);

Note—

See Note 5 to Table 5.3 of the ADG Code.

structural equipment, in relation to an MEGC or tank, has the meaning given in section 6.7.2.1, 6.7.3.1, 6.7.4.1 or 6.7.5.1 of the ADG Code, as the case requires;

Subsidiary Hazard—see regulation 15;

tank means—

- (a) unless the context otherwise requires, a reference in these regulations to a tank is a reference to a portable tank, a road tank vehicle, a rail tank wagon, or a receptacle used to contain a solid, liquid or gas;
- (b) however, a reference to a tank includes an item mentioned in paragraph (a) that is used to transport a gas (as defined in section 2.2.1.1 of the ADG Code) only if it has a capacity of at least 450 litres;

tank vehicle means a road vehicle or unit of rolling stock—

- (a) of which a tank forms part; or
- (b) to which a tank (other than a portable tank) is attached;

trailer means a road vehicle that is designed to be towed, or is towed, by another road vehicle but does not include a road vehicle propelled by a motor that forms part of the vehicle;

train means 2 or more units of rolling stock that are coupled together, at least 1 unit of which is a locomotive or self propelled unit;

transport documentation means a manifest of goods being, or to be, transported in or on a vehicle;

tube means a pressure receptacle of seamless or composite construction having a water capacity exceeding 150 litres but not more than 3 000 litres;

UN approved means approved in accordance with the *Recommendations on the Transport of Dangerous Goods, Model Regulations* published by the United Nations;

UN Class of dangerous goods means the Class to which dangerous goods belong in accordance with regulation 14;

UN Division of dangerous goods means the Division to which dangerous goods of a particular UN Class belong in accordance with regulation 14;

unit of rolling stock means a vehicle designed to run on rails; the term includes a vehicle that is designed to operate or be used on a road or on rails but only while it is being operated or used on rails.

Examples—

A rail wagon; a rail tank wagon; a locomotive; a guard's van; a crew or passenger carriage; a track maintenance vehicle.

- (2) For the purposes of these regulations, a packaging will be taken to contain dangerous goods if it has contained dangerous goods, the dangerous goods have been unpacked from the packaging and the packaging is not free from dangerous goods.
- (3) For the purposes of the definition of **unit load** in the Act, unit load has the same meaning as overpack.

5—Reference to ADG Code extends to special provisions

- (1) For the purposes of these regulations, a reference to a particular Part, Chapter or section of the ADG Code is to be read as if it incorporated and were subject to the Special Provisions referenced in the Dangerous Goods List.

- (2) Consequently, for example—
- (a) in Part 6, a requirement for a package of dangerous goods to be marked and labelled in accordance with Chapter 5.2 of the ADG Code is subject to any applicable Special Provision referenced in the Dangerous Goods List, and includes a requirement that the package be marked and labelled in accordance with any additional requirement specified in such a Special Provision (for example, SP No 29); and
 - (b) in Part 9, a requirement for dangerous goods and their packaging to be stowed, loaded and restrained in accordance with Chapter 8.1 of the ADG Code is subject to any applicable Special Provision referenced in the Dangerous Goods List, and includes a requirement that the goods and their packaging be stowed, loaded and restrained in accordance with any additional requirement specified in such a Special Provision (for example, SP No 132); and
 - (c) in Part 12, a requirement for transport documentation to comply with Chapter 11.1 of the ADG Code is subject to any applicable Special Provision referenced in the Dangerous Goods List, and includes a requirement that the documentation comply with any additional requirement specified in such a Special Provision (for example, SP No 274 and SP No 297).

Note—

See also regulation 52.

6—References in the ADG Code to regulations

For the purposes of these regulations, a reference in the ADG Code to a numbered regulation is to be taken to be a reference to the provision in these regulations that corresponds to the provision of that number in Schedule 2 of the *National Transport Commission (Model Legislation—Transport of Dangerous Goods by Road or Rail) Regulations 2007* of the Commonwealth.

7—References to codes, standards and rules

- (1) In these regulations, a reference to an instrument includes a reference to another instrument as applied or adopted by, or incorporated in, the first instrument (including the instrument as amended from time to time if that is how it is applied, adopted or incorporated).
- (2) In these regulations, unless the contrary intention appears, a reference to an instrument (other than the ADG Code) is a reference to the instrument as amended from time to time.
- (3) In this regulation—

instrument means a code, standard, rule or other document (whether made in or outside Australia), and includes a provision of an instrument.

8—References to licences, determinations, approvals and exemptions

In these regulations, a reference to—

- (a) a dangerous goods driver licence, dangerous goods vehicle licence, determination, approval or exemption; or
- (b) a corresponding dangerous goods driver licence, corresponding dangerous goods vehicle licence, corresponding determination, corresponding approval or corresponding exemption,

includes a reference to the licence, determination, approval or exemption as varied.

9—References to variation of licences, determinations, approvals and exemptions

In these regulations, a reference to the variation of—

- (a) a dangerous goods driver licence, dangerous goods vehicle licence, determination, approval or exemption; or
- (b) a corresponding dangerous goods driver licence, corresponding dangerous goods vehicle licence, corresponding determination, corresponding exemption or corresponding approval,

includes a reference to a variation by addition, omission or substitution.

10—Inconsistency between regulations and codes etc

If all or part of a code, standard, rule or other document (whether made in or outside Australia) is applied or adopted by, or is incorporated in, these regulations and the code, standard, rule or other document or the relevant part of the code, standard, rule or other document is inconsistent with these regulations, these regulations prevail to the extent of the inconsistency.

11—Transitional arrangement if ADG Code or related instrument amended or remade

- (1) This regulation applies if—
 - (a) the ADG Code is amended or remade or a code standard or rule applied or adopted by, or incorporated in, the ADG Code is amended or remade; and
 - (b) the amendment or remake has the effect of imposing a new requirement on a person, or modifying an existing requirement applying to a person, under these regulations.
- (2) The new requirement or modified existing requirement does not apply in relation to the person for the duration of the relevant period.
- (3) These regulations apply to the person for the duration of the relevant period as if the amendment or remake had not taken effect.
- (4) This regulation is subject to any other provision of these regulations that provides for when or how the new requirement or modified existing requirement applies in relation to the person.
- (5) For the purposes of this regulation—

relevant period, for an amendment or remake referred to in subregulation (1)(a), means the period starting on the day the amendment or remake takes effect and ending on the day falling 12 months after that day;

requirement means a duty, obligation, requirement or restriction (however described).

Division 2—Key concepts

12—Dangerous goods

Goods are *dangerous goods* if—

- (a) the goods satisfy the criteria set out, or referred to, in Part 2 of the ADG Code for classifying goods as dangerous goods; or
- (b) a determination under regulation 168 that the goods are dangerous goods is in effect.

13—Goods too dangerous to transport

- (1) Dangerous goods are *too dangerous to transport* if they are—
 - (a) goods for which a determination under regulation 168 that the goods are too dangerous to be transported is in effect; or
 - (b) goods named or described in Appendix A to the ADG Code; or
 - (c) goods that are so sensitive or unstable that they cannot be safely transported even if the relevant requirements of these regulations and the ADG Code are complied with.
- (2) However, goods that satisfy the criteria set out, or referred to, in Part 2 of the ADG Code are not dangerous goods if—
 - (a) the goods are determined under section 1.5.1(1)(a) of the ADG Code not to be dangerous goods; or
 - (b) the goods are described as not subject to the ADG Code in a special provision in Chapter 3.3 of the ADG Code that is applied to the goods by column 6 of the Dangerous Goods List, and any condition included in that provision is met.

14—UN Classes, Divisions and Categories

- (1) The UN Class or UN Division of particular goods is—
 - (a) if a determination under regulation 168 that the goods are of a particular UN Class or UN Division is in effect—the Class or Division specified in the determination; or
 - (b) if no such determination is in effect—the Class or Division determined for the goods in accordance with the ADG Code.

Notes—

- 1 Under the UN classification system there are 9 Classes of dangerous goods. Under that system some Classes are further divided into Divisions.
- 2 Under the ADG Code, if particular dangerous goods are listed in the Dangerous Goods List, their UN Class or Division is that listed in column 2 of that list opposite the name and description of those goods, unless Chapter 3.3 of the Code provides for those goods to be assigned to a different UN Class or Division.

- (2) The UN Category of Division 6.2 (infectious substances) is the Category determined for the goods in accordance with the ADG Code.

15—Subsidiary Hazard

The Subsidiary Hazard, if any, of particular dangerous goods is—

- (a) if a determination under regulation 168 that the goods have a particular Subsidiary Hazard is in effect—the Subsidiary Hazard specified in the determination; or
- (b) if no such determination is in effect—the Subsidiary Hazard determined for the goods in accordance with the ADG Code.

Note—

Dangerous goods that are able to be assigned to more than 1 UN Class or Division are assigned a Subsidiary Hazard. This Subsidiary Hazard is the other UN Class/es or Division/s to which the goods also belong. Under the ADG Code, if particular dangerous goods are listed in the Dangerous Goods List, their Subsidiary Hazard is that listed in column 4 of that list opposite the name and description of those goods, unless Chapter 3.3 of the Code provides for those goods to be assigned a different Subsidiary Hazard.

16—Packing Groups

The Packing Group, if any, of particular dangerous goods is—

- (a) if a determination under regulation 168 that the goods are of a particular Packing Group is in effect—the Packing Group specified in the determination; or
- (b) if no such determination is in effect—the Packing Group determined for the goods in accordance with the ADG Code.

Note—

The assignment of particular dangerous goods to a Packing Group indicates the degree of danger, and the level of containment required for, the goods. The Packing Groups, and the degree of danger they indicate are—

Packing Group I (substances presenting high danger);

Packing Group II (substances presenting medium danger);

Packing Group III (substances presenting low danger).

The Packing Group of a substance can be determined from the Dangerous Goods List, although in some cases it is also necessary to refer to Chapter 3.3 of the ADG Code (the List identifies those cases).

17—Incompatibility

- (1) Dangerous or other goods are *incompatible* with dangerous goods if—
 - (a) the goods are incompatible with the dangerous goods under Chapter 9.1 of the ADG Code; or
 - (b) the goods are determined under regulation 168 to be incompatible with the dangerous goods; or
 - (c) when the goods are mixed, or otherwise brought into contact, with the dangerous goods, the goods are likely to interact with the dangerous goods and increase risk of personal injury, property damage or environmental harm because of the interaction; or
 - (d) should a vehicle transporting both the goods and the dangerous goods be involved in an incident resulting in a dangerous situation, the situation would be substantially more serious because the goods and the dangerous goods are being transported together.

Example—

Flammable material is incompatible with an oxidising agent because of the substantial increase in risk in the event of a fire (whether or not the flammable material is likely to interact with the oxidising agent and increase risk of personal injury, property damage or environmental harm because of the interaction).

- (2) Packaging or equipment for use in the transport of dangerous goods is *incompatible* with the goods if any component of the packaging or equipment that is intended or likely to come into contact with the goods during transport—
- (a) is likely to interact with the goods and increase risk of personal injury, property damage or environmental harm because of the interaction; and
 - (b) is not protected from contact under foreseeable circumstances by a protective coating or other effective means.

Part 3—Licences

Division 1—Preliminary

18—Circumstances in which licence required

- (1) A licence is only required for the purposes of section 24(2), (3), (4) and (6) of the Act in relation to a vehicle if the vehicle is used to transport—
- (a) dangerous goods in a receptacle with a capacity of more than 500 litres; or
 - (b) more than 500 kilograms of dangerous goods in a receptacle.
- (2) However—
- (a) a licence is not required for the purposes of section 24(2), (3), (4) or (6) of the Act if—
 - (i) —
 - (A) the dangerous goods are transported in an IBC; and
 - (B) the IBC is not packed or unpacked on the vehicle; and
 - (C) the total capacity of IBCs containing dangerous goods on the vehicle is not more than 3 000 litres; or
 - (ii) a licence is in force in respect of the vehicle under the *Explosives Act 1936*; or
 - (iii) the vehicle is a unit of rolling stock; and
 - (b) a licence is not required for the purposes of section 24(2) or (4) of the Act if the vehicle is a prime mover or converter dolly.

19—Part additional to other laws

Part 4 of the Act and this Part are in addition to any other law in force in this State about—

- (a) the licensing of drivers; or
- (b) the employment or engagement of drivers; or
- (c) the registration of vehicles; or
- (d) the transport of goods.

Division 2—Dangerous goods driver licences

20—Application for licence or renewal of licence

- (1) A person resident in the State may apply to the Competent Authority for a dangerous goods driver licence.
- (2) A person who holds a dangerous goods driver licence may, not earlier than 2 months and not later than 7 days before expiry of the licence, apply to the Competent Authority for renewal of the licence.
- (3) An application for the grant or renewal of a dangerous goods driver licence must be accompanied by—
 - (a) each of the following:
 - (i) evidence that the person holds a current driver licence;
 - (ii) for each State or Territory of the Commonwealth in which the applicant holds or has held a driver licence—
 - (A) a certified extract of entries about the applicant from the relevant register of driver licences obtained within the immediately preceding 6 months; or
 - (B) an authorisation for the Competent Authority to have access to such entries;
 - (iii) for each State or Territory of the Commonwealth—
 - (A) a certified copy (obtained within the immediately preceding 6 months) of an official record showing whether the applicant has been convicted of any driving offence in that State or Territory and providing details of any such conviction; or
 - (B) an authorisation for the Competent Authority to have access to such records; and
 - (b) evidence that the applicant has passed an approved test, or completed an approved training course, within the immediately preceding 6 months, comprised of a certificate issued by the person who conducted the test or course or other written evidence; and
 - (c) a certificate about the medical fitness of the applicant to drive a road vehicle—
 - (i) issued by a medical practitioner following an examination of the applicant by the practitioner within the immediately preceding 6 months; and
 - (ii) certifying that the medical practitioner examined and passed the applicant in accordance with the standards in *Assessing Fitness to Drive—Medical Standards for Licensing and Clinical Management Guidelines* published by Austroads and the National Road Transport Commission as in force from time to time; and
 - (d) two photographs of the applicant of a size suitable for an Australian passport that were taken within the immediately preceding 6 months; and
 - (e) the prescribed fee.

21—Grant of licence

- (1) The Competent Authority must not grant an application for a dangerous goods driver licence if—
 - (a) in the 5 years immediately preceding the application—
 - (i) the applicant has been found guilty by a court in Australia of an offence that makes the applicant unsuitable to be the driver of a vehicle transporting dangerous goods; or
 - (ii) the applicant's driver licence has been cancelled or suspended on a ground that makes the applicant unsuitable to be the driver of a vehicle transporting dangerous goods; or
 - (b) the applicant is prohibited by a court order from involvement in the transport of dangerous goods by road.
- (2) If the Competent Authority refuses to grant a dangerous goods driver licence, the Authority must inform the applicant in writing of the refusal and of the reasons for the refusal.

22—Renewal of licence

- (1) The Competent Authority must not grant an application for renewal of a dangerous goods driver licence if—
 - (a) while the licence had effect—
 - (i) the applicant was found guilty by a court in Australia of an offence that makes the applicant unsuitable to be the driver of a vehicle transporting dangerous goods; or
 - (ii) the applicant's driver licence has been cancelled or suspended on a ground that makes the applicant unsuitable to be the driver of a vehicle transporting dangerous goods; or
 - (b) the applicant is prohibited by a court order from involvement in the transport of dangerous goods by road.
- (2) If the Competent Authority refuses to renew a dangerous goods driver licence, the Authority must inform the applicant in writing of the refusal and of the reasons for the refusal.

23—Licence period

- (1) Subject to these regulations, a dangerous goods driver licence remains in force for the period specified in the licence on its grant or renewal.
- (2) The period specified must not exceed 3 years.
- (3) A dangerous goods driver licence takes effect on the day it is granted or, if a later day is specified in the licence, that later day.
- (4) The renewal of a dangerous goods driver licence takes effect on the day the licence would otherwise have expired.

24—Licence conditions imposed by Competent Authority

- (1) A dangerous goods driver licence is subject to any conditions specified in the licence by the Competent Authority.
- (2) The Competent Authority may impose—
 - (a) conditions about—

- (i) the dangerous goods that may or may not be transported in or on a road vehicle driven by the licensee; and
 - (ii) the packaging that may or may not be used to transport dangerous goods in or on a road vehicle driven by the licensee; and
 - (iii) the road vehicles that may be driven by the licensee in transporting dangerous goods; and
 - (iv) the areas where the licensee may or may not drive a road vehicle transporting dangerous goods; and
 - (v) the supervision of the licensee when driving a road vehicle transporting dangerous goods; and
- (b) any other condition the Authority considers necessary for the safe transport of dangerous goods.

25—Licence condition requiring production of certificate of medical fitness

- (1) It is a condition of a dangerous goods driver licence that the Competent Authority may, by written notice given to the licensee, require the licensee to produce to the Authority a certificate about the medical fitness of the applicant to drive a road vehicle—
- (a) issued by a medical practitioner following an examination of the applicant by the practitioner within the 6 months immediately preceding the day when the certificate is produced to the Authority; and
 - (b) certifying that the medical practitioner examined and passed the applicant in accordance with the standards in *Assessing Fitness to Drive—Medical Standards for Licensing and Clinical Management Guidelines* published by Austroads and the National Road Transport Commission as in force from time to time.
- (2) The licensee must be allowed at least 2 months within which to produce the certificate.
- (3) The Competent Authority must not give notice to the licensee under the condition if the dangerous goods driver licence is due to expire in less than 4 months.

Division 3—Dangerous goods vehicle licences

26—Application for licence or renewal of licence

- (1) A person may apply to the Competent Authority for a dangerous goods vehicle licence for a road vehicle used, or intended to be used, in transporting dangerous goods.
- (2) A person who holds a dangerous goods vehicle licence for a vehicle may, not earlier than 2 months and not later than 7 days before expiry of the licence, apply to the Competent Authority for renewal of the licence.
- (3) An application for the grant or renewal of a dangerous goods vehicle licence must include the following information:
- (a) the registration number (if any), make and type of the vehicle;
 - (b) the type of dangerous goods intended to be transported in or on the vehicle.
- (4) If the vehicle is a registered vehicle, the application must be accompanied by a copy of the certificate of registration.
- (5) The application must be accompanied by the prescribed fee.
- (6) The application may relate to 2 or more vehicles.

- (7) The Competent Authority may, by written notice, require an applicant for the grant or renewal of a dangerous goods vehicle licence for a vehicle—
 - (a) to give to the Authority, or to someone nominated by the Authority, any additional information necessary for a proper consideration of the application; and
 - (b) to make the vehicle available for inspection by the Authority, or by someone nominated by the Authority, at a specified place and time.
- (8) The Competent Authority must give a copy of any report of an inspection to the applicant if the applicant asks for it.

27—Grant or renewal of licence

- (1) The Competent Authority may refuse to grant or renew a dangerous goods vehicle licence for a road vehicle if not satisfied that the vehicle is suitable to transport each type of dangerous goods intended to be transported in or on the vehicle.
- (2) Without limiting subregulation (1), if a vehicle is intended for use in the transport of dangerous goods in the form of a liquid or gas using a tank that forms part of the vehicle or is to be attached to it, the vehicle is suitable only if—
 - (a) the tank is an approved tank; and
 - (b) the vehicle complies with any relevant provision of Chapters 4.4 and 6.10 of the ADG Code.
- (3) The Competent Authority must not grant or renew a dangerous goods vehicle licence if the applicant is prohibited by a court order from involvement in the transport of dangerous goods by road.
- (4) The Competent Authority may issue a single dangerous goods vehicle licence for more than 1 vehicle.
- (5) If the Competent Authority refuses to grant or renew a dangerous goods vehicle licence, the Authority must inform the applicant in writing of the refusal and of the reasons for the refusal.

28—Licence period

- (1) Subject to these regulations, a dangerous goods vehicle licence remains in force for the period specified in the licence on its grant or renewal.
- (2) The period specified must not exceed 3 years.
- (3) A dangerous goods vehicle licence takes effect on the day it is granted or, if a later day is specified in the licence, that later day.
- (4) The renewal of a dangerous goods vehicle licence takes effect on the day the licence would otherwise have expired.

29—Licence conditions imposed by Competent Authority

- (1) A dangerous goods vehicle licence is subject to any conditions specified in the licence by the Competent Authority.
- (2) The Competent Authority may impose—
 - (a) conditions about—
 - (i) the dangerous goods that may or may not be transported in or on the vehicle; and

- (ii) the areas where the vehicle may or may not be used to transport dangerous goods; and
- (iii) the inspections of the vehicle (if any) that are required; and
- (b) any other condition the Authority considers necessary for the safe transport of dangerous goods.

Division 4—Cancellation, suspension and variation of licences

30—Interpretation

In this Division—

licence means a dangerous goods driver licence or dangerous goods vehicle licence;

vary a licence means—

- (a) vary or revoke a condition of the licence; or
- (b) impose a further condition on the licence.

31—Variation of licence on application

- (1) The Competent Authority may, on application by the holder of a licence, vary the licence.
- (2) An application for the variation of a licence must be accompanied by the licence.

32—When licence taken to be suspended

- (1) A dangerous goods driver licence is taken to be suspended for any period for which the holder's driver licence has no effect.
- (2) A dangerous goods vehicle licence for a vehicle that was a registered vehicle on the grant of the licence is taken to be suspended in relation to the vehicle for any period for which the vehicle is not so registered.

33—Grounds for cancelling, suspending or varying licence

- (1) The Competent Authority may cancel, suspend (for a period not exceeding 12 months) or vary a dangerous goods driver licence if satisfied that—
 - (a) the application for the grant or renewal of the licence did not comply with these regulations or was false or misleading in a material respect; or
 - (b) the licensee is unsuitable to continue to be the driver of a vehicle transporting dangerous goods (or to so continue without a variation of the licence) because—
 - (i) the licensee has contravened—
 - (A) a provision of Part 4 of the Act or these regulations; or
 - (B) a provision of a corresponding law; or
 - (ii) the licensee has been found guilty by a court in Australia of an offence; or
 - (iii) the licensee's driver licence has been cancelled; or
 - (iv) the licensee is suffering from a medical condition, or has a physical or mental disability.

- (2) The Competent Authority may cancel, suspend (for a period not exceeding 12 months) or vary a dangerous goods vehicle licence if satisfied that—
 - (a) the application for the grant or renewal of the licence did not comply with these regulations or was false or misleading in a material respect; or
 - (b) the vehicle does not comply with the Act or these regulations.
- (3) The Competent Authority may vary a licence for any other good reason.
- (4) The Competent Authority must, before cancelling, suspending or varying a licence under this regulation, give to the licensee a written notice that—
 - (a) states what the proposed action is; and
 - (b) if the proposed action is to suspend the licence—states what the proposed suspension period is; and
 - (c) if the proposed action is to vary the licence—sets out the proposed variation; and
 - (d) sets out the ground for the proposed action; and
 - (e) outlines the facts and other circumstances forming the basis for the ground; and
 - (f) invites the licensee to state in writing, within a specified period of at least 28 days after the day the notice is given to the licensee, why the proposed action should not be taken.
- (5) Notice is not required under subregulation (4) if, in the opinion of the Competent Authority, the cancellation, suspension or variation of the licence is necessary to avoid, eliminate or minimise a dangerous situation.
- (6) The Competent Authority may, by written notice to the licensee, shorten the period of a suspension of a licence.

34—Cancellation and suspension giving effect to court order

The Competent Authority must cancel or suspend a licence as necessary to give effect to a court order prohibiting the licensee from involvement in the transport of dangerous goods by road.

35—When cancellation, suspension and variation take effect

- (1) The cancellation, suspension or variation of a licence by the Competent Authority takes effect on—
 - (a) the day the licensee is given written notice by the Competent Authority of the cancellation, suspension or variation; or
 - (b) a later day specified in the notice.
- (2) The Competent Authority must inform the licensee in writing of the reasons for the cancellation, suspension or variation.

Division 5—Licences generally

36—Interpretation

In this Division—

licence means a dangerous goods driver licence or dangerous goods vehicle licence.

37—Replacement licences

- (1) The Competent Authority may issue a replacement licence to a licensee if—
 - (a) the licence is renewed; or
 - (b) the licence is varied; or
 - (c) a period of suspension of the licence ends.
- (2) The Competent Authority must issue a replacement licence to a licensee if the Authority is satisfied that the licence has been defaced, destroyed, lost or stolen.

38—Failure to comply with licence condition

A licensee must not contravene a condition of their licence.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

39—Surrender of licence

- (1) A licensee may surrender their licence by giving written notice of surrender to the Competent Authority and returning the licence to the Authority.
- (2) A licence ceases to have effect on its surrender.

40—Change of information given in licence application

Within 14 days after becoming aware that information given by the licensee to the Competent Authority in, or in relation to, an application for the grant or renewal of a licence is or has become incorrect in a material respect, the licensee must inform the Competent Authority and give the correct information to the Authority in writing.

Maximum penalty:

- (a) in the case of a body corporate—\$3 250;
- (b) in the case of an individual—\$650.

41—Production of licence to Competent Authority

- (1) The Competent Authority may, by written notice, require a licensee to produce their licence to the Authority.
- (2) The licensee must produce the licence to the Competent Authority within 14 days after the day the notice is given to the licensee.

Maximum penalty:

- (a) in the case of a body corporate—\$3 250;
- (b) in the case of an individual—\$650.

Expiation fee:

- (a) in the case of a body corporate—\$650;
- (b) in the case of an individual—\$130.

- (3) A person who held a licence immediately before its cancellation or suspension must return the licence to the Competent Authority within 14 days after the cancellation or suspension.

Maximum penalty:

- (a) in the case of a body corporate—\$3 250;
- (b) in the case of an individual—\$650.

Expiation fee:

- (a) in the case of a body corporate—\$650;
- (b) in the case of an individual—\$130.

Division 6—Corresponding licences

42—Corresponding licences

- (1) This regulation applies to a licence that—
- (a) has been granted under a provision of the law of another State or a Territory of the Commonwealth corresponding to regulation 21 or regulation 27; and
 - (b) has effect in the other State or Territory.
- (2) Except for circumstances that do not exist in this State, the licence has effect in this State as if it were a licence granted by the Competent Authority under regulation 21 or regulation 27 (as the case requires).

Division 7—Additional requirements

43—Driver licence to be carried

The holder of a dangerous goods driver licence must carry the licence at all times while driving a vehicle pursuant to the licence.

Maximum penalty: \$650.

Expiation fee: \$130.

44—Disposal of licensed vehicle

- (1) If a vehicle for which a dangerous goods vehicle licence is in force is disposed of, the person who holds the licence for the vehicle (the *disposed vehicle*) must—
- (a) within 21 days after the disposal, give the Competent Authority notice of the disposal; and
 - (b) ensure that the licence for the vehicle is—
 - (i) attached to the notice of the disposal; or
 - (ii) if the licence does not relate to any other vehicle—destroyed (in which case, the person must, if required by the Competent Authority, provide sufficient evidence to show that this has been done).

Maximum penalty:

- (a) in the case of a body corporate—\$3 250;
- (b) in the case of an individual—\$650.

- (2) On receipt of a licence for a disposed vehicle, the Competent Authority may, as appropriate, alter and replace or cancel the licence.

45—Consignor's duties

A person must not consign dangerous goods for transport in or on a vehicle if—

- (a) the vehicle is required to be licensed under the Act to transport the goods; and
- (b) the person knows, or ought reasonably to know, that the vehicle is not so licensed.

Maximum penalty:

- (a) in the case of a body corporate—\$25 000;
- (b) in any other case—\$5 000.

Part 4—General industry requirements

Division 1—Insurance

46—Requirements for insurance

- (1) The owner of a road vehicle must not use the vehicle, or permit it to be used, to transport a placard load unless—
 - (a) the use of the vehicle is covered by a policy of insurance, or other form of indemnity, for a sum that includes at least \$5 000 000 for each load bearing vehicle comprising the vehicle, in respect of—
 - (i) personal injury, death, property damage and other damage (except consequential economic loss) arising out of fire, explosion, leakage or spillage of dangerous goods in, on or from the vehicle or any packaging transported in or on the vehicle; and
 - (ii) costs incurred by or on behalf of a government authority of the Commonwealth, a State or a Territory of the Commonwealth in a clean up resulting from such fire, explosion, leakage or spillage; or
 - (b) the owner has an approval under regulation 170(2) in relation to the vehicle and is complying with any conditions of the approval.

Maximum penalty:

- (a) in the case of a body corporate—\$25 000;
- (b) in the case of an individual—\$5 000.

- (2) A prime contractor must not use a road vehicle to transport a placard load unless—
 - (a) the use of the vehicle is covered by a policy of insurance, or other form of indemnity, for a sum that includes at least \$5 000 000 for each load bearing vehicle comprising the vehicle, in respect of—
 - (i) personal injury, death, property damage and other damage (except consequential economic loss) arising out of fire, explosion, leakage or spillage of dangerous goods in, on or from the vehicle or any packaging transported in or on the vehicle; and
 - (ii) costs incurred by or on behalf of a government authority of the Commonwealth, a State or a Territory of the Commonwealth in a clean up resulting from such fire, explosion, leakage or spillage; or
 - (b) the prime contractor has an approval under regulation 170(2) in relation to the vehicle and is complying with any conditions of the approval.

Maximum penalty:

- (a) in the case of a body corporate—\$25 000;
 - (b) in the case of an individual—\$5 000.
- (3) In this regulation, a requirement that the use of a road vehicle be covered by a policy of insurance or other form of indemnity is, in the case of a combination, a requirement that the use of the combination be covered by a policy of insurance or other form of indemnity.
- (4) In this regulation—
combination has the same meaning as in the *Road Traffic Act 1961*.

47—Requiring evidence of insurance etc

- (1) The Competent Authority may, by written notice, require the owner of a road vehicle used to transport a placard load, or a prime contractor responsible for the condition of the vehicle, to produce—
- (a) written evidence that the vehicle is covered by a policy of insurance or other form of indemnity in accordance with regulation 46; or
 - (b) an approval under regulation 170(2) in relation to the vehicle.
- (2) The owner or prime contractor must produce the evidence or approval to the Competent Authority within 14 days after the day the notice is given to the person.

Maximum penalty:

- (a) in the case of a body corporate—\$6 500;
- (b) in the case of an individual—\$1 300.

Expiation fee:

- (a) in the case of a body corporate—\$1 300;
- (b) in the case of an individual—\$260.

Division 2—Instruction and training

48—Instruction and training

- (1) This regulation applies to any task involved in the transport of dangerous goods, including the following:
- (a) packing dangerous goods;
 - (b) unpacking dangerous goods (including by bulk transfer);
 - (c) consigning dangerous goods;
 - (d) loading packages or unpackaged articles of dangerous goods;
 - (e) unloading packages or unpackaged articles of dangerous goods;
 - (f) handling fumigated cargo transport units;
 - (g) marking packages or unpackaged articles of dangerous goods;
 - (h) placarding placard loads;
 - (i) preparing transport documentation;
 - (j) maintaining vehicles and equipment used in the transport of dangerous goods;
 - (k) driving a vehicle transporting dangerous goods;
 - (l) being the consignee of dangerous goods;

- (m) following the appropriate procedures in accordance with these regulations in a dangerous situation.
- (2) A person who is responsible for management, control or supervision of a task must not employ, engage or permit another person to perform the task if the other person—
 - (a) has not received appropriate instruction and training to ensure that the person is able to perform the task safely and in accordance with these regulations; or
 - (b) is not appropriately supervised in performing the task to ensure that the person is able to perform the task safely and in accordance with these regulations.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
 - (b) in the case of an individual—\$4 000.
- (3) A person must not manage, control or supervise a task 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.

Maximum penalty: \$4 000.

Expiation fee: \$800.

Division 3—Goods suspected of being dangerous goods

49—Goods suspected of being dangerous goods

If it is not clear whether goods are dangerous goods but a person suspects, or ought reasonably to suspect, that they are, the person must not consign or transport the goods until—

- (a) the goods have been classified in accordance with the ADG Code by the manufacturer or importer of the goods; or
- (b) a determination has been made under regulation 168 as to whether or not the goods are dangerous goods.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Part 5—Packaging

Division 1—General

50—Packing of dangerous goods in limited or excepted quantities

- (1) This Part does not apply to dangerous goods that are—
 - (a) goods packed in limited quantities; or
 - (b) goods packed in excepted quantities within the meaning of regulation 75(5).
- (2) To avoid doubt, this Part (including regulation 51 and the offence provisions) applies to dangerous goods that—
 - (a) are purported to be packed in limited quantities but do not comply with the requirements of subregulation (3); or

- (b) are purported to be packed in excepted quantities but do not comply with the requirements of regulation 75(5).
- (3) For the purposes of this Part, dangerous goods are *packed in limited quantities* if—
 - (a) the goods are packed in accordance with Chapter 3.4 of the ADG Code; and
 - (b) the quantity of dangerous goods in each inner packaging or each article does not exceed the quantity specified, or referred to, in column 7a of the Dangerous Goods List for those goods.

51—Suitability of packaging for transport

- (1) For the purposes of this Part, packaging is unsuitable for the transport of dangerous goods if—
 - (a) it is required to undergo performance tests under Part 6 of the ADG Code and it is not approved packaging; or
 - (b) it does not meet any relevant standards or requirements specified by Part 4 or Part 6 of the ADG Code (including requirements with respect to inspection, maintenance and repair); or
 - (c) its use, or reuse, for the transport of the goods does not comply with Part 4 or Part 6 of the ADG Code; or
 - (d) its use for the transport of the goods contravenes a Special Provision referenced in the Dangerous Goods List (for example, SP No 26); or
 - (e) its use for the transport of the goods contravenes a determination under regulation 168(1)(c); or
 - (f) in the case of an MEGC, portable tank or tank on a tank vehicle, it does not have a compliance plate attached; or
 - (g) in the case of a freight container used for the transport of solid dangerous goods that are in direct contact with the container, it does not have a Safety Approval Plate attached as required under the *International Convention for Safe Containers 1972*; or
 - (h) it is incompatible with the goods; or
 - (i) it is damaged or defective to the extent that it is not safe to use to transport the goods; or
 - (j) for goods purported to be packed in limited quantities—it fails to comply with Chapter 3.4 of the ADG Code; or
 - (k) for goods purported to be packed in excepted quantities—it fails to comply with Chapter 3.5 of the ADG Code.
- (2) However, packaging that would otherwise be unsuitable for the transport of particular dangerous goods under subregulation (1) is not unsuitable for that transport if a determination that the goods may be transported in the packaging is in effect.

52—References to Part 4 of ADG Code include Dangerous Goods List requirements (including Special Provisions) and determinations effectively modifying Part 4

- (1) In this Part, a requirement for dangerous goods to be packed in packaging in accordance with any relevant provision of Part 4 of the ADG Code includes—
 - (a) a requirement for the goods to be packed in accordance with any packing requirement specified in relation to the goods in the Dangerous Goods List (but subject to any Special Provision referenced in the Dangerous Goods List and any determination under regulation 168); and
 - (b) a requirement for the goods to be packed in accordance with any additional requirement specified in a Special Provision referenced in the Dangerous Goods List or a determination under regulation 168.
- (2) If a determination under regulation 168 is inconsistent with a Special Provision referenced in the Dangerous Goods List, the determination prevails to the extent of the inconsistency.
- (3) Consequently, for example—
 - (a) if a Special Provision referenced in the Dangerous Goods List imposes conditions in relation to packing for transport of particular substances (for example, SP No 28, SP No 132 and SP No 209), those conditions must be complied with for the goods to be packed in accordance with the relevant provisions of Part 4 of the ADG Code; and
 - (b) if a determination requires that particular dangerous goods must or must not be transported in specified packaging (despite any prohibition or authorisation in the Dangerous Goods List) those requirements must be complied with for the goods to be packed in accordance with the relevant provisions of Part 4 of the ADG Code.

53—Breach of conditions of approvals

- (1) A person must not construct, pack or fail to maintain packaging for use in the transport of dangerous goods, or use packaging to transport dangerous goods, if the person knows, or ought reasonably to know, that—
 - (a) a condition about the construction, packing, maintenance or use of the packaging, as the case may be, was imposed in relation to the approval of the design for the packaging; and
 - (b) the construction, packing, failure to maintain, or use is in contravention of the condition.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
 - (b) in the case of an individual—\$4 000.
- (2) A person must not use an overpack to transport dangerous goods if the person knows, or ought reasonably to know, that—
 - (a) a condition about the use of the overpack was imposed in relation to the approval of the method of preparing the overpack; and
 - (b) the use is in contravention of the condition.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

54—Marking packaging

- (1) A person must not apply any marking required by Part 6 of the ADG Code on packaging if the packaging is not of a design approved under regulation 170(3).

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

- (2) A person must not apply a marking mentioned in Part 6 of the ADG Code on packaging if the marking is not appropriate for the packaging.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

55—Seller's and supplier's duties

A person must not sell, supply or offer to sell or supply any packaging for use in the transport of particular dangerous goods unless—

- (a) it is packaging of a design that has been approved under regulation 170(3), and it is marked in accordance with Part 6 (or, if applicable, Chapter 3.4 or 3.5) of the ADG Code, and, according to the marking, its use is appropriate for those goods; or
- (b) it complies with the relevant requirements of Parts 4 and 6 (or, if applicable, Chapter 3.4 or 3.5) of the ADG Code (including any relevant marking requirements) and its use is appropriate for those goods.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

Division 2—MEGCs, portable tanks, demountable tanks, bulk containers, freight containers and tanks on tank vehicles

56—Application of Division

This Division applies to the following packaging:

- (a) an MEGC;
- (b) a portable tank;
- (c) a demountable tank;
- (d) a bulk container;
- (e) a freight container;
- (f) a tank on a tank vehicle.

57—Manufacturer's duties—compliance plates

- (1) A person who manufactures a portable tank for use in the transport of dangerous goods must attach a compliance plate to the tank in accordance with—
- (a) if the tank is not made of fibre reinforced plastic—Chapter 6.7 of the ADG Code; or
 - (b) if the tank is made of fibre reinforced plastic—Chapter 6.7 and section 6.9.2.10 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

- (2) A person who manufactures an MEGC for use in the transport of dangerous goods must attach a compliance plate to the MEGC in accordance with Chapter 6.7 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

- (3) Subregulation (1) does not apply to a person in relation to a portable tank if Chapter 6.7 and section 6.9.2.10 of the ADG Code permit the marking of the tank instead of the attachment of a compliance plate and the tank is marked as required by that Chapter.

- (4) A person who manufactures a tank vehicle for use in the transport of dangerous goods must attach a compliance plate to the vehicle in accordance with section 6.10.2.2 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

58—Owner's duties

The owner of an MEGC, a portable tank, a demountable tank or a tank vehicle must not use the MEGC, portable tank, demountable tank or tank on the tank vehicle, or permit the MEGC, portable tank, demountable tank or tank on the tank vehicle to be used, to transport dangerous goods if the MEGC or tank is unsuitable for the transport of the goods.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;

- (b) in the case of an individual—\$800.

59—Consignor's duties

- (1) A person must not consign dangerous goods for transport in packaging to which this Division applies provided by the person if—
 - (a) the packaging is unsuitable for the transport of the goods; or
 - (b) the goods have not been packed in the packaging in accordance with any relevant provision of Part 4 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

- (2) A person must not consign dangerous goods for transport in packaging to which this Division applies provided by any other person if the person knows, or ought reasonably to know, that—
 - (a) the packaging is unsuitable for the transport of the goods; or
 - (b) the goods have not been packed in the packaging in accordance with any relevant provision of Part 4 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

60—Packer's duties

- (1) A person must not pack dangerous goods for transport in packaging to which this Division applies if the person knows, or ought reasonably to know, that the packaging is unsuitable for the transport of the goods.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

- (2) A person must not pack dangerous goods for transport in packaging to which this Division applies in a way that the person knows, or ought reasonably to know, does not comply with any relevant provision of Part 4 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

61—Loader's duties

A person must not load dangerous goods that are in packaging to which this Division applies on to a vehicle for transport if the person knows, or ought reasonably to know, that the packaging is unsuitable for the transport of the goods.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

62—Prime contractor's and rail operator's duties

- (1) A prime contractor or rail operator must not transport dangerous goods in packaging to which this Division applies provided by the prime contractor or rail operator if—
- (a) the packaging is unsuitable for the transport of the goods; or
 - (b) the goods have not been packed in the packaging in accordance with any relevant provision of Part 4 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
 - (b) in the case of an individual—\$4 000.
- (2) A prime contractor or rail operator must not transport dangerous goods in packaging to which this Division applies provided by any other person if the prime contractor or rail operator knows, or ought reasonably to know, that—
- (a) the packaging is unsuitable for the transport of the goods; or
 - (b) the goods have not been packed in the packaging in accordance with any relevant provision of Part 4 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

63—Driver's duties

A person must not drive a road vehicle transporting dangerous goods in packaging to which this Division applies if the person knows, or ought reasonably to know, that—

- (a) the packaging is unsuitable for the transport of the goods; or
- (b) the goods have not been packed in the packaging in accordance with any relevant provision of Part 4 of the ADG Code.

Maximum penalty: \$4 000.

Expiation fee: \$800.

Division 3—Overpacks

64—Consignor's duties

A person must not consign dangerous goods for transport in an overpack if the preparation of the overpack and its contents does not comply with—

- (a) if an approval under regulation 170(4) applies—the approval; or
- (b) in any other case—section 5.1.2 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

65—Duty on packers

A person must not pack dangerous goods for transport in an overpack if the person knows, or ought reasonably to know, that the packing of the packages into the overpack, or the preparation of the overpack or its contents, does not comply with—

- (a) if an approval under regulation 170(4) applies—the approval; or
- (b) in any other case—section 5.1.2 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

66—Loader's duties

A person must not load dangerous goods in an overpack on to a vehicle for transport if the person knows, or ought reasonably to know, that the preparation of the overpack, or its contents, does not comply with—

- (a) if an approval under regulation 170(4) applies—the approval; or
- (b) in any other case—section 5.1.2 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of an individual—\$400.

67—Prime contractor's and rail operator's duties

A prime contractor or rail operator must not transport dangerous goods in an overpack if the prime contractor or rail operator knows, or ought reasonably to know, that the preparation of the overpack, or its contents, does not comply with—

- (a) if an approval under regulation 170(4) applies—the approval; or
- (b) in any other case—section 5.1.2 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of an individual—\$400.

68—Driver's duties

A person must not drive a road vehicle transporting dangerous goods in an overpack if the person knows, or ought reasonably to know, that the preparation of the overpack, or its contents, does not comply with—

- (a) if an approval under regulation 170(4) applies—the approval; or

- (b) in any other case—section 5.1.2 of the ADG Code.

Maximum penalty: \$1 300.

Expiation fee: \$260.

Division 4—Other packaging

69—Meaning of other packaging

In this Division—

other packaging means all packaging (including large packagings) other than MEGCs, portable tanks, bulk containers, freight containers, tanks on tank vehicles and overpacks.

70—Consignor's duties

A person must not consign dangerous goods for transport in other packaging if the person knows, or ought reasonably to know, that—

- (a) the packaging is unsuitable for the transport of the goods; or
- (b) the goods have not been packed in the packaging in accordance with any relevant provision of Part 4 of the ADG Code, nor in accordance with Chapter 3.4 of the ADG Code (which applies only if the quantity of dangerous goods in each inner packaging or in each article does not exceed the quantity specified, or referred to, in column 7a of the Dangerous Goods List for those goods).

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

71—Packer's duties

- (1) A person must not pack dangerous goods for transport in other packaging if the person knows, or ought reasonably to know, that the packaging is unsuitable for the transport of the goods.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

- (2) A person must not pack dangerous goods for transport in other packaging in a way that the person knows, or ought reasonably to know, does not comply with—

- (a) if the quantity of dangerous goods in each inner packaging or in each article does not exceed the quantity specified, or referred to, in column 7a of the Dangerous Goods List for those goods—Chapter 3.4 of the ADG Code; or
- (b) in any other case—any relevant provision of Part 4 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

72—Loader's duties

A person must not load dangerous goods that are in other packaging on to a vehicle for transport if the person knows, or ought reasonably to know, that the packaging is damaged or defective to the extent that it is not safe to use to transport the goods.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

73—Prime contractor's and rail operator's duties

A prime contractor or rail operator must not transport dangerous goods in other packaging if the prime contractor or rail operator knows, or ought reasonably to know, that the packaging is damaged or defective to the extent that it is not safe to use to transport the goods.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

74—Driver's duties

A person must not drive a road vehicle transporting dangerous goods in other packaging if the person knows, or ought reasonably to know, that the packaging is damaged or defective to the extent that it is not safe to use to transport the goods.

Maximum penalty: \$2 000.

Expiation fee: \$400.

Part 6—Signage

Note—

Section 5.1.3.3 of the ADG Code provides for unused pre-labelled dangerous goods packagings to be identified in order to avoid inappropriate emergency response.

Division 1—Marking and labelling of packages

75—Appropriately marked and labelled

- (1) For the purposes of this Division, a package of dangerous goods is appropriately marked and labelled only if the following is complied with:
 - (a) the package is marked and labelled in accordance with Chapter 5.2 of the ADG Code;
 - (b) if the package includes an overpack—the overpack is marked and labelled in accordance with section 5.1.2 of the ADG Code or an applicable approval under regulation 170(4);

- (c) if the package includes a receptacle (other than a portable tank, bulk container, freight container or overpack) with a capacity of more than 500 litres or kilograms—the package is placarded in accordance with section 5.3.3 of the ADG Code.
- (2) However, a package of dangerous goods containing a quantity of dangerous goods in each inner packaging or in each article that does not exceed the quantity specified, or referred to, in column 7a of the Dangerous Goods List for those goods is appropriately marked and labelled for the purposes of this Division if, instead, it is marked and labelled in accordance with Chapter 3.4 of the ADG Code.
- (3) For the purposes of this Division, an unpackaged article of dangerous goods is appropriately marked and labelled only if it is marked and labelled in accordance with Chapter 5.2 of the ADG Code.
- (4) A package of dangerous goods that are packed in excepted quantities is also *appropriately marked* if it is marked and labelled in accordance with Chapter 3.5 of the ADG Code.
- (5) For the purposes of subregulation (4), dangerous goods are *packed in excepted quantities* if—
 - (a) the goods are assigned to code E1, E2, E3, E4 or E5 in column 7b of the Dangerous Goods List; and
 - (b) the goods are packed in accordance with Chapter 3.5 of the ADG Code; and
 - (c) the quantity of dangerous goods does not exceed the quantity specified in section 3.5.1.2 of the ADG Code.

76—Consignor's duties

- (1) A person must not consign dangerous goods for transport in a package or as an unpackaged article if the package or article is not appropriately marked and labelled.

Maximum penalty:

- (a) for an offence involving large packaging or an overpack—
 - (i) in the case of a body corporate—\$10 000;
 - (ii) in the case of an individual—\$2 000;
- (b) for any other offence—
 - (i) in the case of a body corporate—\$3 250;
 - (ii) in the case of an individual—\$650.
- (2) A person must not consign dangerous goods for transport in a package or as an unpackaged article if a marking or label on the package or article about its contents is false or misleading in a material particular.

Maximum penalty:

- (a) for an offence involving large packaging or an overpack—
 - (i) in the case of a body corporate—\$10 000;
 - (ii) in the case of an individual—\$2 000;
- (b) for any other offence—
 - (i) in the case of a body corporate—\$3 250;
 - (ii) in the case of an individual—\$650.

- (3) A person must not consign goods for transport in a package, or as an unpackaged article, that does not contain dangerous goods but is marked or labelled as if it contained dangerous goods.

Maximum penalty:

- (a) for an offence involving large packaging or an overpack—
 - (i) in the case of a body corporate—\$10 000;
 - (ii) in the case of an individual—\$2 000;
- (b) for any other offence—
 - (i) in the case of a body corporate—\$3 250;
 - (ii) in the case of an individual—\$650.

Expiation fee:

- (a) for an offence involving large packaging or an overpack—
 - (i) in the case of a body corporate—\$2 000;
 - (ii) in the case of an individual—\$400;
- (b) for any other offence—
 - (i) in the case of a body corporate—\$650;
 - (ii) in the case of an individual—\$130.

- (4) Subregulation (3) does not apply if the marking or labelling with respect to the contents of the package complies with the requirements of the ICAO Technical Instructions or the IMDG Code.

- (5) In this regulation—

label includes a placard.

77—Packer's duties

- (1) A person must not pack dangerous goods for transport in a package if the person knows, or ought reasonably to know, that the package is not, or will not be once the package is ready to be transported, appropriately marked and labelled.

Maximum penalty:

- (a) for an offence involving large packaging or an overpack—
 - (i) in the case of a body corporate—\$10 000;
 - (ii) in the case of an individual—\$2 000;
- (b) for any other offence—
 - (i) in the case of a body corporate—\$3 250;
 - (ii) in the case of an individual—\$650.

- (2) A person who packs dangerous goods for transport in a package must not mark or label the package with a marking or label about its contents that the person knows, or ought reasonably to know, is false or misleading in a material particular.

Maximum penalty:

- (a) for an offence involving large packaging or an overpack—
 - (i) in the case of a body corporate—\$10 000;

- (ii) in the case of an individual—\$2 000;
 - (b) for any other offence—
 - (i) in the case of a body corporate—\$3 250;
 - (ii) in the case of an individual—\$650.
- (3) A person who packs goods for transport in a package must not mark or label the package as if it contained dangerous goods if the person knows, or ought reasonably to know, that it does not contain dangerous goods.

Maximum penalty:

- (a) for an offence involving large packaging or an overpack—
 - (i) in the case of a body corporate—\$10 000;
 - (ii) in the case of an individual—\$2 000;
- (b) for any other offence—
 - (i) in the case of a body corporate—\$3 250;
 - (ii) in the case of an individual—\$650.

Expiation fee:

- (a) for an offence involving large packaging or an overpack—
 - (i) in the case of a body corporate—\$2 000;
 - (ii) in the case of an individual—\$400;
 - (b) for any other offence—
 - (i) in the case of a body corporate—\$650;
 - (ii) in the case of an individual—\$130.
- (4) Subregulation (3) does not apply if the marking or labelling with respect to the contents of the package complies with the requirements of the ICAO Technical Instructions or the IMDG Code.
- (5) In this regulation—
label includes a placard.

78—Prime contractor's and rail operator's duties

- (1) A prime contractor or rail operator must not transport goods in a package or as an unpackaged article if the prime contractor or rail operator knows, or ought reasonably to know, that—
- (a) the goods are dangerous goods; and
 - (b) the package or article is not appropriately marked and labelled.

Maximum penalty:

- (a) for an offence involving large packaging or an overpack—
 - (i) in the case of a body corporate—\$10 000;
 - (ii) in the case of an individual—\$2 000;
- (b) for any other offence—
 - (i) in the case of a body corporate—\$3 250;

- (ii) in the case of an individual—\$650.

Expiation fee:

- (a) for an offence involving large packaging or an overpack—
 - (i) in the case of a body corporate—\$2 000;
 - (ii) in the case of an individual—\$400;
 - (b) for any other offence—
 - (i) in the case of a body corporate—\$650;
 - (ii) in the case of an individual—\$130.
- (2) A prime contractor or rail operator must not transport dangerous goods in a package or as an unpackaged article if the prime contractor or rail operator knows, or ought reasonably to know, that a marking or label on the package or article about its contents is false or misleading in a material particular.

Maximum penalty:

- (a) for an offence involving large packaging or an overpack—
 - (i) in the case of a body corporate—\$10 000;
 - (ii) in the case of an individual—\$2 000;
 - (b) for any other offence—
 - (i) in the case of a body corporate—\$3 250;
 - (ii) in the case of an individual—\$650.
- (3) A prime contractor or rail operator must not transport goods in a package, or as an unpackaged article, that is marked or labelled as if it contained dangerous goods if the prime contractor or rail operator knows, or ought reasonably to know, that the package or article does not contain dangerous goods.

Maximum penalty:

- (a) for an offence involving large packaging or an overpack—
 - (i) in the case of a body corporate—\$10 000;
 - (ii) in the case of an individual—\$2 000;
- (b) for any other offence—
 - (i) in the case of a body corporate—\$3 250;
 - (ii) in the case of an individual—\$650.

Expiation fee:

- (a) for an offence involving large packaging or an overpack—
 - (i) in the case of a body corporate—\$2 000;
 - (ii) in the case of an individual—\$400;
 - (b) for any other offence—
 - (i) in the case of a body corporate—\$650;
 - (ii) in the case of an individual—\$130.
- (4) Subregulation (3) does not apply if the marking or labelling with respect to the contents of the package complies with the requirements of the ICAO Technical Instructions or the IMDG Code.

- (5) In this regulation—
label includes a placard.

Division 2—Placarding of loads

79—Appropriately placarded

For the purposes of this Division, a placard load is *appropriately placarded* if, in accordance with Chapter 5.3 of the ADG Code, labels and emergency information panels are affixed, stencilled, printed or placed on any thing used or to be used to transport the load.

80—Consignor's duties

- (1) A person must not consign a placard load for transport if the load is not appropriately placarded.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

- (2) A person must not consign a placard load for transport if the placarding of the load is false or misleading in a material particular.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

- (3) A person must not consign goods for transport in or on a cargo transport unit that does not contain dangerous goods but is placarded as if it were a placard load.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

- (4) Subregulation (3) does not apply if the placarding of the cargo transport unit complies with the requirements of the ICAO Technical Instructions or the IMDG Code with respect to the contents of the cargo transport unit.

- (5) A person must not consign a load of dangerous goods that is not a placard load for transport in or on a cargo transport unit if—

- (a) the load is placarded as if it were a placard load; and
- (b) the placarding of the load is false or misleading in a material particular.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

81—Loader's duties

- (1) A person who loads dangerous goods on to a vehicle for transport must ensure that the load is appropriately placarded if the person knows, or ought reasonably to know, that the load is a placard load.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

- (2) A person who loads a placard load on to a vehicle for transport must not placard the load with placarding that the person knows, or ought reasonably to know, is false or misleading in a material particular.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

- (3) A person who loads goods on to a vehicle for transport must not placard the load as if it were a placard load if the person knows, or ought reasonably to know, that the load does not contain dangerous goods.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

- (4) Subregulation (3) does not apply if the placarding of the load complies with the requirements of the ICAO Technical Instructions or the IMDG Code with respect to the contents of the load.

- (5) A person who loads dangerous goods on to a vehicle for transport that is not a placard load must not—

- (a) placard the load as if it were a placard load; and
- (b) placard the load in a way that is false or misleading in a material particular.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

82—Prime contractor's and rail operator's duties

- (1) A prime contractor or rail operator must not transport dangerous goods if the prime contractor or rail operator knows, or ought reasonably to know, that—

- (a) the goods are a placard load; and
- (b) the load is not appropriately placarded.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

- (2) A prime contractor or rail operator must not transport a placard load if the prime contractor or rail operator knows, or ought reasonably to know, that the placarding of the load is false or misleading in a material particular.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

- (3) A prime contractor or rail operator must not use a cargo transport unit that is placarded as if it were a placard load if the person knows, or ought reasonably to know, that the cargo transport unit does not contain dangerous goods.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

- (4) Subregulation (3) does not apply if the placarding of the cargo transport unit complies with the requirements of the ICAO Technical Instructions or the IMDG Code with respect to the contents of the cargo transport unit.

- (5) A prime contractor or rail operator must not transport a load of dangerous goods that is not a placard load if—

- (a) the load is placarded as if it were a placard load; and
- (b) the placarding is false or misleading in a material particular.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

83—Driver's duties

- (1) A person must not drive a road vehicle transporting dangerous goods if the person knows, or ought reasonably to know, that—

- (a) the goods are a placard load; and
- (b) the load is not appropriately placarded.

Maximum penalty: \$2 000.

Expiation fee: \$400.

- (2) A person must not drive a road vehicle transporting a placard load if the person knows, or ought reasonably to know, that the placarding of the load is false or misleading in a material particular.

Maximum penalty: \$2 000.

Expiation fee: \$400.

- (3) A person must not drive a road vehicle carrying a load that is placarded as if it were a placard load if the person knows, or ought reasonably to know, that the load does not contain dangerous goods.

Maximum penalty: \$2 000.

Expiation fee: \$400.

- (4) A person must not drive a road vehicle carrying a load of dangerous goods that is not a placard load if—

- (a) the load is placarded as if it were a placard load; and
- (b) the placarding is false or misleading in a material particular.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

Part 7—Vehicles and equipment

Division 1—Standards

84—Owner's duties

The owner of a vehicle must not use the vehicle, or permit it to be used, to transport dangerous goods if the vehicle or its equipment does not comply with Chapters 4.4 and 6.10 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

85—Consignor's duties

A person must not consign dangerous goods for transport in or on a vehicle if the person knows, or ought reasonably to know, that the vehicle or its equipment does not comply with Chapters 4.4 and 6.10 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

86—Loader's duties

A person must not load dangerous goods on to a vehicle for transport if the person knows, or ought reasonably to know, that the vehicle or its equipment does not comply with Chapters 4.4 and 6.10 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of an individual—\$400.

87—Prime contractor's and rail operator's duties

A prime contractor or rail operator must not use a vehicle to transport dangerous goods if the vehicle or its equipment does not comply with Chapters 4.4 and 6.10 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

88—Driver's duties

A person must not drive a road vehicle transporting dangerous goods if the person knows, or ought reasonably to know, that the vehicle or its equipment does not comply with Chapters 4.4 and 6.10 of the ADG Code.

Maximum penalty: \$2 000.

Expiation fee: \$400.

Division 2—Safety equipment**89—Owner's duties**

The owner of a road vehicle must not use the vehicle, or permit the vehicle to be used, to transport a placard load unless the vehicle is equipped with—

- (a) fire extinguishers and portable warning devices that comply with Part 12 of the ADG Code; and
- (b) any other equipment required under that Part.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

90—Prime contractor's duties

- (1) A prime contractor must not use a road vehicle to transport a placard load unless the vehicle is equipped with—
 - (a) fire extinguishers and portable warning devices that comply with Part 12 of the ADG Code; and
 - (b) any other equipment required under that Part.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

- (2) A prime contractor must not use a road vehicle to transport a placard load if the prime contractor knows, or ought reasonably to know, that the equipment for the vehicle mentioned in subregulation (1)—
 - (a) has not been inspected or tested in accordance with Part 12 of the ADG Code; or
 - (b) is not in good repair or proper working order.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

91—Driver's duties

- (1) A person must not drive a road vehicle transporting a placard load unless the vehicle is equipped with—
 - (a) fire extinguishers and portable warning devices that comply with Part 12 of the ADG Code; and
 - (b) any other equipment required under that Part.

Maximum penalty: \$1 300.

Expiation fee: \$260.

- (2) A person must not drive a road vehicle transporting a placard load if the person knows, or ought reasonably to know, that the equipment for the vehicle mentioned in subregulation (1)—
 - (a) is not stowed in accordance with Part 12 of the ADG Code; or
 - (b) has not been inspected or tested in accordance with that Part; or

(c) is not in good repair or proper working order.

Maximum penalty: \$1 300.

Expiation fee: \$260.

Part 8—Self-reactive substances, organic peroxides and certain other substances

Division 1—Self-reactive substances, organic peroxides and certain other substances

92—Interpretation

In this Part—

designated dangerous goods means—

- (a) gases of UN Class 2;
- (b) self-reactive substances of UN Division 4.1;
- (c) dangerous when wet substances of UN Division 4.3;
- (d) organic peroxides of UN Division 5.2;
- (e) toxic substances of UN Division or Subsidiary Hazard 6.1;
- (f) infectious substances of UN Division 6.2;
- (g) other substances for which the proper shipping name contains the word "STABILIZED" and the self-accelerating decomposition temperature (as determined in accordance with Part 2 of the ADG Code) when presented for transport in a packaging is 50°C or lower.

93—Owner's duties

The owner of a cargo transport unit that has been used to carry dangerous goods comprised of toxic substances of UN Division or Subsidiary Hazard 6.1 or infectious substances of UN Division 6.2 must not further use or permit the further use of the cargo transport unit if the owner knows, or ought reasonably to know, that the cargo transport unit has not been decontaminated.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

94—Consignor's duties

A person must not consign designated dangerous goods for transport if the person knows, or ought reasonably to know, that the goods are not loaded or stowed, or cannot be transported or unloaded, in accordance with Chapter 7.1 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

95—Loader's duties

A person must not load designated dangerous goods on a vehicle for transport otherwise than in accordance with Chapter 7.1 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

96—Prime contractor's and rail operator's duties

- (1) A prime contractor or rail operator must not transport designated dangerous goods if the prime contractor or rail operator knows, or ought reasonably to know, that the transport does not comply with Chapter 7.1 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

- (2) If a prime contractor or rail operator has used a cargo transport unit to carry dangerous goods comprised of toxic substances of UN Division or Subsidiary Hazard 6.1 or infectious substances of UN Division 6.2, the prime contractor or rail operator must ensure—

- (a) that markings, labels and placards indicating the presence of the dangerous goods are not removed from the cargo transport unit until the cargo transport unit has been decontaminated; and
- (b) that the cargo transport unit is not further used to transport dangerous goods until it has been decontaminated.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

97—Driver's duties

A person must not drive a road vehicle transporting designated dangerous goods if the person knows, or ought reasonably to know, that the goods are not being transported in accordance with Chapter 7.1 of the ADG Code.

Maximum penalty: \$1 300.

Expiation fee: \$260.

Division 2—Nominally empty storage vessels

98—Application of Division

This Division applies to tanks or hoppers specified in section 7.2.7.1 of the ADG Code (*nominally empty storage vessels*).

99—Consignor's duties

A person must not consign nominally empty storage vessels for transport in a cargo transport unit if the person knows, or reasonably ought to know, that the storage vessels are not loaded or stowed, or cannot be transported or unloaded, in accordance with Chapter 7.2 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of an individual—\$400.

100—Loader's duties

A person must not load nominally empty storage vessels for transport by road or rail in a cargo transport unit other than in accordance with Chapter 7.2 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of an individual—\$400.

101—Prime contractor's and rail operator's duties

A prime contractor or rail operator must not transport nominally empty storage vessels if the contractor or rail operator knows, or reasonably ought to know, that the transport does not comply with Chapter 7.2 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of an individual—\$400.

102—Driver's duties

A person must not drive a road vehicle transporting nominally empty storage vessels if the person knows, or reasonably ought to know, that the storage vessels are not being transported in accordance with Chapter 7.2 of the ADG Code.

Maximum penalty: \$1 300.

Expiation fee: \$260.

Part 9—Stowage and restraint

103—Consignor's duties

- (1) A person must not consign for transport in or on a vehicle a load containing dangerous goods that is a placard load if the person knows, or ought reasonably to know, that the goods or their packaging are not, or will not be, stowed, loaded or restrained in accordance with Chapter 8.1 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
 - (b) in the case of an individual—\$400.
- (2) A person must not consign a load containing dangerous goods for transport in or on a cargo transport unit if the person knows, or ought reasonably to know, that the cargo transport unit is not, or will not be, restrained in accordance with Chapter 8.2 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of an individual—\$400.

104—Loader's duties

- (1) A person who loads on to a vehicle for transport a load containing dangerous goods that is a placard load must ensure that the goods and their packaging are stowed, loaded and restrained in accordance with Chapter 8.1 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of an individual—\$400.

- (2) A person who loads on to a vehicle for transport dangerous goods that are in a cargo transport unit must ensure that the cargo transport unit is restrained in accordance with Chapter 8.2 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of an individual—\$400.

105—Prime contractor's and rail operator's duties

- (1) A prime contractor or rail operator must not transport in or on a vehicle a load containing dangerous goods that is a placard load if the prime contractor or rail operator knows, or ought reasonably to know, that the goods or their packaging are not stowed, loaded or restrained in accordance with Chapter 8.1 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of an individual—\$400.

- (2) A prime contractor or rail operator must not transport dangerous goods in or on a cargo transport unit if the prime contractor or rail operator knows, or ought reasonably to know, that the cargo transport unit is not restrained in accordance with Chapter 8.2 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of an individual—\$400.

106—Driver's duties

- (1) A person must not drive a road vehicle transporting a load containing dangerous goods that is a placard load if the person knows, or ought reasonably to know, that the goods or their packaging are not stowed, loaded or restrained in accordance with Chapter 8.1 of the ADG Code.

Maximum penalty: \$1 300.

Expiation fee: \$260.

- (2) A person must not drive a road vehicle transporting dangerous goods in a cargo transport unit if the person knows, or ought reasonably to know, that the cargo transport unit is not restrained in accordance with Chapter 8.2 of the ADG Code.

Maximum penalty: \$1 300.

Expiation fee: \$260.

Part 10—Segregation

107—Application of Part

This Part applies to—

- (a) the transport of a placard load; and
- (b) the transport of a load containing dangerous goods that is not a placard load if the load contains dangerous goods of UN Division 2.3, UN Class 6 or UN Class 8, or dangerous goods that have a Subsidiary Hazard of 6.1 or 8, that are being, or are to be, transported with food or food packaging.

108—Exceptions

- (1) This Part does not apply to dangerous goods if—
- (a) the dangerous goods are the only dangerous goods in or on a vehicle or in a freight container; and
 - (b) the quantity of dangerous goods in each inner packaging or in each article does not exceed the quantity specified, or referred to, in column 7a of the Dangerous Goods List for those goods; and
 - (c) the goods are packed in accordance with Chapter 3.4 of the ADG Code.
- (2) This Part does not prevent food and food packaging being transported on a road vehicle with dangerous goods if the food or food packaging is in the road vehicle's cabin and is for the driver's personal use.

- (3) This Part does not prevent particular dangerous goods being transported in or on the same cargo transport unit as other goods if a determination under regulation 168(1)(e) allowing the goods to be so transported is in effect and the goods are transported in accordance with any conditions of the determination.

109—Consignor's duties

A person must not consign dangerous goods for transport in or on a vehicle if the person knows, or ought reasonably to know, that—

- (a) the vehicle is, in the same journey, transporting incompatible goods; and
- (b) the dangerous goods will not be segregated from the incompatible goods in accordance with—
 - (i) if an approval under regulation 170(6) applies—the approval; or
 - (ii) in any other case—Part 9 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

110—Loader's duties

A person must not load dangerous goods on to a vehicle for transport if the person knows, or ought reasonably to know, that—

- (a) the vehicle is, in the same journey, transporting incompatible goods; and
- (b) the dangerous goods will not be segregated from the incompatible goods in accordance with—
 - (i) if an approval under regulation 170(6) applies—the approval; or
 - (ii) in any other case—Part 9 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

111—Prime contractor's duties

A prime contractor must not use a road vehicle to transport dangerous goods if the prime contractor knows, or ought reasonably to know, that—

- (a) the road vehicle is, in the same journey, transporting incompatible goods; and
- (b) the dangerous goods are not segregated from the incompatible goods in accordance with—
 - (i) if an approval under regulation 170(6) applies—the approval; or
 - (ii) in any other case—Part 9 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

112—Rail operator's duties

A rail operator must not use a train to transport dangerous goods if the rail operator knows, or ought reasonably to know, that—

- (a) the train is, in the same journey, transporting incompatible goods; and
- (b) the dangerous goods are not segregated from the incompatible goods in accordance with—
 - (i) if an approval under regulation 170(6) applies—the approval; or
 - (ii) in any other case—Part 9 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

113—Driver's duties

A person must not drive a road vehicle transporting dangerous goods if the person knows, or ought reasonably to know, that—

- (a) the road vehicle is, in the same journey, transporting incompatible goods; and
- (b) the dangerous goods are not segregated from the incompatible goods in accordance with—
 - (i) if an approval under regulation 170(6) applies—the approval; or
 - (ii) in any other case—Part 9 of the ADG Code.

Maximum penalty: \$1 300.

Expiation fee: \$260.

Part 11—Special requirements for transport in tank vehicles and bulk transfer

Division 1—Equipment and transfer

114—Application of Division

This Division applies to bulk transfer into or out of a tank vehicle or into or out of—

- (a) an MEGC; or
- (b) a portable tank; or
- (c) a demountable tank; or
- (d) a tube; or
- (e) a pressure drum; or
- (f) a bulk container; or
- (g) an IBC,

that is on a vehicle.

115—Transferor's duties—hose assemblies

- (1) A person must not use a hose assembly for the bulk transfer of dangerous goods if the person knows, or ought reasonably to know, that the hose assembly is damaged or defective to the extent that it is not safe to use to transfer the goods.

Maximum penalty: \$2 000.

Expiation fee: \$400.

- (2) A person must not use a hose assembly for the bulk transfer of dangerous goods if the person knows, or ought reasonably to know, that the hose assembly—
- (a) has not been constructed, assembled or maintained in accordance with Chapter 10.1 of the ADG Code; or
 - (b) has not been inspected or tested at the intervals, or in the way, required under that Chapter; or
 - (c) did not satisfy a test under that Chapter.

Maximum penalty: \$4 000.

Expiation fee: \$800.

116—Transferor's duties—general

- (1) A person engaged in the bulk transfer of dangerous goods must ensure that the goods are transferred in accordance with Chapter 10.2 of the ADG Code.

Maximum penalty: \$2 000.

Expiation fee: \$400.

- (2) A person must not engage in the bulk transfer of dangerous goods if the person knows, or ought reasonably to know, that—

- (a) the receiving receptacle or the transfer equipment is incompatible with the dangerous goods; or
- (b) the receptacle contains goods that are incompatible with the dangerous goods.

Maximum penalty: \$2 000.

Expiation fee: \$400.

- (3) If, during the bulk transfer of dangerous goods, the goods leak, spill or accidentally escape, the person engaged in transferring the goods—

- (a) must immediately stop transferring the goods; and
- (b) must not resume transferring the goods until the conditions that caused the leak, spill or escape have been rectified.

Maximum penalty: \$2 000.

Expiation fee: \$400.

117—Occupier's duties

- (1) The occupier of premises where the bulk transfer of dangerous goods occurs must ensure that any hose assembly on the premises that is used, or that is intended to be used, for the transfer (other than a hose assembly brought onto the premises on a vehicle involved in the transfer)—

- (a) has been constructed, assembled and maintained in accordance with Chapter 10.1 of the ADG Code; and

- (b) has been inspected and tested at the intervals, and in the way, required under that Chapter; and
- (c) satisfies each test required under that Chapter.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
 - (b) in the case of an individual—\$2 000.
- (2) The occupier of premises where the bulk transfer of dangerous goods occurs must ensure that the goods are transferred in accordance with Chapter 10.2 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
 - (b) in the case of an individual—\$4 000.
- (3) The occupier of premises where the bulk transfer of dangerous goods occurs must keep, in accordance with section 10.1.3.4 of the ADG Code, accurate records of each inspection and test, and all maintenance work, carried out on any hose assembly on the premises that is used, or that is intended to be used, for the transfer (other than a hose assembly brought onto the premises on a vehicle involved in the transfer).

Maximum penalty:

- (a) in the case of a body corporate—\$3 250;
- (b) in the case of an individual—\$650.

118—Prime contractor's duties

- (1) A prime contractor engaged in the bulk transfer of dangerous goods must ensure that any hose assembly that is used, or intended to be used, for the transfer of the goods (other than a hose assembly for which the prime contractor is not responsible)—
- (a) has been constructed, assembled and maintained in accordance with Chapter 10.1 of the ADG Code; and
 - (b) has been inspected and tested at the intervals, and in the way, required under that Chapter; and
 - (c) satisfies each test required under that Chapter.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
 - (b) in the case of an individual—\$2 000.
- (2) A prime contractor engaged in the bulk transfer of dangerous goods must ensure that dangerous goods are transferred in accordance with Chapter 10.2 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
 - (b) in the case of an individual—\$4 000.
- (3) A prime contractor engaged in the bulk transfer of dangerous goods must keep, in accordance with section 10.1.3.4 of the ADG Code, accurate records of each inspection and test, and all maintenance work, carried out on any hose assembly that is used, or intended to be used, for the transfer of the goods (other than a hose assembly for which the prime contractor is not responsible).

Maximum penalty:

- (a) in the case of a body corporate—\$3 250;

- (b) in the case of an individual—\$650.

119—Rail operator's duties

A rail operator engaged in the bulk transfer of dangerous goods must ensure that any hose assembly that is used, or intended to be used, for the transfer of the goods (other than a hose assembly for which the rail operator is not responsible)—

- (a) has been constructed, assembled and maintained in accordance with Chapter 10.1 of the ADG Code; and
- (b) has been inspected and tested at the intervals, and in the way, required under that Chapter; and
- (c) satisfies each test required under that Chapter.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Division 2—Filling ratio and ullage for tank vehicles

120—Transferor's duties

- (1) A person engaged in the bulk transfer of dangerous goods into a tank on a tank vehicle must ensure that—
- (a) for dangerous goods of UN Class 2 that are not in the form of a refrigerated liquid—the quantity of the goods in the tank to which the goods are transferred does not exceed the maximum permitted filling ratio set out in section 10.3.2 of the ADG Code; and
 - (b) in any other case—the ullage in the tank complies with section 10.3.1 of the ADG Code.

Maximum penalty: \$2 000.

Expiation fee: \$400.

- (2) If—
- (a) a person is engaged in the bulk transfer of goods that are not dangerous goods to a tank (*tank A*); and
 - (b) tank A is on, or part of, a vehicle; and
 - (c) the person knows, or reasonably ought to know, that the vehicle—
 - (i) is carrying dangerous goods in another tank or in another compartment of tank A; or
 - (ii) is likely to carry dangerous goods in another tank, or in another compartment of tank A before tank A is emptied of the non-dangerous goods,

the person must ensure that the ullage in tank A in respect of the non-dangerous goods complies with section 10.3.1 of the ADG Code as if the goods were dangerous goods.

Maximum penalty: \$2 000.

Expiation fee: \$400.

121—Prime contractor's and rail operator's duties

- (1) A prime contractor or rail operator must not transport dangerous goods in a tank on a tank vehicle if—
 - (a) for dangerous goods of UN Class 2 that are not in the form of a refrigerated liquid—the quantity of goods in the tank exceeds the maximum permitted filling ratio set out in section 10.3.2 of the ADG Code; or
 - (b) in any other case—the ullage in the tank does not comply with section 10.3.1 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of an individual—\$400.

- (2) If a prime contractor or rail operator—
 - (a) uses a vehicle to transport a tank (*tank A*) containing goods that are not dangerous goods; and
 - (b) at the same time uses the vehicle to also transport dangerous goods in another tank or in another compartment of tank A,

the prime contractor or rail operator must ensure that the ullage in tank A complies with section 10.3.1 of the ADG Code as if the goods were dangerous goods.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of an individual—\$400.

122—Driver's duties

- (1) A person must not drive a road tank vehicle that is transporting dangerous goods if the person knows, or ought reasonably to know, that—
 - (a) for dangerous goods of UN Class 2 that are not in the form of a refrigerated liquid—the quantity of goods in the tank exceeds the maximum permitted filling ratio set out in section 10.3.2 of the ADG Code; or
 - (b) in any other case—the ullage in the tank does not comply with section 10.3.1 of the ADG Code.

Maximum penalty: \$2 000.

Expiation fee: \$400.

- (2) If—
 - (a) a road vehicle contains in a tank goods that are not dangerous goods; and
 - (b) at the same time the vehicle contains dangerous goods,

a person must not drive the vehicle if the person knows, or ought reasonably to know, that the ullage in the tank would not comply with section 10.3.1 of the ADG Code if the goods in it were dangerous goods.

Maximum penalty: \$2 000.

Expiation fee: \$400.

Part 12—Documentation

Division 1—Transport documentation

123—False or misleading information

A person must not include information in transport documentation for dangerous goods that the person knows, or ought reasonably to know, is false or misleading in a material particular.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

124—Consignor's duties—transport by road vehicle

- (1) A person must not consign dangerous goods for transport in or on a road vehicle if the prime contractor, or, if there is no prime contractor, the driver of the vehicle, has not been given transport documentation that complies with Chapter 11.1 of the ADG Code for the goods.

Maximum penalty:

- (a) in the case of a body corporate—\$6 500;
- (b) in the case of an individual—\$1 300.

Expiation fee:

- (a) in the case of a body corporate—\$1 300;
- (b) in the case of an individual—\$260.

- (2) A person must not consign dangerous goods for transport if—

- (a) the person knows, or ought reasonably to know, that the goods will be divided and transported in separate loads on 2 or more road vehicles; and
- (b) the prime contractor, or, if there is no prime contractor, the driver of each road vehicle transporting the goods, has not been given separate transport documentation that complies with Chapter 11.1 of the ADG Code for each load.

Maximum penalty:

- (a) in the case of a body corporate—\$6 500;
- (b) in the case of an individual—\$1 300.

Expiation fee:

- (a) in the case of a body corporate—\$1 300;
- (b) in the case of an individual—\$260.

125—Consignor's duties—transport by rail

- (1) A person must not consign dangerous goods for transport in or on a unit of rolling stock if the rail operator has not been given transport documentation that complies with Chapter 11.1 of the ADG Code for the goods.

Maximum penalty:

- (a) in the case of a body corporate—\$6 500;
- (b) in the case of an individual—\$1 300.

Expiation fee:

- (a) in the case of a body corporate—\$1 300;
- (b) in the case of an individual—\$260.

- (2) For the purposes of subregulation (1), a rail operator is to be taken to have been given the transport documentation if the contents of the transport documentation have been communicated to the rail operator by means of electronic data processing or electronic data interchange.

126—Prime contractor's duties

- (1) A prime contractor must ensure that a person does not drive a road vehicle used by the prime contractor to transport dangerous goods if—

- (a) the person has not been given transport documentation that complies with Chapter 11.1 of the ADG Code for the goods; and
- (b) the documentation is not readily able to be located in the vehicle in accordance with Chapter 11.1 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of an individual—\$400.

- (2) If these regulations or the ADG Code requires a prime contractor to create or use a document in relation to the transport of dangerous goods, the prime contractor must retain the document, or a copy of the document, for at least 3 months after the transport of the dangerous goods by the prime contractor finishes.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of an individual—\$400.

- (3) It is a failure to comply with subregulation (2) if the prime contractor—

- (a) does not retain a legible hard copy of the document, or a legible copy of the document in electronic form, for the 3 month retention period; or

- (b) cannot produce, at any time during the 3 month retention period at the request of an authorised officer, a legible hard copy of the document or a legible copy of the document in electronic form.

127—Rail operator's duties

- (1) A rail operator must not transport dangerous goods by rail unless the driver of the train transporting the goods has been given transport documentation that complies with Chapter 11.1 of the ADG Code for the goods.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of an individual—\$400.

- (2) For the purposes of subregulation (1), a driver is to be taken to have been given the transport documentation if the contents of the transport documentation have been communicated to the driver by means of electronic data processing or electronic data interchange.
- (3) Subregulations (1) and (2) do not apply if the train is in a depot or yard or is engaged in shunting operations and the transport documentation for the goods is readily available elsewhere in the immediate vicinity of the depot, yard or operations.

128—Driver's duties

- (1) The driver of a road vehicle must ensure that, while the vehicle is being used to transport dangerous goods, transport documentation for the goods is carried in or on the vehicle.

Maximum penalty: \$1 300.

Expiation fee: \$260.

- (2) The driver of a road vehicle transporting dangerous goods must produce the transport documentation for the goods for inspection by an authorised officer, or an emergency services officer, if the officer asks the driver to produce the documentation for inspection.

Maximum penalty: \$1 300.

Expiation fee: \$260.

129—Train driver's duties

- (1) A person must not drive a train that the person knows, or ought reasonably to know, is transporting dangerous goods, if the person does not have transport documentation for the goods.

Maximum penalty: \$1 300.

Expiation fee: \$260.

- (2) The driver of a train transporting dangerous goods must produce the transport documentation for the goods for inspection by an authorised officer, or an emergency services officer, if the officer asks the driver to produce the documentation for inspection.

Maximum penalty: \$1 300.

Expiation fee: \$260.

- (3) Subregulations (1) and (2) do not apply if the train is in a depot or yard or is engaged in shunting operations and the transport documentation for the goods is readily available elsewhere in the immediate vicinity of the depot, yard or operations.

Division 2—Emergency information

130—Meaning of required emergency information

In this Division—

required emergency information means—

- (a) if an approval under regulation 170(7) applies—emergency information that complies with the approval; or
- (b) in any other case—emergency information that complies with Chapter 11.2 of the ADG Code.

131—Consignor's duties

A person must not consign a placard load for transport in or on a vehicle if the person knows, or ought reasonably to know, that the required emergency information for the dangerous goods in the load is not, or will not be, on the vehicle.

Maximum penalty:

- (a) in the case of a body corporate—\$6 500;
- (b) in the case of an individual—\$1 300.

Expiation fee:

- (a) in the case of a body corporate—\$1 300;
- (b) in the case of an individual—\$260.

132—Prime contractor's duties

A prime contractor must not use a road vehicle to transport a placard load if—

- (a) the vehicle is not equipped with an emergency information holder that complies with Chapter 11.2 of the ADG Code; or
- (b) the required emergency information for the dangerous goods in the load is not in the holder.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of an individual—\$400.

133—Rail operator's duties

- (1) A rail operator must not transport a placard load in a cargo transport unit on a train if the required emergency information for the dangerous goods in the load is not in the train driver's cab.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;

- (b) in the case of an individual—\$2 000.
- Expiation fee:
- (a) in the case of a body corporate—\$2 000;
 - (b) in the case of an individual—\$400.
- (2) Subregulation (1) does not apply if the train is in a depot or yard, or is involved in shunting operations, and the required emergency information for the dangerous goods in the load is readily available elsewhere in the immediate vicinity of those operations.

134—Driver's duties

- (1) A person must not drive a road vehicle transporting a placard load if—
- (a) the vehicle is not equipped with an emergency information holder that complies with Chapter 11.2 of the ADG Code; or
 - (b) the required emergency information for the dangerous goods in the load is not in the holder.

Maximum penalty: \$1 300.

Expiation fee: \$260.

- (2) The driver of a road vehicle transporting a placard load must ensure that the vehicle's emergency information holder contains only—
- (a) the required emergency information for the dangerous goods in the load; and
 - (b) the transport documentation for the goods.

Maximum penalty: \$650.

Expiation fee: \$130.

- (3) The driver of a road vehicle transporting a placard load must produce the required emergency information for the dangerous goods in the load for inspection by an authorised officer, or an emergency services officer, if the officer asks the driver to produce the information for inspection.

Maximum penalty: \$1 300.

Expiation fee: \$260.

135—Train driver's duties

- (1) A person must not drive a train that is transporting a placard load if the required emergency information for the dangerous goods in the load is not in the train driver's cab.

Maximum penalty: \$1 300.

Expiation fee: \$260.

- (2) The driver of a train transporting a placard load must produce the required emergency information for the dangerous goods in the load for inspection by an authorised officer or an emergency services officer, if the officer asks the driver to produce the information for inspection.

Maximum penalty: \$1 300.

Expiation fee: \$260.

- (3) Subregulations (1) and (2) do not apply if the train is in a depot or yard or is engaged in shunting operations and the required emergency information is readily available elsewhere in the immediate vicinity of the depot, yard or operations.

Division 3—Dangerous goods packed in limited quantities

136—Consignor's duties

A person must not consign dangerous goods that are packed in limited quantities for transport unless the person has provided the prime contractor with the information required by section 3.4.12.1 of the ADG Code in the form required by that section.

Maximum penalty:

- (a) in the case of a body corporate—\$6 500;
- (b) in the case of an individual—\$1 300.

Expiation fee:

- (a) in the case of a body corporate—\$1 300;
- (b) in the case of an individual—\$260.

137—Prime contractor's duties

A prime contractor who receives information under section 3.4.12.1 of the ADG Code must ensure that the information is readily ascertainable during transport of the dangerous goods.

Maximum penalty:

- (a) in the case of a body corporate—\$6 500;
- (b) in the case of an individual—\$1 300.

Expiation fee:

- (a) in the case of a body corporate—\$1 300;
- (b) in the case of an individual—\$260.

138—False or misleading information

In providing information under section 3.4.12.1 of the ADG Code, a person must not include information that the person knows, or reasonably ought to know, is false or misleading in a material particular.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

Part 13—Procedures during transport

Division 1—General precautions—driver's duties

139—Driving

The driver of a road vehicle transporting a placard load must not allow anyone else to ride in the vehicle except in accordance with Part 13 of the ADG Code.

Maximum penalty: \$650.

Expiation fee: \$130.

140—Parking

The driver of a road vehicle transporting a placard load must not park the vehicle, or leave the vehicle standing, in a public or private place except in accordance with Part 13 of the ADG Code.

Maximum penalty: \$1 300.

Expiation fee: \$260.

141—Control of ignition sources

- (1) This regulation applies to a road vehicle transporting—
 - (a) a load that contains—
 - (i) dangerous goods in a receptacle with a capacity of more than 500 litres; or
 - (ii) more than 500 kilograms of dangerous goods in a receptacle; and
 - (b) the dangerous goods are of UN Division 2.1 or UN Class 3, 4 or 5 or have a Subsidiary Hazard of 2.1, 3, 4 or 5.1.
- (2) The driver of the road vehicle must not—
 - (a) have matches or a cigarette lighter in their possession in the vehicle; or
 - (b) smoke in the vehicle.

Maximum penalty: \$4 000.

Expiation fee: \$800.

- (3) The driver must do everything practicable to ensure that anyone else in the road vehicle does not—
 - (a) have matches or a cigarette lighter in their possession; or
 - (b) smoke.

Maximum penalty: \$4 000.

Expiation fee: \$800.

142—Unloading or unpacking

- (1) The driver of a road vehicle transporting a placard load must not unload or unpack the dangerous goods, or permit the dangerous goods to be unloaded or unpacked, from the vehicle except in accordance with Part 13 of the ADG Code.

Maximum penalty: \$4 000.

Expiation fee: \$800.

- (2) In this regulation, a reference to unpacking dangerous goods from a vehicle extends to the bulk transfer of dangerous goods out of a tank vehicle or a container in or on a vehicle.

143—Detaching trailer

The driver of a road vehicle that has attached to it a trailer transporting a placard load must not detach the trailer, or permit it to be detached, from the vehicle except in accordance with Part 13 of the ADG Code.

Maximum penalty: \$4 000.

Expiation fee: \$800.

144—Road tank vehicle equipped with burner

The driver of a road tank vehicle that is transporting a placard load and is equipped with a burner to heat the load must not operate the burner, or permit it to be operated, except in accordance with Part 13 of the ADG Code.

Maximum penalty: \$4 000.

Expiation fee: \$800.

Division 2—General precautions—prime contractor's duties**145—Parking**

A prime contractor must not direct or induce the driver of a road vehicle transporting a placard load to park the road vehicle, or leave the road vehicle standing, in a public or private place except in accordance with Part 13 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$6 500;
- (b) in the case of an individual—\$1 300.

Expiation fee:

- (a) in the case of a body corporate—\$1 300;
- (b) in the case of an individual—\$260.

146—Unloading

A prime contractor must not direct or induce the driver of a road vehicle transporting a placard load to permit the dangerous goods to be unloaded from the vehicle except in accordance with Part 13 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

147—Detaching trailer

A prime contractor must not direct or induce the driver of a road vehicle that has attached to it a trailer transporting a placard load to detach the trailer or permit it to be detached from the vehicle except in accordance with Part 13 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

148—Road tank equipped with burner

A prime contractor must not direct or induce the driver of a road vehicle that is transporting a placard load, and that is equipped with a burner to heat the load, to operate the burner or permit it to be operated except in accordance with Part 13 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of an individual—\$800.

Division 3—Routes, times etc

149—Prime contractor's and rail operator's duties

A prime contractor or rail operator must not transport dangerous goods contrary to a determination under regulation 168(1)(d) or (e).

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of an individual—\$400.

150—Driver's duties

A person must not drive a road vehicle transporting dangerous goods contrary to a determination under regulation 168(1)(d) or (e).

Maximum penalty: \$2 000.

Expiation fee: \$400.

Division 4—Immobilised and stopped vehicles

151—Interpretation

For the purposes of this Division—

- (a) a motor vehicle is broken down if it is not possible to drive the vehicle because it is disabled through damage, mechanical failure, lack of fuel or any similar reason; and
- (b) a trailer is broken down if it is not connected (either directly or by 1 or more other trailers) to a towing vehicle, whether or not the trailer is disabled through damage, mechanical failure or any similar reason; and
- (c) the driver of a trailer that is broken down is the driver of the towing vehicle to which the trailer was last connected (either directly or by 1 or more other trailers).

152—Driver's duties

(1) This regulation applies if a road vehicle transporting a placard load—

- (a) is broken down or otherwise immobilised, or has stopped, on a road; and

- (b) is a traffic hazard.
- (2) The driver must alert other road users of the hazard in accordance with Part 13 of the ADG Code.
Maximum penalty: \$650.
Expiation fee: \$130.
- (3) Subregulation (2) does not apply if the driver complies with the requirements of the Australian Road Rules to place warning triangles on the road.

153—Prime contractor's duties

- (1) If a prime contractor knows, or ought reasonably to know, that a road vehicle that the prime contractor is using to transport a placard load has broken down or is otherwise immobilised on a road and requires repair, the prime contractor must, as soon as practicable, ensure that the vehicle is—
 - (a) repaired so that it can be driven safely off the road; or
 - (b) towed to a place where it can be repaired.Maximum penalty:
 - (a) in the case of a body corporate—\$10 000;
 - (b) in the case of an individual—\$2 000.Expiation fee:
 - (a) in the case of a body corporate—\$2 000;
 - (b) in the case of an individual—\$400.
- (2) The prime contractor must—
 - (a) remove the dangerous goods from the road vehicle before it is repaired or towed; and
 - (b) transport the dangerous goods from the place of the breakdown or immobilisation, if the risk of personal injury, property damage or environmental harm involved in complying with paragraphs (a) and (b) is not greater than the risk involved in not complying with the paragraphs.Maximum penalty:
 - (a) in the case of a body corporate—\$10 000;
 - (b) in the case of an individual—\$2 000.Expiation fee:
 - (a) in the case of a body corporate—\$2 000;
 - (b) in the case of an individual—\$400.
- (3) If the road vehicle is towed while still carrying dangerous goods that would require the driver of the vehicle to hold a dangerous goods driver licence, the prime contractor must ensure that the driver of the tow truck towing the vehicle—
 - (a) holds a dangerous goods driver licence that would authorise the driver of the tow truck to drive a vehicle with those dangerous goods; or
 - (b) is accompanied in the cabin of the tow truck by a person who holds a dangerous goods driver licence that would authorise the person to drive a vehicle with those dangerous goods.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of an individual—\$400.

154—Rail operator's duties

If a train transporting a placard load fails or is otherwise immobilised, the rail operator must, as soon as practicable, take all appropriate steps to ensure that a dangerous situation does not arise.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Division 5—Emergencies generally

155—Driver's duties

If a road vehicle transporting dangerous goods is involved in an incident resulting in a dangerous situation, the driver of the vehicle must—

- (a) notify the prime contractor, the Competent Authority and the police or fire service, of the incident as soon as practicable; and
- (b) provide any reasonable assistance required by an authorised officer, or an emergency services officer, to deal with the situation.

Maximum penalty: \$1 300.

156—Train driver's and rail operator's duties

- (1) If a train transporting dangerous goods is involved in an incident resulting in a dangerous situation, the driver of the train must—
 - (a) notify the rail operator of the incident as soon as practicable; and
 - (b) provide any reasonable assistance required by an authorised officer, or an emergency services officer, to deal with the situation.

Maximum penalty: \$1 300.

- (2) On becoming aware of the incident, the rail operator must—
 - (a) notify the police or fire service of the incident as soon as practicable; and
 - (b) provide any reasonable assistance required by an authorised officer, or an emergency services officer, to deal with the situation.

Maximum penalty:

- (a) in the case of a body corporate—\$6 500;
- (b) in the case of an individual—\$1 300.

157—Prime contractor's and rail operator's duties—food or food packaging

- (1) This regulation applies if—
 - (a) an incident involving a vehicle transporting dangerous goods results in the leakage, spillage or accidental escape of the dangerous goods, or in a fire or explosion; and
 - (b) there is food or food packaging in the vicinity of the incident that is within the control of a prime contractor or rail operator.
- (2) In the case of a prime contractor, the prime contractor must ensure that the food or food packaging is not transported from the site of the incident unless the Competent Authority has given permission to the prime contractor to transport the food or food packaging from the site.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
 - (b) in the case of an individual—\$4 000.
- (3) In the case of a rail operator, the rail operator must—
 - (a) notify the Competent Authority of the incident as soon as practicable after the incident; and
 - (b) deal with the food or food packaging as directed by the Competent Authority.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

158—Prime contractor's and rail operator's duties—reporting

- (1) This regulation applies if a vehicle transporting dangerous goods is involved in an incident resulting in a dangerous situation.
- (2) As soon as practicable after becoming aware of the incident, the prime contractor or rail operator must provide the Competent Authority with the following details about the incident:
 - (a) where the incident happened;
 - (b) the date and time of the incident;
 - (c) the nature of the incident;
 - (d) the dangerous goods being transported when the incident happened;
 - (e) any other details that the Competent Authority may require.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
 - (b) in the case of an individual—\$2 000.
- (3) Not later than 21 days after the day of the incident, the prime contractor or rail operator must give the Competent Authority a written report about the incident stating the following:
 - (a) where the incident happened;
 - (b) the date and time of the incident;
 - (c) the nature of the incident;
 - (d) the dangerous goods being transported when the incident happened;

- (e) what the driver believes to be the likely cause of the incident;
- (f) what the prime contractor or rail operator believes to be the likely cause of the incident;
- (g) the measures taken to control any leak, spill or accidental escape of dangerous goods, and any fire or explosion, resulting from the incident;
- (h) the measures taken after the incident in relation to the dangerous goods involved in the incident.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Division 6—Emergencies involving placard loads

159—Telephone advisory service for certain placard loads

- (1) A prime contractor or rail operator must not transport a load that contains—
- (a) dangerous goods in a receptacle with a capacity of more than 500 litres; or
 - (b) more than 500 kilograms of dangerous goods in a receptacle,
- if a telephone advisory service is not available during the journey.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

- (2) A person must not consign a load that contains—
- (a) dangerous goods in a receptacle with a capacity of more than 500 litres; or
 - (b) more than 500 kilograms of dangerous goods in a receptacle,
- if a telephone advisory service is not available during the journey.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of an individual—\$4 000.

- (3) The telephone advisory service—
- (a) must comprise a service providing access by a continuously monitored telephone not located on a vehicle transporting dangerous goods to a person competent to give advice about the following:
 - (i) the construction and properties of the receptacles in which the dangerous goods are being transported;
 - (ii) the use of equipment on vehicles in or on which the dangerous goods are being transported;
 - (iii) the properties of the dangerous goods;
 - (iv) methods of safely handling the dangerous goods;
 - (v) methods of safely containing and controlling the dangerous goods in a dangerous situation; and

- (b) may be provided by the prime contractor, rail operator or consignor, or someone else for the prime contractor, rail operator or consignor.

160—Emergency plans

- (1) Before a person consigns a placard load for transport, the person must prepare and have an emergency plan for the transport of the goods.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
 - (b) in the case of an individual—\$4 000.
- (2) Before a prime contractor or rail operator transports a placard load, the prime contractor or rail operator must prepare and have an emergency plan for the transport of the goods.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
 - (b) in the case of an individual—\$4 000.
- (3) The emergency plan must—
 - (a) be in writing; and
 - (b) include procedures for dealing with any dangerous situation arising from the transport of the goods; and
 - (c) be prepared having regard to any guidelines approved by the Ministerial Council.
 - (4) On becoming aware of a dangerous situation involving a placard load, the prime contractor or rail operator transporting the load must follow the procedures included in the emergency plan for dealing with a dangerous situation arising from the transport of the goods.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of an individual—\$400.

161—Provision of information and resources

- (1) This regulation applies if a vehicle transporting a placard load is involved in an incident resulting in a dangerous situation.
- (2) As soon as practicable after being asked by an authorised officer or an emergency services officer, the consignor of goods included in the load must—
 - (a) give the officer the information the officer requires about—
 - (i) the properties of the dangerous goods being transported; and
 - (ii) safe methods of handling the goods; and
 - (iii) safe methods of containing and controlling the goods in a dangerous situation; and
 - (b) provide the equipment and other resources necessary—
 - (i) to control the dangerous situation; and

- (ii) to contain, control, recover and dispose of dangerous goods that have leaked, spilled or accidentally escaped.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
 - (b) in the case of an individual—\$2 000.
- (3) As soon as practicable after being asked by an authorised officer or an emergency services officer, the prime contractor or rail operator must—
- (a) give the officer the information the officer requires about the vehicle's construction, properties and equipment; and
 - (b) provide the equipment and other resources necessary—
 - (i) to control the dangerous situation; and
 - (ii) to recover the vehicle or its equipment.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
 - (b) in the case of an individual—\$2 000.
- (4) If the prime contractor and the consignor, or the rail operator and the consignor, of the dangerous goods are asked to give the same information or provide the same resources for the incident, it is sufficient if the consignor or, as the case may be, the prime contractor or the rail operator gives the information or provides the resources.

Part 14—ADG Code Special Provisions

162—Application of this Part

- (1) This Part applies if a Special Provision referenced in the Dangerous Goods List applies to dangerous goods and that Special Provision prohibits the transport of the goods by land or imposes a restriction on the way the goods are to be transported by land.
- (2) A Special Provision is subject to any applicable determination under regulation 168.

163—Consignor's duties

A person must not consign dangerous goods for transport if the person knows, or ought reasonably to know—

- (a) that a Special Provision applies to the transport of the goods; and
- (b) that the transport of the goods contravenes or will contravene the Special Provision.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of an individual—\$400.

164—Packer's duties

A person must not pack dangerous goods for transport if the person knows, or ought reasonably to know—

- (a) that a Special Provision applies to the transport of the goods; and
- (b) that the transport of the goods contravenes or will contravene the Special Provision.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

165—Loader's duties

A person must not load dangerous goods on to a vehicle for transport if the person knows, or ought reasonably to know—

- (a) that a Special Provision applies to the transport of the goods; and
- (b) that the transport of the goods contravenes or will contravene the Special Provision.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

166—Prime contractor's and rail operator's duties

A prime contractor or rail operator must not transport dangerous goods if the prime contractor or rail operator knows, or ought reasonably to know—

- (a) that a Special Provision applies to the transport of the goods; and
- (b) that the transport of the goods contravenes the Special Provision.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of an individual—\$2 000.

167—Driver's duties

A person must not drive a road vehicle transporting dangerous goods if the person knows, or ought reasonably to know—

- (a) that a Special Provision applies to the transport of the goods; and
- (b) that the transport of the goods contravenes the Special Provision.

Maximum penalty: \$1 000.

Part 15—Administration

Division 1—Determinations and approvals

Subdivision 1—Determinations

168—Determinations

- (1) For the purposes of Part 4 of the Act and these regulations, the Competent Authority may, on application or on its own initiative, determine—
 - (a) that goods are or are not—
 - (i) dangerous goods; or
 - (ii) dangerous goods of a particular UN Class or UN Division; or
 - (iii) dangerous goods with a particular Subsidiary Hazard; or
 - (iv) substances of a particular Packing Group; or
 - (v) incompatible with particular dangerous goods; or
 - (b) that particular dangerous goods are or are not too dangerous to be transported; or
 - (c) that particular dangerous goods may be, must or must not be transported in specified packaging (despite any prohibition or authorisation in the Dangerous Goods List); or
 - (d) that particular dangerous goods may be or must or must not be transported—
 - (i) using a specified vehicle, or kind of vehicle; or
 - (ii) on a specified route; or
 - (iii) in or through a specified area; or
 - (iv) at a specified time; or
 - (v) in quantities in excess of a specified amount; or
 - (e) that particular dangerous goods may be or must not be transported in or on the same cargo transport unit as other goods (whether or not those other goods are dangerous goods).
- (2) A determination may be subject to any condition necessary for the safe transport of dangerous goods.

Note—

To the extent of any inconsistency, a determination prevails over any provision of these regulations or the ADG Code in its application to particular dangerous goods.

169—Corresponding determinations

- (1) This regulation applies to a determination made by a corresponding authority if—
 - (a) the determination is made under a provision of the law of the other jurisdiction corresponding to regulation 168; and
 - (b) the determination has effect in the other jurisdiction; and

- (c) CAP has decided that the determination should have effect in all participating jurisdictions or participating jurisdictions including this State, and CAP has not reversed the decision.
- (2) The determination has effect in this State as if it were a determination made by the Competent Authority under regulation 168.

Subdivision 2—Approvals

170—Approvals

(1) Tests and training courses for drivers

The following provisions apply to an approval for the purposes of Part 3:

- (a) the Competent Authority may, on application, approve—
 - (i) a test of competence for drivers of road vehicles transporting dangerous goods; or
 - (ii) a training course for drivers of road vehicles transporting dangerous goods;
- (b) the Competent Authority may approve a test of competence or a training course only if the Authority considers that a person who passes the test, or completes the course, will have the skills and knowledge to perform the task to which the test or course relates safely and in accordance with these regulations.

(2) Insurance—exemption from Part 4 Division 1

The following provisions apply to an approval for the use of a vehicle for the purposes of Part 4 Division 1:

- (a) the owner of a road vehicle used to transport placard loads, or a prime contractor responsible for the condition of the vehicle, may make an application to the Competent Authority for approval to use the vehicle even if the vehicle is not covered by a policy of insurance or other form of indemnity in accordance with Part 4 Division 1;
- (b) if the Competent Authority is satisfied that the owner or prime contractor is adequately capable of self insurance for the purposes of Part 4 Division 1, the Competent Authority may give written approval for the use of the vehicle;
- (c) an approval under paragraph (b) may be given by the Competent Authority—
 - (i) for a single use or for a period not longer than 3 years; and
 - (ii) subject to any other condition.

(3) Packaging design

The following provisions apply to an approval of a design for packaging for the purposes of Part 5:

- (a) the Competent Authority may, on application, approve a design for a packaging for use in the transport of dangerous goods if satisfied that a packaging of that design—
 - (i) will comply with, or is permitted by, Part 6 of the ADG Code; and
 - (ii) satisfies all the relevant testing and inspection requirements set out in that Part;

- (b) in giving approval, the Competent Authority may impose in relation to the approval any condition about the construction, packing, use or maintenance of a packaging manufactured in accordance with the design necessary for the safe use of the packaging to transport dangerous goods;
 - (c) for the purposes of determining an application for the approval of a design for packaging, the following provisions apply:
 - (i) the Competent Authority may rely on a certificate issued by a recognised testing facility certifying that a packaging design type has passed particular performance tests for particular dangerous goods;
 - (ii) if a performance test is conducted by a testing facility registered by NATA, any certificate or report of the test must—
 - (A) contain any details required under the relevant Chapter of Part 6 of the ADG Code; and
 - (B) be in the appropriate form used by NATA registered testing facilities;
 - (iii) if a performance test is conducted in Australia by a recognised testing facility that is not registered by NATA—
 - (A) the test must be observed by or for the Competent Authority; and
 - (B) any certificate or report of the test must contain any details required under the relevant Chapter of Part 6 of the ADG Code;
 - (iv) the following testing facilities are *recognised testing facilities* for a packaging design type:
 - (A) a testing facility registered by NATA to conduct performance tests under Part 6 of the ADG Code for the packaging design type;
 - (B) if NATA has not registered a testing facility to conduct performance tests of that kind—a testing facility in Australia capable of conducting the tests;
 - (C) a facility in a foreign country approved by a public authority of the country to conduct performance tests of that kind.
- (4) **Method of preparing overpack and contents—exemption from section 5.1.2 of ADG Code**

The following provisions apply to an approval of a method of preparing an overpack and its contents for the purposes of Part 5:

- (a) the Competent Authority may, on application, approve a method of preparing an overpack and its contents for transporting dangerous goods that does not comply with section 5.1.2 of the ADG Code if the Authority considers that the risk of personal injury, property damage or environmental harm involved in using the method is not greater than the risk involved in using a method complying with the section;
- (b) in giving approval, the Competent Authority may impose in relation to the approval any condition about the use of the overpack necessary for the safe use of the overpack to transport dangerous goods.

(5) Segregation devices

The following provisions apply to an approval of a design for a Type II segregation device for the purposes of Part 10:

- (a) the Competent Authority may, on application, approve a design for a Type II segregation device if the design complies with Chapter 6.11 of the ADG Code;
- (b) the approval of the design may be subject to any condition necessary for the safe transport of dangerous goods.

(6) Methods of segregation—exemption from Part 9 of ADG Code

The following provisions apply to an approval of a method of segregation for the purposes of Part 10:

- (a) the Competent Authority may approve a method of segregation not complying with Part 9 of the ADG Code for transporting dangerous goods and incompatible goods, if the Authority considers that—
 - (i) it is impracticable to segregate the goods by a segregation device, or method of segregation, complying with that Part; and
 - (ii) the risk of personal injury, property damage or environmental harm involved in using the method to transport the goods is not greater than the risk involved in using a device or method complying with that Part to transport the goods;
- (b) the approval of the method may be subject to any condition necessary for the safe transport of dangerous goods.

(7) Emergency information—exemption from Chapter 11.2 of ADG Code

The following provisions apply to an approval of emergency information for the purposes of Part 12 Division 2:

The Competent Authority may, on application, approve emergency information that does not comply with Chapter 11.2 of the ADG Code if the Authority considers that use of the information would be as accurate, and at least as convenient and efficient, as information that complies with the Chapter.

171—Corresponding approvals

- (1) This regulation applies to an approval given in another participating jurisdiction if—
 - (a) the approval is given under a provision of the law of the other jurisdiction corresponding to regulation 170; and
 - (b) the approval has effect in the other jurisdiction; and
 - (c) CAP has decided that the approval should have effect in all participating jurisdictions or participating jurisdictions including this State, and CAP has not reversed the decision.
- (2) The approval has effect in this State as if it were an approval given by the Competent Authority under regulation 170.

Subdivision 3—General**172—Application of Subdivision**

This Subdivision applies to determinations made under this Part on application and to approvals given under this Part.

173—Application for determination or approval

- (1) An application for a determination or approval must—
 - (a) be made to the Competent Authority in writing; and
 - (b) in the case of an application for the approval of a design for packaging—include the information required under Part 6 of the ADG Code; and
 - (c) in the case of an application for the approval of a design for a Type II segregation device—include the information required under Chapter 6.11 of the ADG Code; and
 - (d) be accompanied by the prescribed fee.
- (2) The Competent Authority may, by written notice, require an applicant to give to the Authority any additional information necessary for the proper consideration of the application.
- (3) If the Competent Authority refuses the application, the Authority must inform the applicant in writing of the refusal and of the reasons for the refusal.

174—Court orders

The Competent Authority must not make a determination or give an approval on the application of a person who is prohibited by court order from involvement in the transport of dangerous goods.

175—Form and term of determination or approval

- (1) A determination or approval must be in writing.
- (2) A condition to which a determination or approval is subject must be specified in the determination or approval.
- (3) A determination or approval has effect for the period specified in the determination or approval.
- (4) A person on whose application a determination is made or approval given is, for the purposes of these regulations, the holder of the determination or approval.

176—Variation or revocation of determination or approval on application

- (1) The Competent Authority may, on application by the holder of a determination or approval, vary or revoke the determination or approval.
- (2) An application for variation or revocation of a determination or approval must be accompanied by the determination or approval.

177—Grounds for revocation or variation

- (1) The Competent Authority may revoke a determination or approval if satisfied that—
 - (a) the application for the determination or approval did not comply with these regulations or was false or misleading in a material respect; or
 - (b) a relevant change has happened since the determination was made or approval given and, if the change had happened earlier, the determination would not have been made or approval given; or
 - (c) the holder of the determination or approval is unsuitable to continue to be the holder of the determination or approval because the person has contravened Part 4 of the Act or these regulations or a corresponding law; or

- (d) other reasonable grounds exist for doing so.
- (2) The Competent Authority may vary a determination or approval if satisfied that—
- (a) the application for the determination or approval did not comply with these regulations or was false or misleading in a material respect; or
 - (b) a relevant change has happened since the determination was made or approval given and, if the change had happened earlier, the determination would have been made, or the approval would have been given, in the way in which it is proposed to be varied; or
 - (c) the holder of the determination or approval is unsuitable to continue to be the holder of the determination or approval without variation because the person has contravened Part 4 of the Act or these regulations or a corresponding law; or
 - (d) other reasonable grounds exist for doing so.
- (3) The Competent Authority must, before revoking or varying a determination or approval under this regulation, give to the holder of the determination or approval a written notice that—
- (a) states what the proposed action is; and
 - (b) if the proposed action is to vary the determination or approval—sets out the proposed variation; and
 - (c) sets out the ground for the proposed action; and
 - (d) outlines the facts and other circumstances forming the basis for the ground; and
 - (e) invites the holder to state in writing, within a specified period of at least 28 days after the day the notice is given to the holder, why the proposed action should not be taken.
- (4) Notice is not required under subregulation (3) if, in the opinion of the Competent Authority, the revocation or variation is necessary to avoid, eliminate or minimise a dangerous situation.
- (5) In this regulation—
- relevant change* means a change about something that the Competent Authority may or must consider in deciding whether to make the determination or give the approval.

178—Revocation giving effect to court orders

The Competent Authority must revoke a determination or approval if the holder is prohibited by court order from involvement in the transport of dangerous goods.

179—When revocation and variation take effect

- (1) The revocation or variation of a determination or approval by the Competent Authority takes effect on—
- (a) the day the holder of the determination or approval is given written notice by the Competent Authority of the revocation or variation; or
 - (b) a later day specified in the notice.
- (2) The Competent Authority must inform the holder of a determination or approval in writing of the reasons for the revocation or variation.

180—Application for reconsideration of decision

- (1) A person directly affected by a decision of the Competent Authority relating to a determination or approval may apply to the Competent Authority for reconsideration of the decision.
- (2) An application for reconsideration must be made within—
 - (a) 28 days after the day the person was informed of the decision by the Competent Authority; or
 - (b) a longer period allowed by the Competent Authority, either before or after the end of the 28 days.
- (3) The application must be in writing and set out the grounds on which reconsideration of the decision is sought.
- (4) Within 28 days after receiving the application, the Competent Authority must reconsider the decision, and confirm, revoke or vary the decision.
- (5) If the Competent Authority has not reconsidered the decision within that period, the Competent Authority is to be taken to have confirmed the decision.
- (6) The Competent Authority must inform the applicant in writing of the result of the reconsideration and of the reasons for the result.
- (7) A person may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review in circumstances where an application for reconsideration of a decision may be made under this regulation, subject to an application for reconsideration of the decision having been made and the period allowed for reconsideration having expired before the application for a review is made.
- (8) An application for review must be made within 28 days of the applicant receiving notice of the result of the reconsideration or, if the Competent Authority has not reconsidered the decision within the period allowed by this regulation, within 28 days after the expiry of that period.
- (9) If the reasons of the Competent Authority are not given in writing at the time of the reconsideration and the person affected by the reconsideration (within 28 days of the reconsideration) requires the Competent Authority to state the reasons in writing, the time for making an application for review runs from the time at which the person receives the written statement of those reasons.

Division 2—Exemptions

181—Applications for exemptions

- (1) An application for an exemption (under section 36 of the Act) from Part 4 of the Act or these regulations must—
 - (a) be made in writing to the Competent Authority; and
 - (b) state the applicant's name and address; and
 - (c) specify the provisions of the Act, these regulations or the ADG Code to which it is proposed the exemption relate; and
 - (d) specify the person, place, vehicles or activities or the class of persons, places, vehicles or activities to which it is proposed the exemption relate; and

- (e) state why, in the applicant's opinion, compliance with the provisions is not reasonably practicable; and
 - (f) state why, in the applicant's opinion, the exemption (subject to compliance with specified conditions, if any) would not result in an increased risk of personal injury, property damage or environmental harm and would not cause unnecessary administrative or enforcement difficulties; and
 - (g) specify the period for which the exemption is sought; and
 - (h) specify any conditions to which it is proposed the exemption be subject; and
 - (i) be signed and dated by or for the applicant; and
 - (j) be accompanied by the prescribed fee.
- (2) The Competent Authority may, by written notice, require the applicant to give to the Authority any additional information necessary for a proper consideration of the application.

182—Corresponding exemptions

- (1) This regulation applies to an exemption granted by a corresponding authority if—
- (a) the exemption is granted from compliance with a provision of the law of the other jurisdiction corresponding to a provision (the *relevant provision*) of these regulations; and
 - (b) the exemption has effect in the other jurisdiction; and
 - (c) CAP has decided that the exemption should have effect in all participating jurisdictions or participating jurisdictions including this State, and CAP has not reversed the decision.
- (2) Subject to subregulation (3), the exemption has effect in this State as if it were an exemption from compliance with the relevant provision granted by the Competent Authority.
- (3) The exemption will cease to have effect 10 years after the day CAP decided that the exemption should have effect in all participating jurisdictions or participating jurisdictions including this State (if it has not earlier ceased to have effect).

Division 3—Relationship with corresponding authorities

183—References to CAP

- (1) The Competent Authority must refer the following matters to CAP:
- (a) —
 - (i) an application for an exemption under section 36 of the Act; or
 - (ii) an application for a determination or approval under these regulations; or
 - (iii) an approval granted, a determination made or an exemption given by the Competent Authority,that the Authority considers should have effect in another participating jurisdiction;
 - (b) any proposal of the Competent Authority to revoke or vary a determination, approval or exemption having effect in this State and 1 or more other participating jurisdictions.
- (2) The Competent Authority must have regard to any decision made by CAP on a matter referred to it under this regulation.

- (3) The Competent Authority may refer to CAP any determination, exemption or approval that has been made by a corresponding authority that the Competent Authority considers to be a determination, exemption or approval that should be given effect in all participating jurisdictions, or participating jurisdictions including this jurisdiction, for the purposes of regulations 156, 158 and 169.

184—Recommendations by Competent Authority

- (1) The Competent Authority may recommend, in writing, to a corresponding authority that the authority—
 - (a) cancel, suspend or vary a corresponding dangerous goods driver licence or corresponding dangerous goods vehicle licence; or
 - (b) revoke or vary a corresponding determination, corresponding approval or corresponding exemption.
- (2) The Competent Authority must provide written reasons to the corresponding authority for the recommendation.

185—Recommendations by corresponding authorities

- (1) If the Competent Authority receives a recommendation in writing from a corresponding authority that the Authority revoke or vary a determination, approval or exemption, the Competent Authority need not take any action on the recommendation until CAP has considered the recommendation.
- (2) The Competent Authority must have regard to any decision made by CAP on the matter.
- (3) If the Competent Authority receives a recommendation in writing from a corresponding authority that the Authority cancel, suspend or vary a dangerous goods driver licence or dangerous goods vehicle licence, the Competent Authority must have regard to the recommendation.

Division 4—Register

186—Register

- (1) The Competent Authority must keep a register of the following:
 - (a) dangerous goods driver licences;
 - (b) dangerous goods vehicle licences;
 - (c) determinations;
 - (d) approvals;
 - (e) exemptions.
- (2) The register may—
 - (a) be part of a central register kept by the Competent Authority with corresponding authorities; and
 - (b) have separate divisions for different kinds of licences, determinations, approvals or exemptions.
- (3) The record of a licence in the register must include the following information:
 - (a) the name of the licensee;
 - (b) the date the licence was granted or renewed;

- (c) either—
 - (i) the period for which the licence was granted or renewed; or
 - (ii) the expiry date of the licence;
 - (d) for a dangerous goods driver licence—the licensee's date of birth;
 - (e) for a dangerous goods vehicle licence—the registration number (if any), make and type of each road vehicle to which the licence relates;
 - (f) any condition to which the licence is subject.
- (4) The Competent Authority must note in the register the surrender, cancellation, suspension or variation of a licence.
- (5) The record of a determination, approval or exemption in the register must include—
- (a) the terms of the determination, approval or exemption; and
 - (b) if the determination, approval or exemption was made on the application of a person—the name of the holder of the determination, approval or exemption; and
 - (c) the date the determination, approval or exemption was made, given or granted.
- (6) The Competent Authority must note in the register the revocation or variation of a determination, approval or exemption.

187—Inspection of register

- (1) The Competent Authority must ensure that the register kept under these regulations is available for inspection by corresponding authorities and the public.
- (2) The Competent Authority is taken to comply with subregulation (1) by ensuring that—
- (a) there is reasonable access to copies of information in the register; or
 - (b) the register is kept available for inspection—
 - (i) during ordinary office hours at the office of the Competent Authority; or
 - (ii) by electronic means.

Division 5—Service of notices

188—Giving of notice

- (1) A notice required or authorised by these regulations to be given to a person by the Competent Authority or an authorised officer may be given—
- (a) by delivering it personally to the person or an agent of the person; or
 - (b) by leaving it for the person at the person's place of residence or business with someone apparently over the age of 16 years; or
 - (c) by posting it to the person or agent of the person at the person's or agent's last known place of residence or business.
- (2) Without limiting subregulation (1), a notice required or authorised to be given to an applicant under these regulations or to a licensee under the Act may be given—
- (a) by posting it to the person at the address last provided to the Competent Authority by the person for that purpose; or

- (b) by transmitting it to the person by fax transmission or email to the fax number or email address last provided to the Competent Authority by the person for that purpose; or
- (c) in the case of a company or registered body within the meaning of the *Corporations Act 2001* of the Commonwealth—in accordance with that Act.

Schedule 1—Repeal of *Dangerous Substances (Dangerous Goods Transport) Regulations 2008*

1—Repeal of regulations

The *Dangerous Substances (Dangerous Goods Transport) Regulations 2008* are repealed.

Editorial note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 3 August 2023

No 77 of 2023

South Australia

Courts Administration Regulations 2023

under the *Courts Administration Act 1993*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Participating courts
- 5 Prescribed position
- 6 Council not to incur contractual liabilities exceeding limit
- 7 Prescribed court

Schedule 1—Participating courts

Schedule 2—Prescribed position

Schedule 3—Prescribed court

Schedule 4—Repeal of *Courts Administration Regulations 2008*

1—Short title

These regulations may be cited as the *Courts Administration Regulations 2023*.

2—Commencement

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

3—Interpretation

In these regulations—

Act means the *Courts Administration Act 1993*.

4—Participating courts

For the purposes of paragraph (f) of the definition of *participating courts* in section 4 of the Act, each of the courts and tribunals specified in Schedule 1 is declared to be a participating court.

5—Prescribed position

For the purposes of the definition of *prescribed position* in section 4 of the Act, each of the positions specified in Schedule 2 is designated as a prescribed position.

6—Council not to incur contractual liabilities exceeding limit

For the purposes of section 11(2)(a) of the Act, a limit of \$4 000 000 is fixed.

7—Prescribed court

For the purposes of paragraph (c) of the definition of *prescribed court* in section 28A(3) of the Act, the courts specified in Schedule 3 are prescribed.

Schedule 1—Participating courts

Courts

Court of Disputed Returns constituted under the *Local Government (Elections) Act 1999*

Warden's Court

Tribunals

Legal Practitioners Disciplinary Tribunal

Police Disciplinary Tribunal

Schedule 2—Prescribed position

Registrar of Probates

Registrar of the District Court

Registrar of the Magistrates Court

Registrar of the Supreme Court

Sheriff

Schedule 3—Prescribed court

Coroner's Court

Court of Disputed Returns constituted under the *Local Government (Elections) Act 1999*

Environment, Resources and Development Court

Magistrates Court

Warden's Court

Schedule 4—Repeal of *Courts Administration Regulations 2008*

The *Courts Administration Regulations 2008* are repealed.

Editorial note—

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

Made by the Governor

on the recommendation of the State Courts Administration Council (having been allowed a reasonable opportunity to comment on the regulations) and with the advice and consent of the Executive Council

on 3 August 2023

No 78 of 2023

South Australia

Crown Proceedings Regulations 2023

under the *Crown Proceedings Act 1992*

Contents

- 1 Short title
- 2 Commencement
- 3 Agency of the Crown

Schedule 1—Repeal of *Crown Proceedings Regulations 2008*

1—Short title

These regulations may be cited as the *Crown Proceedings Regulations 2023*.

2—Commencement

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

3—Agency of the Crown

For the purposes of the definition of **Crown** in section 4 of the *Crown Proceedings Act 1992*, a person for the time being holding or acting in any of the following offices is declared to be an agency of the Crown:

- (a) the Auditor-General;
- (b) the Commissioner for Equal Opportunity;
- (c) a Commissioner appointed under the *Essential Services Commission Act 2002*;
- (d) the Commissioner for Victims' Rights;
- (e) the Deputy Auditor-General;
- (f) the Director of Public Prosecutions;
- (g) the Electoral Commissioner;
- (h) the Deputy Electoral Commissioner;
- (i) the Health and Community Services Complaints Commissioner;
- (j) the Ombudsman;
- (k) the Solicitor-General.

Schedule 1—Repeal of *Crown Proceedings Regulations 2008*

The *Crown Proceedings Regulations 2008* are repealed.

Editorial note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 3 August 2023

No 79 of 2023

South Australia

Freedom of Information (Exempt Agency) Regulations 2023

under the *Freedom of Information Act 1991*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Exempt agencies
- 5 Exempt agencies in respect of certain information—education agencies
- 6 Exempt agency in respect of certain functions and information—South Australian Skills Commission
- 7 Exempt agencies in respect of certain information—investigation into City of Burnside
- 8 Exempt agency in respect of certain information—SACE Board
- 9 Exempt agency in respect of certain information—Small Business Commissioner
- 10 Exempt agency in respect of certain information—Department of Treasury and Finance
- 11 Exempt agency in respect of certain information—CTP Regulator
- 12 Exempt agencies in respect of certain information—Parliamentary Budget Advisory Service
- 13 Exempt agency in respect of certain functions—Public Advocate

Schedule 1—Repeal of *Freedom of Information (Exempt Agency) Regulations 2008*

1—Short title

These regulations may be cited as the *Freedom of Information (Exempt Agency) Regulations 2023*.

2—Commencement

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

3—Interpretation

- (1) In these regulations—
Act means the *Freedom of Information Act 1991*.
- (2) For the avoidance of doubt, if a provision of these regulations declares an agency to be an exempt agency in respect of a specified class of information, the agency is, from the commencement of the provision, so exempt regardless of whether the information was created or received by the agency before or after that commencement.

4—Exempt agencies

For the purposes of the definition of *exempt agency* in section 4(1) of the Act, the following agencies are declared to be exempt agencies:

- (a) the Inspector appointed under Schedule 4 of the *Independent Commission Against Corruption Act 2012*;
- (b) the Generation Lessor Corporation, the Distribution Lessor Corporation and the Transmission Lessor Corporation established under the *Public Corporations Act 1993*;

- (c) the commission of inquiry established under the *Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004*;
- (d) each agency established by or under the *Health and Community Services Complaints Act 2004*.

5—Exempt agencies in respect of certain information—education agencies

- (1) For the purposes of the definition of **exempt agency** in section 4(1) of the Act, the following agencies are declared to be exempt agencies in respect of comparative student performance information:

- (a) the Minister responsible for the administration of the *SACE Board of South Australia Act 1983*;
- (b) the Minister responsible for the administration of the *Education and Children's Services Act 2019*;
- (c) the Minister responsible for the administration of the *Education and Early Childhood Services (Registration and Standards) Act 2011*;
- (d) the Department for Education.

- (2) In this regulation—

children of compulsory education age has the same meaning as in the *Education and Children's Services Act 2019*;

comparative student performance information means information of any of the following classes (whether presented in a statistical form or otherwise):

- (a) aggregated information relating to the results of any assessments undertaken by senior secondary students or children of compulsory education age;
- (b) aggregated information relating to the tertiary entrance (including tertiary entrance ranks) of senior secondary students;
- (c) aggregated information relating to exemptions granted to children of compulsory education age under the *Education and Children's Services Act 2019* from a requirement under that Act that the children be enrolled in an approved learning program;

senior secondary students means students as defined in the *SACE Board of South Australia Act 1983*.

6—Exempt agency in respect of certain functions and information—South Australian Skills Commission

For the purposes of the definition of **exempt agency** in section 4(1) of the Act, the South Australian Skills Commission established under section 15 of the *South Australian Skills Act 2008* is declared to be an exempt agency in respect of—

- (a) functions set out in section 19(1)(d) of the *South Australian Skills Act 2008* regarding complaint handling and dispute resolution, including mediation and advocacy services; and
- (b) information formerly held by the Training Advocate (formerly in existence under the *Training and Skills Development Act 2008*) relating to functions in respect of which the Training Advocate was an exempt agency under regulation 6 of the *Freedom of Information (Exempt Agency) Regulations 2008* as in force immediately before 1 July 2021.

Editorial note—

The *Freedom of Information (Exempt Agency) (South Australian Skills Commission) Variation Regulations 2021* came into operation on 1 July 2021.

7—Exempt agencies in respect of certain information—investigation into City of Burnside

For the purposes of the definition of *exempt agency* in section 4(1) of the Act, the following agencies are declared to be exempt agencies in respect of information relating to the investigation into the City of Burnside carried out by the investigator appointed pursuant to instrument of appointment dated 22 July 2009 under section 272 of the *Local Government Act 1999* to carry out an investigation into the City of Burnside:

- (a) any agency that holds information formerly held by the investigator;
- (b) any agency that assisted in the investigation;
- (c) the Minister for Local Government;
- (d) the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the *Local Government Act 1999*.

8—Exempt agency in respect of certain information—SACE Board

- (1) For the purposes of the definition of *exempt agency* in section 4(1) of the Act, the SACE Board is declared to be an exempt agency in respect of the following classes of information:
 - (a) information relating to the results of students in SACE assessments;
 - (b) comparative school performance information;
 - (c) information comprising, relating to or used in the application of standards of marking (however described) in the assessment of students;
 - (d) information contained in a report prepared by a person or body appointed or established by the SACE Board to determine grade levels, or to ensure consistency in grading, and any information used in the preparation of such a report;
 - (e) information comprising, or relating to, an examination paper for an examination that has not yet occurred at the time of an application under the Act relating to the information;
 - (f) information relating to the assessment of students with disabilities;
 - (g) information relating to the alternative assessment of students on compassionate or other grounds;
 - (h) information used, or to be used, by the SACE Board to determine recipients of prizes, awards or commendations (however described);
 - (i) information received by the SACE Board in the course of, or in relation to, a dispute resolution process (whether relating to a particular student or class of students, and however described);
 - (j) information identifying a member of the SACE Board or a person exercising a power or performing a function under the *SACE Board of South Australia Act 1983*.

(2) In this regulation—

comparative school performance information means information of either of the following classes (whether presented in a statistical form or otherwise):

- (a) aggregated information relating to the results of any assessments undertaken by students at a particular school or group of schools;
- (b) aggregated information relating to the tertiary entrance ranks of students at a particular school or group of schools;

SACE Board means the SACE Board of South Australia continued under the *SACE Board of South Australia Act 1983*.

9—Exempt agency in respect of certain information—Small Business Commissioner

For the purposes of the definition of **exempt agency** in section 4(1) of the Act, the Small Business Commissioner is declared to be an exempt agency in respect of information other than—

- (a) financial and administrative information relating to the operations of the Small Business Commissioner; and
- (b) statistical information that does not identify any particular person or business.

10—Exempt agency in respect of certain information—Department of Treasury and Finance

For the purposes of the definition of **exempt agency** in section 4(1) of the Act, the Department of Treasury and Finance is declared to be an exempt agency in respect of information formerly held by the RESI Corporation (formerly in existence under the *Electricity Corporations Act 1994*).

11—Exempt agency in respect of certain information—CTP Regulator

For the purposes of the definition of **exempt agency** in section 4(1) of the Act, the CTP Regulator established under the *Compulsory Third Party Insurance Regulation Act 2016* is declared to be an exempt agency in respect of the following classes of information:

- (a) information relating to a claim or action under Part 4 of the *Motor Vehicles Act 1959*;
- (b) information gained under Part 3 of the *Compulsory Third Party Insurance Regulation Act 2016* that is confidential information within the meaning of section 17(1) of that Act.

12—Exempt agencies in respect of certain information—Parliamentary Budget Advisory Service

(1) For the purposes of the definition of **exempt agency** in section 4(1) of the Act, any agency that—

- (a) holds information formerly held by the Parliamentary Budget Advisory Service; or
- (b) provided information to, or received information from, the Parliamentary Budget Advisory Service in connection with the advisory services provided by the Parliamentary Budget Advisory Service,

is declared to be an exempt agency in respect of that information.

(2) In this regulation—

Parliamentary Budget Advisory Service means the Parliamentary Budget Advisory Service formerly in existence as an attached office under the *Public Sector Act 2009*.

13—Exempt agency in respect of certain functions—Public Advocate

For the purposes of the definition of *exempt agency* in section 4(1) of the Act, the Public Advocate established under the *Guardianship and Administration Act 1993* is declared to be an exempt agency in respect of—

- (a) functions exercised as a guardian; and
- (b) investigations of the affairs of persons under section 28 of the *Guardianship and Administration Act 1993*; and
- (c) functions under the *Advance Care Directives Act 2013* relating to dispute resolution; and
- (d) functions under the *Consent to Medical Treatment and Palliative Care Act 1995* relating to dispute resolution.

Schedule 1—Repeal of *Freedom of Information (Exempt Agency) Regulations 2008*

The *Freedom of Information (Exempt Agency) Regulations 2008* are repealed.

Editorial note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 3 August 2023

No 80 of 2023

South Australia

Serious and Organised Crime (Control) Regulations 2023

under the *Serious and Organised Crime (Control) Act 2008*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Corresponding control orders and declarations
- 5 Serious criminal offences—prescribed offences
- 6 Prescribed office
- 7 Prescribed activity
- 8 Prescribed criminal convictions
- 9 Prescribed forms of association
- 10 Registration of corresponding declaration—prescribed manner
- 11 Registration of corresponding control order—prescribed manner

Schedule 1—Repeal of *Serious and Organised Crime (Control) Regulations 2008*

1—Short title

These regulations may be cited as the *Serious and Organised Crime (Control) Regulations 2023*.

2—Commencement

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

3—Interpretation

In these regulations—

Act means the *Serious and Organised Crime (Control) Act 2008*;

Uniform Poisons Standard has the same meaning as in the *Controlled Substances (Poisons) Regulations 2011*.

4—Corresponding control orders and declarations

- (1) For the purposes of the definition of *corresponding control order* in section 3 of the Act, the following provisions are prescribed:
 - (a) section 161T of the *Penalties and Sentences Act 1992* of Queensland;
 - (b) section 19 of the *Crimes (Criminal Organisations Control) Act 2012* of New South Wales;
 - (c) sections 25(2)(a) and 26(4)(a) of the *Serious Crime Control Act 2009* of the Northern Territory.
- (2) For the purposes of the definition of *corresponding declaration* in section 3 of the Act, the following provisions are prescribed:
 - (a) section 9 of the *Crimes (Criminal Organisations Control) Act 2012* of New South Wales;
 - (b) section 15 of the *Serious Crime Control Act 2009* of the Northern Territory.

5—Serious criminal offences—prescribed offences

For the purposes of paragraph (b) of the definition of *serious criminal offences* in section 3 of the Act, the following summary offences are prescribed:

- (a) offences under section 18 of the *Controlled Substances Act 1984* involving—
 - (i) anabolic or androgenic steroidal agents (including when separately specified in Schedule 4 of the Uniform Poisons Standard); or
 - (ii) steroid hormones (as set out in Schedule 4 of the Uniform Poisons Standard);
- (b) offences under section 25 or 33K(1)(b) of the *Controlled Substances Act 1984*;
- (c) offences under section 20(3) of the *Criminal Law Consolidation Act 1935* (being basic offences within the meaning of the Act);
- (d) offences under section 12, 23 or 48 of the *Explosives Act 1936*;
- (e) offences under section 9 and 22 of the *Firearms Act 2015* (being summary offences under any of those sections);
- (f) offences under section 75, 76 or 90 of the *Gaming Offences Act 1936*;
- (g) offences under section 21B, 21C, 21D, 21E, 21F, 25A, 26, 28, 29, 51 or 61 of the *Summary Offences Act 1953*;
- (h) offences under regulation 4.02, 4.08, 4.10, 4.17, 4.25, 9.02 or 15.10 of the *Explosives Regulations 2011*;
- (i) offences under regulation 5 of the *Explosives (Fireworks) Regulations 2016*;
- (j) offences under a previous enactment corresponding to an offence referred to in a preceding paragraph;
- (k) offences consisting of a conspiracy to commit an offence referred to in a preceding paragraph;
- (l) offences consisting of an attempt to commit an offence referred to in paragraphs (b) to (j) (inclusive).

6—Prescribed office

For the purposes of paragraph (a) of the definition of *registrar* in section 37 of the Act, the office of registrar of the Supreme Court is prescribed.

7—Prescribed activity

For the purposes of the definition of *prescribed activity* in section 22(9) of the Act, any occupation or activity engaged in pursuant to an authorisation (within the meaning of section 22 of the Act) issued under any of the following Acts is prescribed:

- (a) *Firearms Act 2015*;
- (b) *Gaming Machines Act 1992*;
- (c) *Hydroponics Industry Control Act 2009*;
- (d) *Liquor Licensing Act 1997*;
- (e) *Security and Investigation Industry Act 1995*.

8—Prescribed criminal convictions

- (1) For the purposes of section 35(3)(a) of the Act, criminal convictions of the following kinds are prescribed:
 - (a) conviction of a major indictable offence or an offence against the law of another jurisdiction consisting of conduct that would, if engaged in this State, be a major indictable offence;
 - (b) conviction of an offence under the Act or a corresponding Act;
 - (c) conviction of an offence consisting of a conspiracy to commit an offence referred to in a preceding paragraph;
 - (d) conviction of an offence consisting of an attempt to commit an offence referred to in paragraph (a) or (b).
- (2) In this regulation—

corresponding Act means—

 - (a) the *Crimes (Criminal Organisations Control) Act 2012* of New South Wales; and
 - (b) the *Serious Crime Control Act 2009* of the Northern Territory.

9—Prescribed forms of association

- (1) For the purposes of section 35(6)(c) of the Act, courses of training or education of the following kinds are prescribed:
 - (a) courses of training or education provided in accordance with the *Education and Children's Services Act 2019*;
 - (b) courses of training or education comprising higher education or vocational education and training provided in accordance with the *South Australian Skills Act 2008*;
 - (c) courses of training or higher education provided by an institution (within the meaning of the *Higher Education Funding Act 1988* of the Commonwealth);
 - (d) courses of training or education required to be undertaken as a condition of parole under the *Correctional Services Act 1982*;
 - (e) courses of training or education provided in accordance with the *Family and Community Services Act 1972* or the *Youth Justice Administration Act 2016*;
 - (f) courses of training or education provided in accordance with the *Children and Young People (Safety) Act 2017*;
 - (g) courses of training or education in relation to which a youth is granted a leave of absence under section 34 of the *Youth Justice Administration Act 2016*.
- (2) For the purposes of section 35(6)(d) of the Act, rehabilitation, counselling or therapy sessions of the following kinds are prescribed:
 - (a) rehabilitation, counselling or therapy sessions conducted by or provided by a charitable organisation;
 - (b) rehabilitation, counselling or therapy sessions conducted or provided in the course of the provision of a health service (within the meaning of the *Health Care Act 2008*);

- (c) rehabilitation, counselling or therapy sessions conducted or provided in accordance with the *Children and Young People (Safety) Act 2017*;
 - (d) rehabilitation, counselling or therapy sessions conducted or provided in accordance with the *Family and Community Services Act 1972* or the *Youth Justice Administration Act 2016*;
 - (e) rehabilitation, counselling or therapy sessions in relation to which a youth is granted a leave of absence under section 34 of the *Youth Justice Administration Act 2016*.
- (3) For the purposes of section 35(6)(f) of the Act, associations of the following kinds are prescribed:
- (a) associations between persons residing (whether permanently or temporarily)—
 - (i) in a supported residential facility (within the meaning of the *Supported Residential Facilities Act 1992*); or
 - (ii) in an approved treatment centre (within the meaning of the *Mental Health Act 2009*); or
 - (iii) in a facility providing emergency housing operated by State, Commonwealth or local government, or by a charitable organisation;
 - (b) associations occurring for the genuine purpose of political communication;
 - (c) associations occurring in the course of legal proceedings;
 - (d) associations occurring in the course of the provision of a health service (within the meaning of the *Health Care Act 2008*) (other than in relation to a rehabilitation, counselling or therapy session referred to in subregulation (2)(b));
 - (e) associations occurring in the course of complying with a lawful direction of a person exercising a power, or carrying out official duties, under an Act (whether of this State or another jurisdiction).
- (4) In this regulation—

charitable organisation means an organisation, society, institution or body carried on for a religious, educational, benevolent or charitable purpose, provided that it is not also carried on for the purpose of securing pecuniary benefit for its members.

10—Registration of corresponding declaration—prescribed manner

In accordance with section 39(2)(a) of the Act, an application for registration of a corresponding declaration must be made by providing the registrar with a written request for registration setting out—

- (a) the name of the respondent; and
- (b) a statement indicating that none of the matters set out in paragraphs (a) to (f) of section 39(4) apply in relation to the application; and
- (c) either—
 - (i) the date on which the corresponding declaration will cease to be in force in the jurisdiction in which it was made (if not revoked sooner); or
 - (ii) a statement indicating that under the law of the jurisdiction in which it was made, the corresponding declaration will remain in force for an indefinite period.

11—Registration of corresponding control order—prescribed manner

In accordance with section 39I(2)(a) of the Act, an application for registration of a corresponding control order must be made by providing the registrar with a written request for registration setting out—

- (a) the name of the respondent; and
- (b) a statement indicating that none of the matters set out in paragraphs (a) to (c) of section 39I(4) apply in relation to the application; and
- (c) either—
 - (i) the date on which the corresponding control order will cease to be in force in the jurisdiction in which it was made (if not revoked sooner); or
 - (ii) a statement indicating that under the law of the jurisdiction in which it was made, the corresponding control order will remain in force for an indefinite period.

Schedule 1—Repeal of *Serious and Organised Crime (Control) Regulations 2008*

The *Serious and Organised Crime (Control) Regulations 2008* are repealed.

Editorial note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 3 August 2023

No 81 of 2023

South Australia

Young Offenders Regulations 2023

under the *Young Offenders Act 1993*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Interpretation

Part 2—Practice and procedure of Training Centre Review Board

- 4 Training Centre Review Board meeting procedures
- 5 Obtaining information from Youth Court
- 6 Reviews etc and proceedings of Training Centre Review Board
- 7 Conditional release from detention

Part 3—Miscellaneous

- 8 Definition of terrorist offence
- 9 Detention of youths outside specified area
- 10 Written statement of youth's rights in respect of legal representation
- 11 Dealing with surrendered items

Schedule 1—Repeal of *Young Offenders Regulations 2008*

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Young Offenders Regulations 2023*.

2—Commencement

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

3—Interpretation

- (1) In these regulations—
Act means the *Young Offenders Act 1993*.
- (2) In these regulations, a reference to the *Training Centre Review Board*, or the *Board*, if made in relation to a youth who is a recidivist young offender, will be taken to be a reference to the Training Centre Review Board sitting as the Youth Parole Board and constituted in accordance with section 39(2)(b) of the Act.

Part 2—Practice and procedure of Training Centre Review Board

4—Training Centre Review Board meeting procedures

- (1) The Training Centre Review Board—
 - (a) must meet at each training centre at least once in each calendar month; and

- (b) may meet at such other times as the Chief Executive requests or as the Board considers appropriate.
- (2) A decision carried by the votes of a majority of the members of the Board present and voting at a meeting is a decision of the Board.
- (3) Each member present at a meeting of the Board has 1 vote on a question arising for decision and, if the votes are equal, the member presiding at the meeting may exercise a casting vote.
- (4) A telephone or video conference between members will, for the purposes of this regulation, be taken to be a meeting of the Board at which the participating members are present.
- (5) A proposed resolution of the Board becomes a valid decision of the Board despite the fact that it is not voted on at a meeting of the Board if—
 - (a) notice of the proposed resolution is given to all members of the Board in accordance with procedures determined by the Board; and
 - (b) a majority of the members express their concurrence in the proposed resolution by letter, fax or other written communication setting out the terms of the resolution.
- (6) The manager of the training centre at which a meeting of the Board is held, or a nominee of the manager, is entitled to attend the meeting.
- (7) However, the Board may exclude the manager of the training centre or nominee from a meeting while it deliberates any matter before it for decision.
- (8) The Board may inform itself on any matter before it in such manner as it thinks fit.

5—Obtaining information from Youth Court

The Registrar of the Youth Court must, at the request of the Training Centre Review Board, provide the Board with a copy of any records, depositions, notes of evidence, exhibits or other things that relate to a matter heard in the Court which the Board considers relevant to a matter under consideration by the Board.

6—Reviews etc and proceedings of Training Centre Review Board

- (1) If the Training Centre Review Board is to meet at a training centre—
 - (a) to conduct a review of the progress and circumstances of a youth while in the training centre; or
 - (b) to hear and determine any other matter relating to the youth,the manager of the training centre must, not later than 7 days (or such lesser period as is approved by the Board) before the meeting, provide the Board and the youth with a copy of a report in respect of the youth.
- (2) The Board must give consideration to a report under this regulation and any explanation of the report given by the manager of a training centre at a meeting of the Board.
- (3) The following persons (and only the following persons) may attend a meeting of the Board during a review by the Board of the progress and circumstances of a youth while in a training centre:
 - (a) the manager of the training centre;
 - (b) the youth to whom the review relates;
 - (c) a guardian of the youth;
 - (d) the legal representative of the youth;

- (e) if, in relation to an offence for which the youth was sentenced to detention or imprisonment, there is a registered victim and they have made prior arrangement with the Board to attend the meeting—the registered victim;
- (f) any other person who has the permission of the Board to so attend.

7—Conditional release from detention

- (1) The Training Centre Review Board must give consideration to the recommendations of the manager of a training centre as to—
 - (a) authorising the Chief Executive to grant a youth a period of unsupervised leave from the training centre under section 40A of the Act; or
 - (b) releasing a youth from detention in the training centre under Part 5 Division 3 Subdivision 3 of the Act.
- (2) If the Board makes an order under Part 5 Division 3 Subdivision 3 of the Act, the order must be signed on behalf of the Board by 2 members (1 of whom must be a Judge) and must be endorsed by the youth and—
 - (a) 1 copy retained by the manager of the training centre; and
 - (b) 1 copy given to the youth on their release; and
 - (c) 1 copy provided to the Commissioner of Police; and
 - (d) 1 copy retained by the Board.
- (3) The Board must give a youth who is conditionally released from a training centre under Part 5 Division 3 Subdivision 3 of the Act written notice of the youth's right to apply under section 42 of the Act for absolute discharge from the detention order.

Part 3—Miscellaneous

8—Definition of terrorist offence

- (1) For the purposes of paragraph (e) of the definition of *terrorist offence* in section 4(1) of the Act, the following kinds of offences against the laws of South Australia are prescribed:
 - (a) an offence against section 83CA of the *Criminal Law Consolidation Act 1935*;
 - (b) any offence against Part 3D of the *Criminal Law Consolidation Act 1935*;
 - (c) an offence against section 37 of the *Summary Offences Act 1953*.
- (2) For the purposes of paragraph (e) of the definition of *terrorist offence* in section 4(1) of the Act, the following kinds of offences against the laws of other States and Territories of the Commonwealth are prescribed:
 - (a) an offence against section 310J of the *Crimes Act 1900* of New South Wales;
 - (b) the following offences against Schedule 1 of the *Criminal Code Act 1983* of the Northern Territory:
 - (i) an offence against section 51 where the unlawful organisation to which the offence relates is a terrorist organisation;
 - (ii) an offence against section 53 where the unlawful organisation to which the offence relates is a terrorist organisation;
 - (iii) an offence against section 54;
 - (iv) an offence against section 55;

- (c) an offence against section 4B of the *Terrorism (Community Protection) Act 2003* of Victoria.

- (3) In this regulation—

terrorist organisation means an organisation referred to in paragraph (b) of the definition of ***terrorist organisation*** in Division 102 of the Commonwealth Criminal Code.

9—Detention of youths outside specified area

For the purposes of sections 15(2) and 59A(4) of the Act, the area within a 40 kilometre radius of the General Post Office at Adelaide is the specified area outside of which a youth may be detained in a police prison or approved police station, watch-house or lock-up in accordance with those sections.

10—Written statement of youth's rights in respect of legal representation

For the purposes of section 30(2)(b) of the Act, the written statement to be provided to the youth must contain the following information:

- (a) a statement (in bold type) to the effect that, before a person goes to the Youth Court, the person is entitled to obtain legal advice and be represented by a lawyer in court;
- (b) information about how to obtain the services of a lawyer;
- (c) information about how to contact the Legal Services Commission;
- (d) information about how to contact the Aboriginal Legal Rights Movement.

11—Dealing with surrendered items

- (1) For the purposes of section 42A(4) of the Act, the Commissioner of Police must deal with a surrendered item in accordance with this regulation.
- (2) A surrendered item that is a prohibited weapon (within the meaning of the *Summary Offences Act 1953*), or that is an item that cannot otherwise be lawfully possessed in this State, is, by force of this subregulation, forfeited to the Crown.
- (3) The Commissioner of Police must retain a surrendered item (other than a surrendered item forfeited under subregulation (2)) in a location determined by the Commissioner of Police until—
 - (a) the surrendered item is forfeited to the Crown under this or any other Act; or
 - (b) the surrendered item is returned in accordance with this regulation to the youth who surrendered it; or
 - (c) the surrendered item is seized or surrendered under the provisions of another Act, whichever occurs first.
- (4) If the condition imposed under section 41A(2)(c)(iia) or 41A(3)(c)(iia) on the conditional release from detention of the youth who surrendered the surrendered item is revoked, or the youth is discharged from detention absolutely, the youth may notify the Commissioner of Police of that fact.
- (5) Subject to this regulation, if the Commissioner of Police—
 - (a) is notified pursuant to subregulation (4); or

- (b) otherwise becomes aware that the conditional release from detention of the youth is no longer subject to the condition imposed under section 41A(2)(c)(iia) or 41A(3)(c)(iia) (as the case requires), or the youth is discharged from detention absolutely,

the Commissioner of Police must cause the surrendered item to be returned to the youth who surrendered the item.

- (6) If the Commissioner of Police is required to return a surrendered item under subregulation (5), the Commissioner of Police must give notice in writing to the youth who surrendered the item setting out—
 - (a) that the surrendered items specified in the notice are to be returned to the youth; and
 - (b) the location at which the surrendered items may be collected; and
 - (c) that the surrendered items must be collected from the specified location within 3 months of the date specified in the notice (or such longer time as may be specified by the Commissioner of Police); and
 - (d) that the surrendered items will only be returned if the youth holds any necessary authorisation under the *Firearms Act 2015* or any other Act to possess the surrendered item; and
 - (e) the effect of subregulations (7) and (8).
- (7) However, the Commissioner of Police may refuse to return a surrendered item to a youth if—
 - (a) the youth is on conditional release that is subject to a condition prohibiting the youth from possessing a firearm, ammunition or part of a firearm; or
 - (b) the youth does not hold any necessary authorisation under the *Firearms Act 2015* or any other Act to possess the surrendered item, or is otherwise prohibited from possessing the surrendered item,

and, if the Commissioner of Police does so refuse, they must give notice in writing to the youth who surrendered the surrendered item setting out—

- (c) the reasons for the refusal; and
 - (d) in the case of a refusal contemplated by subregulation (7)(a)—the effect of subregulation (9).
- (8) If—
 - (a) a surrendered item is not collected within the period specified in subregulation (6)(c); or
 - (b) the youth does not, at the end of the period specified in subregulation (6)(c), hold the necessary authorisation under the *Firearms Act 2015* or any other Act to possess the surrendered item, or is otherwise prohibited from possessing the surrendered item,

the surrendered item is, by force of this regulation, forfeited to the Crown.

- (9) If the Commissioner of Police refuses to return a surrendered item to a youth pursuant to subregulation (7)(a)—
 - (a) the surrendered item will be taken to have been surrendered pursuant to a direction under the provision of the Act under which the conditional release was granted (corresponding to section 42A(1) of the Act); and

- (b) the surrendered item must be dealt with in accordance with that Act.
- (10) The Commissioner of Police may recover from the youth who surrendered the surrendered item the reasonable costs incurred in connection with the storage of the surrendered item.
- (11) This regulation is in addition to, and does not derogate from, the operation of any other Act or law.
- (12) No compensation is payable by the Crown in respect of the forfeiture of a surrendered item under this regulation.
- (13) A notice required to be given to a youth under this regulation may—
 - (a) be given to the youth personally; or
 - (b) be posted in an envelope addressed to the youth—
 - (i) at the youth's last known address; or
 - (ii) at the youth's address for service; or
 - (c) be left for the youth at the youth's last known address or address for service with someone apparently over the age of 16 years.

- (14) In this regulation—

conditional release means conditional release from detention under the Act or any of the following under another Act of the State where a condition is imposed requiring surrender of a firearm, ammunition or any part of a firearm:

- (a) a grant of bail;
- (b) a bond;
- (c) home detention;
- (d) parole;
- (e) release on licence;
- (f) a community based custodial sentence (within the meaning of the *Sentencing Act 2017*);

surrendered item means a firearm, ammunition or any part of a firearm surrendered pursuant to a direction under section 42A(1) of the Act.

Schedule 1—Repeal of *Young Offenders Regulations 2008*

The *Young Offenders Regulations 2008* are repealed.

Editorial note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 3 August 2023

No 82 of 2023

South Australia

Work Health and Safety (Engineered Stone) Amendment Regulations 2023

under the *Work Health and Safety Act 2012*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

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

- 3 Amendment of regulation 5—Definitions
 - 4 Amendment of regulation 144—Meaning of *electrical equipment*
 - 5 Amendment of regulation 163—Duty of person conducting business or undertaking
 - 6 Insertion of Chapter 4 Part 9
 - Part 9—Processing engineered stone containing crystalline silica
 - 184A Duty to prevent uncontrolled processing of engineered stone
 - 7 Amendment of regulation 221—Plant used in connection with tree lopping
 - 8 Amendment of Schedule 13—Placard requirements
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Work Health and Safety (Engineered Stone) Amendment Regulations 2023*.

2—Commencement

These regulations come into operation on 1 September 2023.

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

3—Amendment of regulation 5—Definitions

Regulation 5, definition of *boiler*, (e)(iii)—delete "AS 2593:2004" and substitute:
AS 2593:2021

4—Amendment of regulation 144—Meaning of *electrical equipment*

Regulation 144(1), definition of *electrical equipment*, (d)—delete "AS 2832.1-2004" and substitute:
AS 2832.1:2015

5—Amendment of regulation 163—Duty of person conducting business or undertaking

Regulation 163—delete "AS/NZS 3012:2010" wherever occurring and substitute in each case:

AS/NZS 3012:2019

6—Insertion of Chapter 4 Part 9

Chapter 4—after Part 8 insert:

Part 9—Processing engineered stone containing crystalline silica

184A—Duty to prevent uncontrolled processing of engineered stone

- (1) A person conducting a business or undertaking must not process, or direct or allow a worker to process, engineered stone unless the processing of the stone is controlled.

Maximum penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.
- (2) In subregulation (1), processing of engineered stone is *controlled* if—
- (a) at least 1 of the following systems is used while the engineered stone is processed:
- (i) a water delivery system that supplies a continuous feed of water over the stone being processed to suppress the generation of dust;
- (ii) an on-tool extraction system;
- (iii) a local exhaust ventilation system; and
- (b) each worker who is processing engineered stone is provided with respiratory protective equipment.
- (3) In this regulation—

engineered stone means an artificial product that—

- (a) contains crystalline silica; and
- (b) is created by combining natural stone materials with other chemical constituents such as water, resins or pigments; and
- (c) undergoes a process to become hardened,

but does not include the following:

- (d) concrete and cement products;
- (e) bricks, pavers and other similar blocks;
- (f) ceramic and porcelain wall and floor tiles;
- (g) roof tiles;
- (h) grout, mortar and render;

- (i) plasterboard;

processing, in relation to engineered stone, means using power tools or other mechanical plant to cut, grind, trim, sand, abrasive polish or drill the engineered stone;

respiratory protective equipment means personal protective equipment that—

- (a) is designed to prevent a person wearing the equipment from inhaling airborne contaminants; and
- (b) complies with AS/NZS 1716:2012 (*Respiratory protective devices*).

Note—

Regulations 44 and 46 apply to the use of personal protective equipment, including the respiratory protective equipment provided under subregulation (2)(b).

7—Amendment of regulation 221—Plant used in connection with tree lopping

Regulation 221(2), definition of **harness**—delete "AS/NZS 1891.1:2007 (*Industrial fall-arrest systems—Harnesses and ancillary equipment*)" and substitute:

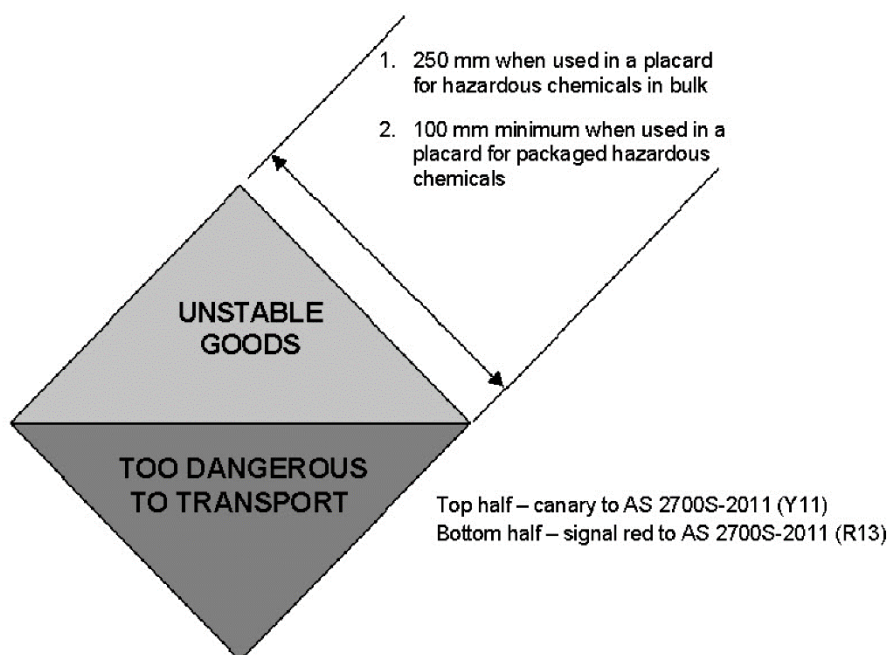
AS/NZS 1891.1:2020 (*Personal equipment for work at height—Manufacturing requirements for full body combination and lower body harnesses*)

8—Amendment of Schedule 13—Placard requirements

- (1) Schedule 13, clause 3(3), definition of **red**—delete "AS 2700S–1996" and substitute:

AS 2700S–2011

- (2) Schedule 13, clause 5(3)(d), Figure 13.3—delete Figure 13.3 and substitute:



Editorial note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 3 August 2023

No 83 of 2023

STATE GOVERNMENT INSTRUMENTS

ASSOCIATIONS INCORPORATION ACT 1985

SECTION 43A

Deregistration of Associations

NOTICE is hereby given that the Corporate Affairs Commission approves the applications for deregistration received from the associations named below pursuant to section 43A of the *Associations Incorporation Act 1985* (SA). Deregistration takes effect on the date of publication of this notice.

FAITH AND LIFE SERVICES INCORPORATED (A36316)
 KIWANIS CLUB OF MITCHAM INCORPORATED (A6379)
 ASSOCIATION OF BLIND INDOOR BOWLERS SOUTH AUSTRALIA INCORPORATED (A24414)
 CLEARVIEW BOWLING CLUB INCORPORATED (A2665)
 CAMBELLTOWN SCHOOL MINISTRY COUNCIL INCORPORATED (A23069)
 WHYALLA AGED CARE INCORPORATED (A3407)
 COCKTAILS MUSICAL VARIETY INCORPORATED (A37627)
 BEACHSIDE VILLAGE ESTATE RESIDENTS' ASSOCIATION INCORPORATED (A39292)
 MARASSA ASSOCIATION INCORPORATED (A23958)
 QUEEN ELIZABETH PARK TRUST INCORPORATED (A2718)
 SOUTH COAST ENVIRONMENT CENTRE INCORPORATED (A41668)
 THE LADIES PROBUS CLUB OF FULLARTON INCORPORATED (A19496)
 PROBUS CLUB OF POORAKA INCORPORATED (A20595)
 COPPER COAST DANCESPORT COMMITTEE INCORPORATED (A24441)
 DEVELOPING ALTERNATIVE SOLUTIONS TO HOUSING (DASH) INCORPORATED (A36296)
 CITTASLOW AUSTRALASIA INCORPORATED (A41083)

Given under the seal of the Commission at Adelaide this 1st day of **AUGUST 2023**.

LISA BERRY
 Team Leader, Lotteries & Associations
 A delegate of the Corporate Affairs Commission

FISHERIES MANAGEMENT (GENERAL) REGULATIONS 2017

REGULATION 3

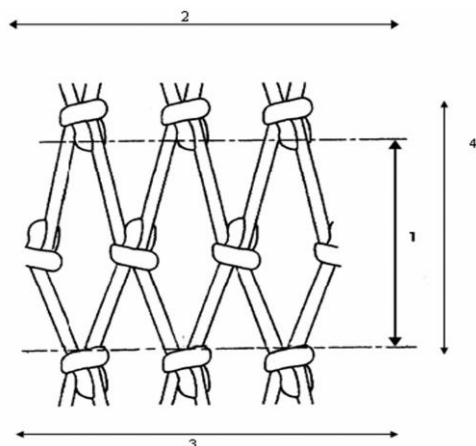
Approval of The Omega Mesh Gauge as a Measuring Instrument

As the delegate of the Minister for Primary Industries and Regional Development, I Professor Gavin Begg, Executive Director of Fisheries and Aquaculture, approve the OMEGA Mesh Gauge as a measuring instrument that may be used to determine the mesh size of a net for the purposes of Regulation 3 (3) of the *Fisheries Management (General) Regulations 2017* in so far as it is used in accordance with the manufacturer's operating instructions and the procedure below, unless this notice is otherwise revoked.

The mesh size of a net is to determined using the Omega Mesh Gauge as follows:

- (a) 10 meshes of the net are to be measured by the method referred to in paragraph (b) and the sum is to be divided by 10, for each type of **net construction** making up the net;
- (b) the distance between 1 corner of the mesh of the net and the corner of the same mesh diagonally opposite to that corner (with the corners extended so that as near as is practicable there is no space between adjacent threads of mesh) is to be measured as follows:
 - (i) the parts of the net containing the mesh to be measured must be soaked in water for a least 5 minutes; and
 - (ii) immediately after soaking, a force of 20 Newtons (or equal to 20 Newtons) must be applied to the mesh to be measured; and
 - (iii) for knotted netting, a measurement is taken from the longest distance between two opposite knots in the same mesh when fully extended, as shown in **Diagram 1**; and
 - (iv) for knotless netting, the inside distance between the opposite joints in the same mesh when fully extended along its longest possible axis.

Diagram 1: Mesh size and N-direction and T-direction of netting twine



1. Size of mesh
2. T-direction
3. General course of the netting
4. N-direction

net construction means the material used to make the net twine e.g. Polypropylene, nylon, monofilament, etc.

Dated: 28 July 2023

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

FISHERIES MANAGEMENT ACT 2007

SECTION 79

Temporary prohibition of certain fishing activities in the Lakes and Coorong

Pursuant to section 79 of the *Fisheries Management Act 2007*, I Professor Gavin Begg, Executive Director Fisheries and Aquaculture, delegate of the Minister for Primary Industries and Regional Development, hereby declare that it shall be unlawful for any person -

- to engage in the act of taking Black Bream (*Acanthopagrus butcheri*); or
- to have possession or control of Black Bream (*Acanthopagrus butcheri*),

in the waters of the Lakes and Coorong, as defined in the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2009*, during the period commencing 0001 hours on 4 August 2023 and ending 2359 hours on 31 January 2024.

Dated: 1 August 2023

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

HEALTH CARE ACT 2008

SECTION 15

Notice by the Minister

TAKE notice that I, Christopher Picton, Minister for Health and Wellbeing, do hereby:

1. Pursuant to section 15(1) of the *Health Care Act 2008*, establish the body listed in Column A of the Schedule as a Health Advisory Council ("HAC").
2. Pursuant to section 15(3)(a) of the *Health Care Act 2008*, designate the corresponding entities listed in Column B of the Schedule to be the entities in relation to which the HAC listed in Column A is established.
3. Pursuant to section 15(3)(c) of the *Health Care Act 2008*, assign the name appearing in the schedule to be the name of the HAC, and declare that the HAC listed is an incorporated body.
4. Pursuant to section 15(3)(b) and 15(3)(d) of the *Health Care Act 2008*, provide that the incorporated HAC will have the powers and functions set out in the constitution determined by me for the HAC in accordance with section 17 of the *Health Care Act 2008*.

SCHEDULE

Column A HAC	Column B Entities in relation to which HAC is established
Keith and District Health Advisory Council Inc.	<ul style="list-style-type: none"> • The Minister for Health and Wellbeing • Limestone Coast Local Health Network Inc .

Dated: 1 August 2023

CHRIS PICTON
Minister for Health and Wellbeing

HOUSING IMPROVEMENT ACT 2016

Rent Control Revocations

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

Address of Premises	Allotment Section	<u>Certificate of Title</u> Volume/Folio
26 Sedgemoor Road, Elizabeth North, SA 5113	Lot 9171 Primary Community Plan 26603 Hundred of Munno Para	CT6073/134

Dated: 3 August 2023

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, Fraser Stroud, 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 August 2023 and expiring on 7 August 2033:

Matthew Daniel WOODS
Richard VUONG
Russell William VINE
Olga TASOVAC
Tony John STACEY
Justin David SARA
Natalie ROLLINSON
Peter Mobsby READ
Maria PAPA
Michael Robert Sidney NEWMAN
Robert Francis MOULTON
Neil Alexander MORRISON
Kym Robert MASLEN
Peter Maurice MASE
Spiros KARANIKOS-MIMIS
Alvin Phillip JUPP
David Alan JOHNSTON
Robert Arthur HUTCHINS
Martina HARPAS
Pamela Keryn GRIFFITHS
Carole-Anne FOOKS
Yvonne Joy CALLISS
Diane Joan BURNES
Sally Anne BENNETT

Dated: 1 August 2023

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

LAND ACQUISITION ACT 1969

SECTION 16

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

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

Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 21 in Deposited Plan 27003 comprised in Certificate of Title Volume 5397 Folio 64, and being the whole of the land identified as Allotment 2440 in D 132381 lodged in the Lands Titles Office.

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

2. Compensation

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

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

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

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

3. Inquiries

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

Dated: 1 August 2023

The Common Seal of the COMMISSIONER OF HIGHWAYS was hereto affixed by authority of the Commissioner in the presence of:

ROCCO CARUSO
Manager, Property Acquisition (Authorised Officer)
Department for Infrastructure and Transport

LAND ACQUISITION ACT 1969

SECTION 16

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

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

Comprising an unencumbered estate in fee simple in that piece of land being the whole of Allotment 88 in Filed Plan 12864 comprised in Certificate of Title Volume 5516 Folio 435.

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

2. Compensation

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

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

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

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

3. Inquiries

Inquiries should be directed to: Rob Gardner
GPO Box 1533
Adelaide SA 5001
Telephone: (08) 7133 2415

Dated: 1 August 2023

The Common Seal of the COMMISSIONER OF HIGHWAYS was hereto affixed by authority of the Commissioner in the presence of:

ROCCO CARUSO
Manager, Property Acquisition (Authorised Officer)
Department for Infrastructure and Transport

DIT 2022/08297/01

LAND ACQUISITION ACT 1969

SECTION 16

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

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

Comprising an unencumbered estate in fee simple in that piece of land being the whole of Unit 3 in Strata Plan 7019 comprised in Certificate of Title Volume 5006 Folio 319.

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

2. Compensation

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

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

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

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

3. Inquiries

Inquiries should be directed to: Rob Gardner
GPO Box 1533
Adelaide SA 5001
Telephone: (08) 7133 2415

Dated: 1 August 2023

The Common Seal of the COMMISSIONER OF HIGHWAYS was hereto affixed by authority of the Commissioner in the presence of:

ROCCO CARUSO
Manager, Property Acquisition (Authorised Officer)
Department for Infrastructure and Transport

DIT 2022/10664/01

LAND ACQUISITION ACT 1969

SECTION 16

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

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

Comprising an unencumbered estate in fee simple in that piece of land being the whole of Allotment 39 in Deposited Plan 3654 comprised in Certificate of Title Volume 5182 Folio 575.

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

2. Compensation

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

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

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

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

3. Inquiries

Inquiries should be directed to: Rob Gardner
GPO Box 1533
Adelaide SA 5001
Telephone: (08) 7133 2415

Dated: 1 August 2023

The Common Seal of the COMMISSIONER OF HIGHWAYS was hereto affixed by authority of the Commissioner in the presence of:

ROCCO CARUSO
Manager, Property Acquisition (Authorised Officer)
Department for Infrastructure and Transport

DIT 2022/08298/01

LAND ACQUISITION ACT 1969

SECTION 16

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

The Minister for Health and Wellbeing (the Authority), of 11 Hindmarsh Square, Adelaide SA 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 51 in Filed Plan 154752 comprised in Certificate of Title Volume 5298 Folio 57 and being the whole of the land identified as Allotment 100 in D132426 lodged in the Lands Titles Office.

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

2. Compensation

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

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

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

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

3. Inquiries

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

Dated: 1 August 2023

The Common Seal of the MINISTER FOR HEALTH AND WELLBEING was hereto affixed by authority of the Minister in the presence of:

STEPHANIE BATES
Witness

DIT 2023/02018/01

LAND ACQUISITION ACT 1969

SECTION 16

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

The Minister for Infrastructure and Transport (the Authority), of 83 Pirie Street, Adelaide SA 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land being the whole of Unit 1 in Strata Plan 2844 comprised in Certificate of Title Volume 5860 Folio 428.

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

2. Compensation

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

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

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

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

3. Inquiries

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

Dated: 1 August 2023

SIGNED for and on behalf of the **MINISTER FOR INFRASTRUCTURE AND TRANSPORT** by his duly constituted Attorney Pursuant to Power of Attorney No. 13405184, who has not received a notice of the revocation of that Power of Attorney in the presence of:

ROCCO CARUSO
Manager, Property Acquisition (Authorised Officer)
Department for Infrastructure and Transport

DIT 2022/09757/01

LAND ACQUISITION ACT 1969

SECTION 16

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

The Minister for Infrastructure and Transport (the Authority), of 83 Pirie Street, Adelaide SA 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land being the whole of Unit 2 in Strata Plan 2844 comprised in Certificate of Title Volume 5860 Folio 429.

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

2. Compensation

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

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

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

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

3. Inquiries

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

Dated: 1 August 2023

SIGNED for and on behalf of the **MINISTER FOR INFRASTRUCTURE AND TRANSPORT** by his duly constituted Attorney Pursuant to Power of Attorney No. 13405184, who has not received a notice of the revocation of that Power of Attorney in the presence of:

ROCCO CARUSO
Manager, Property Acquisition (Authorised Officer)
Department for Infrastructure and Transport

DIT 2022/09758/01

LAND ACQUISITION ACT 1969

SECTION 16

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

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

Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 512 in Deposited Plan 127333 comprised in Certificate of Title Volume 6258 Folio 192, and being the whole of the land identified as Allotment 2160 in D132033 lodged in the Lands Titles Office.

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

2. Compensation

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

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

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

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

3. Inquiries

Inquiries should be directed to: Philip Cheffirs
GPO Box 1533
Adelaide SA 5001
Telephone: (08) 7133 2395

Dated: 1 August 2023

The Common Seal of the COMMISSIONER OF HIGHWAYS was hereto affixed by authority of the Commissioner in the presence of:

ROCCO CARUSO
Manager, Property Acquisition (Authorised Officer)
Department for Infrastructure and Transport

DIT 2022/15467/01

LAND ACQUISITION ACT 1969

SECTION 16

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

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

Comprising an unencumbered estate in fee simple in the whole of the land identified as Allotment 5001 in plan no. D131152, lodged in the Lands Titles Office, being:

First: Portion of the land comprised in Certificate of Title Volume 6221 Folio 506 and being the whole of Allotment 40 in Deposited Plan 118047, portion of Allotment 107 in Deposited Plan 93584 and portion of Allotment 2 in Deposited Plan 93697; and

Secondly: Portion of the land comprised in Certificate of Title Volume 5436 Folio 231 being portion of Allotment 19 in Filed Plan 26399; and

Thirdly: Portion of the land comprised in Certificate of Title Volume 5092 Folio 344 being that portion of the free and unrestricted right(s) of way over the land marked A on Deposited Plan 93697 and B on the said Certificate of Title, appurtenant to Allotment 12 in Deposited Plan 14796, that is contained within, and forms portion of, Allotment 5001 in plan no. D131152 lodged in the Lands Titles Office, to the intent that that portion of the right(s) of way will merge and be extinguished in the fee simple in the said Allotment 5001.

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

2. Compensation

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

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

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

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

3. Inquiries

Inquiries should be directed to: Petruța Pettas
GPO Box 1533
Adelaide SA 5001
Telephone: (08) 7133 2457

Dated: 1 August 2023

The Common Seal of the COMMISSIONER OF HIGHWAYS was hereto affixed by authority of the Commissioner in the presence of:

ROCCO CARUSO
Manager, Property Acquisition (Authorised Officer)
Department for Infrastructure and Transport

DIT 2021/13077/01

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

SECTION 25(5)(B)

Variation of Petroleum Exploration Licence—PEL 641

Notice is hereby given that under the provisions of the *Petroleum and Geothermal Energy Act 2000*, pursuant to delegated powers dated 29 June 2018, the conditions of the abovementioned Petroleum Exploration Licence has been varied as follows.

Condition 1 of the licence is omitted and the following substituted:

“ During the term of the licence, the Licensee shall carry out or cause to be carried out, exploratory operations on the area comprised in the licence in accordance with such work programs as are approved by the Minister from time to time. Years one to four exploratory operations are guaranteed. These exploratory operations shall include but not necessarily be limited to:

Year of Term of Licence	Minimum Work Requirements
One	• 700 line km seismic reprocessing
Two	• Geological and geophysical studies
Three	• Geological and geophysical studies
Four	• Geological and geophysical studies
Five	• Geological and geophysical studies

”

The revised work program requirements as a result of this variation would not have altered the outcome of the original competitive tender process.

Date: 31 July 2023

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

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Surrender of
Petroleum Exploration Licence—PEL 94
Associated Activities Licence—AAL 200*

Notice is hereby given that I have accepted the surrender of the abovementioned licences under the provisions of the *Petroleum and Geothermal Energy Act 2000*, pursuant to delegated powers dated 29 June 2018.

No. of Licence	Licenseses	Locality	Effective Date of Surrender	Reference
PEL 94	Beach Energy Limited Strike Energy 94 Pty Ltd Impress (Cooper Basin) Pty Ltd	Cooper Basin	4 April 2023	F2015/000273
AAL 200	Beach Energy Limited Strike Energy 94 Pty Ltd Impress (Cooper Basin) Pty Ltd	Cooper Basin	4 April 2023	F2013/002514

Date: 31 July 2023

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

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Surrender of Petroleum Exploration Licence—PEL 641

Notice is hereby given that I have accepted the surrender of the abovementioned exploration licence under the provisions of the *Petroleum and Geothermal Energy Act 2000*, pursuant to delegated powers dated 29 June 2018.

No. of Licence	Licensee	Locality	Effective Date of Surrender	Reference
PEL 641	Bridgeport (Cooper Basin) Pty Ltd	Cooper Basin	31 July 2023	F2014/000974

Date: 31 July 2023

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 20 July 2023 (Version 2023.10) in order to make changes:

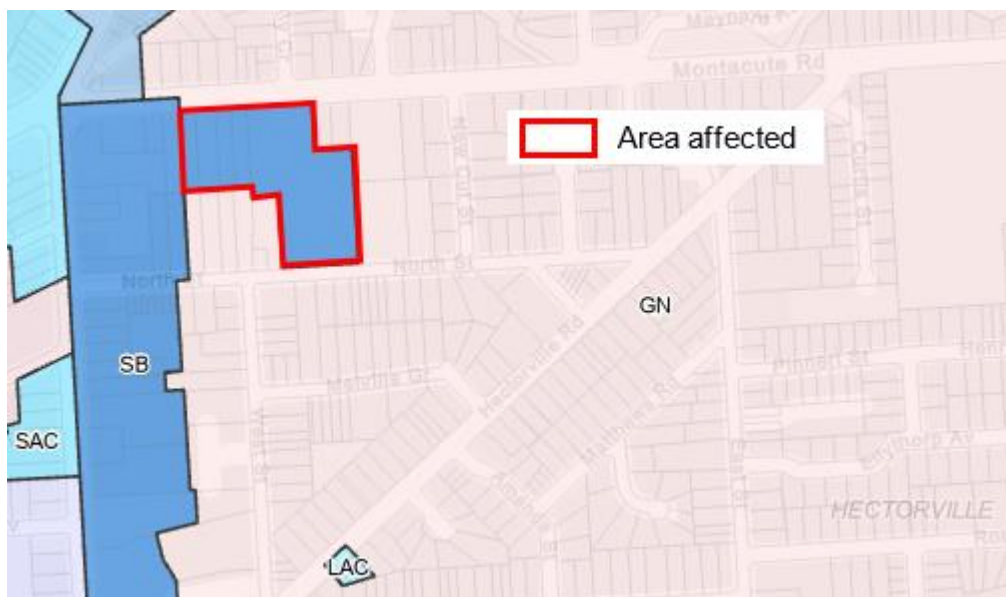
- of form relating to the Code's spatial layers and their relationship with land parcels. NOTE: There are no changes to the application of zone, subzone or overlay boundaries and their relationship with affected parcels or the intent of policy application as a result of this amendment.
- to correct an error with regards to the spatial application of the Suburban Business Zone in the area of Hectorville.
- to correct an error with regards to the spatial application of the Minimum Frontage Technical and Numeric Variation (TNV) in the area of Torrens Park.
- to correct an error with regards to the spatial application of the Master Planned Township Zone in the area of the City of Playford – being a misalignment of the zone boundary
- to correct an error with regards to the spatial application of the Emerging Township Activity Centre Subzone in the area of the City of Playford – being a misalignment of the subzone boundary
- to correct an error with regards to the spatial application of the Concept Plan Technical and Numeric Variation (TNV) in the area of the City of Playford – being a misalignment of the Technical and Numeric Variation (TNV) boundary
- to correct an error with regards to the spatial application of the Affordable Housing Overlay in the area of the City of Playford – being a misalignment of the overlay boundary
- to correct an error with regards to the spatial application of the Defence Aviation Area Overlay in the area of the City of Playford – being a misalignment of the overlay boundary
- to correct an error with regards to the spatial application of the Regulated and Significant Tree Overlay in the area from the City of Onkaparinga in the south to Light Regional Council in the north and from Adelaide Hills Council in the east to 3 nautical miles seaward of the low water mark along the metropolitan coastline – being a misalignment of the overlay boundary

1. PURSUANT to section 76 of the *Planning, Development and Infrastructure Act 2016* (the Act), I hereby amend the Code in order to make changes of form (without altering the effect of underlying policy), correct errors and make operational amendments as follows:

- a. Undertake minor alterations to the geometry of the spatial layers and data in the Code to maintain the current relationship between the parcel boundaries and Code data as a result of the following:
 - i. New plans of division deposited in the Land Titles Office between 12 July 2023 and 25 July 2023 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
 - Minimum Frontage
 - Minimum Site Area
 - Minimum Primary Street Setback
 - Minimum Side Boundary Setback
 - Future Local Road Widening Setback
 - Site Coverage
 - C. Overlays
 - Affordable Housing
 - Character Area
 - Coastal Areas
 - Future Local Road Widening
 - Future Road Widening
 - Hazards (Bushfire - High Risk)
 - Hazards (Bushfire - Medium Risk)
 - Hazards (Bushfire - General Risk)
 - Hazards (Bushfire - Urban Interface)
 - Hazards (Bushfire - Regional)
 - Hazards (Bushfire - Outback)
 - Heritage Adjacency
 - Historic Area
 - Historic Shipwrecks
 - Interface Management
 - Limited Land Division
 - Local Heritage Place
 - Noise and Air Emissions
 - Significant Landscape Protection
 - State Heritage Place
 - Stormwater Management
 - Urban Tree Canopy

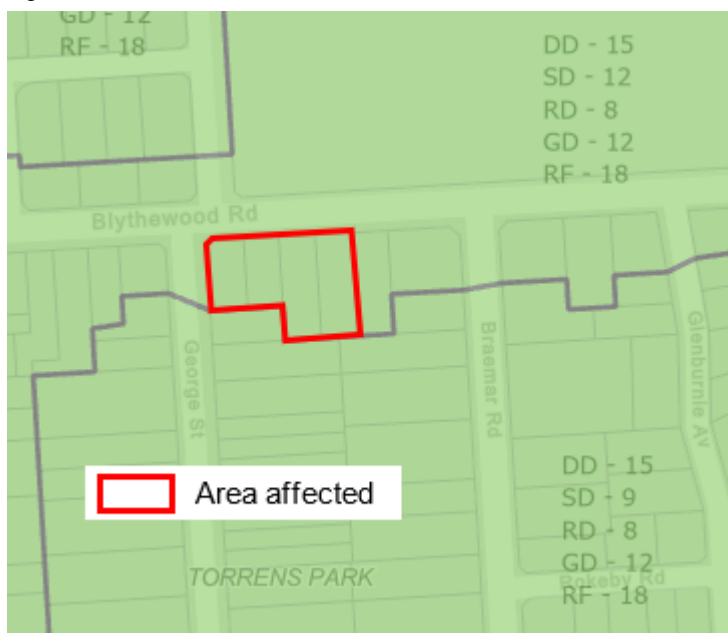
- b. Amending the Suburban Business Zone spatial layer in the area of Hectorville by removing its spatial application over the 'area affected' identified in Figure 1, and replacing it with the General Neighbourhood Zone.

Figure 1



- c. Amending the Minimum Frontage Technical and Numeric Variation (TNV) spatial layer in the area of Torrens Park by replacing the current TNV values in the 'area affected' identified in Figure 2 with the following new TNV values 'DD - 15, SD - 12, RD - 8, GD - 12, RF - 18'.

Figure 2



- d. Amending the Master Planned Township Zone spatial layer in the area of the City of Playford by reinstating the Master Planned Township Zone boundaries that existed in Planning and Design Code Version Number 2022.23.
- e. Amending the Emerging Township Activity Centre Subzone spatial layer in the area of the City of Playford by reinstating the Emerging Township Activity Centre Subzone boundaries that existed in Planning and Design Code Version Number 2022.23.
- f. Amending the Concept Plan Technical and Numeric Variation (TNV) spatial layer in the area of the City of Playford by reinstating the Concept Plan Technical and Numeric Variation (TNV) boundaries that existed in Planning and Design Code Version Number 2022.23.
- g. Amending the Affordable Housing Overlay spatial layer in the area of the City of Playford by reinstating the Affordable Housing Overlay boundaries that existed in Planning and Design Code Version Number 2022.23.
- h. Amending the Defence Aviation Area Overlay in the area of the City of Playford by reinstating the Defence Aviation Area Overlay boundaries that existed in Planning and Design Code Version Number 2022.23.
- i. Amending the Regulated and Significant Tree Overlay in the area from the City of Onkaparinga in the south to Light Regional Council in the north and from Adelaide Hills Council in the east to 3 nautical miles seaward of the low water mark along the metropolitan coastline by reinstating the Regulated and Significant Tree Overlay boundaries that existed in Planning and Design Code Version Number 2022.23.

- j. 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: 31 July 2023

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

PROFESSIONAL STANDARDS ACT 2004

The Australian Computer Society Professional Standards Scheme

PURSUANT to section 34(2) of the *Professional Standards Act 2004*, I Kyam Maher, Attorney-General for the State of South Australia, hereby extend the period for which the Australian Computer Society Professional Standards Scheme is in force in South Australia to 31 December 2024.

Dated: 26 July 2023

KYAM MAHER MLC
Attorney-General

LOCAL GOVERNMENT INSTRUMENTS

CITY OF TEA TREE GULLY

LOCAL GOVERNMENT ACT 1999

Amended Community Land Management Plans—Various Locations

Notice is hereby given pursuant to Section 197(3) and 198(4) of the *Local Government Act 1999* that the Council of the City of Tea Tree Gully did, at its meetings of:

- 12 April 2022
- 9 August 2022
- 9 May 2023
- 23 May 2023
- 27 June 2023
- 11 July 2023
- 25 July 2023

resolve to adopt amended Community Land Management Plans for various locations within the City of Tea Tree Gully.

A copy of the Amendment Register may be viewed by visiting Council's [website](#) and the amended Community Land Management Plans may be viewed by clicking [here](#)

Dated: 3 August 2023

RYAN MCMAHON
Chief Executive Officer

CITY OF VICTOR HARBOR

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

Permits and Penalties By-Law 2023

By-law No. 1 of 2023

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. Short Title

This by-law may be cited as the *Permits and Penalties By-law 2023*.

2. Commencement

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 *Local Government Act 1999*.

3. Definitions

3.1 In any by-law of the Council, unless the contrary intention is clearly indicated:

- 3.1.1 **authorised person** means a person appointed as an authorised person pursuant to Section 260 of the *Local Government Act 1999*;
- 3.1.2 **Council** means the City of Victor Harbor;
- 3.1.3 **drive** a vehicle means to be in control of the steering, movement or propulsion of the vehicle;
- 3.1.4 **driver** of a vehicle means the person driving the vehicle;
- 3.1.5 **motor vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 3.1.6 **person** includes a natural person, a body corporate or incorporated association;
- 3.1.7 **road** has the same meaning as in the *Local Government Act 1999*;
- 3.1.8 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and the *Australian Road Rules* and includes a motor vehicle.

3.2 In this by-law:

- 3.2.1 **owner** has the same meaning as in the *Road Traffic Act 1961*;
- 3.2.2 **prescribed offence** means an offence against a by-law of the Council relating to the driving, parking or standing of vehicles.

4. Construction

Every by-law of the Council shall be subject to any Act of Parliament and Regulations made thereunder.

Part 2 – Permits

5. Council May Grant Permits

If any by-law of the Council states that a person needs a 'permit' or 'permission' to do a specified thing, then the following provisions apply:

- 5.1 the permit must be in writing;
- 5.2 a person may apply for permission by:
 - 5.2.1 making a written application for permission to the Council or its duly authorised agent;
 - 5.2.2 making application by way of a website established by the Council for the purpose of issuing a permit of a particular kind;
- 5.3 the Council may:
 - 5.3.1 provide that the permit applies for a particular term;

- 5.3.2 attach conditions to the permit the Council considers appropriate;
- 5.3.3 change or revoke a condition, by notice in writing; or
- 5.3.4 add new conditions, by notice in writing;
- 5.4 a person who holds a permit must comply with every condition attached to it. Failure to do so constitutes a breach of this by-law;
- 5.5 the Council may revoke a permit, by notice in writing, if:
 - 5.5.1 the holder of the permit fails to comply with a condition attached to it; or
 - 5.5.2 the permit is of a continuing nature, and the Council has reasonable grounds for revoking it;
- 5.6 the Council may, by resolution, fix, vary or revoke fees or charges for the granting of a permit to do a specified thing;
- 5.7 a person who applies for permission by way of subparagraph 5.2.2 or 5.2.3 is taken to have been granted permission when the following steps have been completed:
 - 5.7.1 the person pays the permit fee (if any) by (as the case may be) by:
 - 5.7.1.1 credit or debit card; or
 - 5.7.1.2 such other method of payment that may be approved by the Council by resolution;
 - 5.7.2 the person receives a notice identifying itself as a permit from the Council to undertake the activity specified in the permit.

Part 3 – Enforcement

6. Penalties

- 6.1 A person who contravenes or fails to comply with any by-law of the Council is guilty of an offence and is liable to a maximum penalty, being the maximum penalty referred to in the *Local Government Act 1999*, which may be fixed for offences against a by-law.
- 6.2 A person who is convicted of an offence against any by-law of the Council in respect of a continuing act or omission is liable, in addition to the penalty otherwise applicable, to a further penalty, being the maximum penalty referred to in the *Local Government Act 1999* which may be fixed for offences of a continuing nature against a by-law.

7. Liability of Vehicles Owners and Expiation of Certain Offences

- 7.1 Without derogating from the liability of any other person, but subject to this paragraph, if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of an offence and liable to the same penalty as is prescribed for the principal offence and the expiation fee that is fixed for the principal offence applies in relation to an offence against this paragraph.
- 7.2 The owner and driver of a vehicle are not both liable through the operation of this paragraph to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the driver and conversely conviction of the driver exonerates the owner.
- 7.3 An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged prescribed offence involving the vehicle must be accompanied by a notice inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Council or officer specified in the notice, within the period specified in the notice, with a nomination:
 - 7.3.1 setting out the name and address of the driver; or
 - 7.3.2 if they had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer - setting out details of the transfer (including the name and address of the transferee).
- 7.4 Before proceedings are commenced against the owner of a vehicle for an offence against this section involving the vehicle, the Informant must send the owner a notice:
 - 7.4.1 setting out particulars of the alleged prescribed offence; and
 - 7.4.2 inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Informant, within 21 days of the date of the notice, with a nomination setting out the matters referred to in subparagraph 7.3.
- 7.5 Subparagraph 7.4 does not apply to:
 - 7.5.1 proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
 - 7.5.2 proceedings commenced against an owner of a vehicle who has been named in a nomination under this paragraph 7 as the driver of the vehicle.
- 7.6 The Council, Informant or officer to whom a nomination is provided in response to a notice under subparagraphs 7.3 or 7.4 may require the person who made the nomination to verify the information contained in the nomination by statutory declaration.
- 7.7 If the Council, Informant or officer specified in the notice under subparagraphs 7.3 or 7.4 believes that a nomination made in response to the notice has been made in error, the Council, Informant or officer (as the case may be) may permit the nomination to be withdrawn and a new nomination to be made.
- 7.8 Subject to subparagraph 7.9, in proceedings against the owner of a vehicle for an offence against this paragraph, it is a defence to prove:
 - 7.8.1 that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or
 - 7.8.2 that the owner provided the Informant with a statutory declaration in accordance with an invitation under this paragraph.
- 7.9 The defence in paragraph 7.8.2 does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.
- 7.10 If:
 - 7.10.1 an expiation notice is given to a person named as the alleged driver in a statutory declaration under this paragraph; or
 - 7.10.2 proceedings are commenced against a person named as the alleged driver in such a nomination,

the notice or Information, as the case may be, must be accompanied by a notice setting out particulars of the nomination that named the person as the alleged driver.

- 7.11 The particulars of the nomination provided to the person named as the alleged driver must not include the address of the person who provided the nomination.
- 7.12 A nomination made under this paragraph must be made in a manner and form approved by the Council.
- 7.13 A person must not, in making a nomination for the purposes of this paragraph, make a statement that is false or misleading in a material particular.

8. Evidence

In proceedings for a prescribed offence, an allegation in an Information that:

- 8.1 a specified place was a road or local government land; or
- 8.2 a specified vehicle was driven, parked or left standing in a specified place; or
- 8.3 a specified vehicle was parked or left standing for the purposes of soliciting business from a person or offering or exposing goods for sale; or
- 8.4 a specified place was not formed or otherwise set aside by the Council for the purposes of the driving, parking or standing of vehicles; or
- 8.5 a specified person was an authorised person; or
- 8.6 a specified provision was a condition of a specified permit granted under paragraph 5 of this by-law; or
- 8.7 a specified person was the owner or driver of a specified vehicle; or
- 8.8 a person named in a statutory declaration under paragraph 7 of this by-law for the prescribed offence to which the declaration relates was the driver of the vehicle at the time at which the alleged offence was committed; or
- 8.9 an owner or driver of a vehicle for a prescribed offence was given notice under paragraph 7 of this by-law on a specified day,

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

Part 4 – Miscellaneous

9. Revocation

Council's *By-law No. 1 – Permits and Penalties*, published in the *Gazette* on 25 August 2016, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Victor Harbor held on the 24th day of July 2023 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

MS VICTORIA MACKIRDY
Chief Executive Officer

CITY OF VICTOR HARBOR

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

Moveable Signs By-Law 2023

By-law No. 2 of 2023

To set standards for moveable signs on roads, to provide conditions for and the placement of such signs, to protect public safety and to protect or enhance the amenity of the area of the Council.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Moveable Signs By-law 2023*.

2. Commencement

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 *Local Government Act 1999*.

3. Definitions

- 3.1 **'A' frame sign** means a moveable sign that is hinged or joined at the top and is of such construction that its sides are securely fixed or locked in position when in position, and includes a sandwich board sign or inverted 'T' sign;
- 3.2 **banner** means a moveable sign constituted of a strip of cloth, plastic or other material hung or attached to a pole, fence or other structure, but does not include an 'A' frame sign;
- 3.3 **event** has the same meaning as in Section 33 of the *Road Traffic Act 1961*;
- 3.4 **footpath** means:
- 3.4.1 a footway, lane or other place made or constructed for the use of pedestrians; or
- 3.4.2 that part of road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;
- 3.5 **local government land** has the same meaning as in the *Local Government Act 1999*;
- 3.6 **moveable sign** has the same meaning as the *Local Government Act 1999*;
- 3.7 **road** has the same meaning as in the *Local Government Act 1999*;
- 3.8 **road related area** has the same meaning as in the *Road Traffic Act 1961*;
- 3.9 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

Part 2 – Moveable Signs on Roads

4. 'A' Frame Signs

A person may, without permission, display an 'A' frame sign on a road provided that it complies with subparagraphs 4.1, 4.2, 4.3 and 4.4. of this by-law.

- 4.1 **Design and Construction**
An 'A' frame sign displayed on a road must:
- 4.1.1 be constructed so as not to present a hazard to any member of the public;
 - 4.1.2 be constructed so as to be stable when in position and to be able to keep its position in adverse weather conditions;
 - 4.1.3 not be unsightly or offensive in appearance;
 - 4.1.4 not contain flashing or moving parts;
 - 4.1.5 be not more than 90cm high, 60cm in width or 60cm in depth;
 - 4.1.6 in the case of an inverted 'T' sign, contain no struts or members that run between the display area of the sign and the base of the sign.
- 4.2 **Placement**
An 'A' frame sign displayed on a road must:
- 4.2.1 not be placed anywhere except on the footpath;
 - 4.2.2 not be placed on a sealed footpath, unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare at least 1.8 metres wide;
 - 4.2.3 be placed at least 40cm from the kerb (or if there is no kerb, from the edge of the roadway);
 - 4.2.4 not be placed on a landscaped area, other than on landscaping that comprises only lawn;
 - 4.2.5 not be placed on a designated parking area;
 - 4.2.6 not be placed within 1 metre of an entrance to any premises;
 - 4.2.7 not be fixed, tied or chained to, leaned against or placed closer than 2 metres to any other structure, object or plant (including another moveable sign);
 - 4.2.8 not be placed in a position that puts the safety of any person at risk;
 - 4.2.9 not be placed on a median strip, roundabout, traffic island or on a carriageway; and
 - 4.2.10 not be placed within 10 metres of an intersection of a road.
- 4.3 **Restrictions**
An 'A' frame sign displayed on a road must:
- 4.3.1 only contain material which advertises a business being conducted on commercial premises adjacent to the sign, or the goods and services available from that business;
 - 4.3.2 be limited to one per business premises;
 - 4.3.3 not be displayed unless the business to which it relates is open to the public;
 - 4.3.4 be securely placed in position such that it cannot be blown over or swept away;
 - 4.3.5 not be displayed during the hours of darkness unless it is clearly visible.
- 4.4 **Appearance**
An 'A' frame sign displayed on a road must:
- 4.4.1 be painted or otherwise detailed in a competent and professional manner;
 - 4.4.2 be legible and simply worded to convey a precise message;
 - 4.4.3 be of such design and contain such colours that are compatible with the architectural design of the premises adjacent to the sign and are compatible with the townscape and overall amenity of the locality in which the sign is situated;
 - 4.4.4 contain a combination of colours and typographical styles that blend in with and reinforce the heritage qualities of the locality and the buildings in which the sign is situated;
 - 4.4.5 not have any balloons, flags, streamers or other things attached to it.
5. **Banners and Signs**
A person must not, without permission, display a banner or sign on any road or road related area.
- 5.1 **Design and Construction**
A banner or sign must:
- 5.1.1 only be displayed on a road or road related area;
 - 5.1.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap;
 - 5.1.3 not 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;
 - 5.1.4 be constructed so as not to present a hazard to any member of the public;
 - 5.1.5 not be unsightly or offensive in appearance;
 - 5.1.6 not contain flashing or moving parts;
 - 5.1.7 not exceed 2m² in size;
- 5.2 **Placement**
A banner or sign displayed on a road must:
- 5.2.1 be placed at least 40cm from the kerb (or if there is no kerb, from the edge of the roadway);
 - 5.2.2 not be placed on a landscaped irrigated area;
 - 5.2.3 not be placed on a designated parking area;
 - 5.2.4 not be placed within 1 metre of an entrance to any premises;
 - 5.2.5 not be placed in a position that puts the safety of any person or road user at risk;
 - 5.2.6 not be placed on a median strip, roundabout, traffic island or on a carriageway;

- 5.2.7 not be placed within 50 metres of an intersection of a road with a posted speed limit of not more than 60km/h;
- 5.2.8 not be placed within 80 metres of an intersection of a road with a posted speed limit of more than 60km/h but less than 100km/h; and
- 5.2.9 not be displayed more than 21 days before and two days after the event it advertises.

5.3 Appearance

A banner or sign displayed on a road must:

- 5.3.1 be printed or otherwise detailed in competent and professional manner;
- 5.3.2 be legible and simply worded to convey a precise message;
- 5.3.3 not have any balloons, flags, streamers or other things attached to it.

Part 3 – Moveable Signs on Local Government Land

6. Requirement to Obtain Permission

A person must not, without the Council's permission display or cause to be displayed a moveable sign on any local government land or resting on or attached to a vehicle on any local government land except a moveable sign:

- 6.1 attached to a licensed taxi;
- 6.2 on or attached to a vehicle belonging to any Council and which has been placed on or attached to the vehicle with the consent of the Council to which the vehicle belongs;
- 6.3 on or attached to a bus greater than 6 m in length;
- 6.4 on or attached to a vehicle which only has a sign or signs painted on or glued to it the main purpose of which is to identify it as belonging to a business; and
- 6.5 comprising a sunscreen on a vehicle, where any message or trade name or mark on the sunscreen does not advertise a business being carried on in the vicinity of the place the vehicle.

Part 4 – Enforcement

7. Removal of Unauthorised Moveable Signs

- 7.1 If:
 - 7.1.1 a moveable sign has been placed on any road or footpath in contravention of this by-law or of section 226 of the *Local Government Act 1999*, an authorised person may order the owner of the sign to remove the moveable sign from the road or footpath;
 - 7.1.2 the authorised person cannot find the owner, or the owner fails to comply immediately with the order, the authorised person may remove and dispose of the sign;
 - 7.1.3 a moveable sign is removed under subparagraph 7.1.2 of this by-law and is not claimed within 30 days of such removal the authorised person may sell, destroy or otherwise dispose of the moveable sign as the authorised person thinks fit.
- 7.2 Any person who displays an unauthorised moveable sign or who is the owner of an unauthorised moveable sign which has been removed under subparagraph 7.1 of this by-law must pay the Council any reasonable costs incurred in removing, storing or attempting to dispose of the moveable sign before being entitled to recover the moveable sign.

8. Removal of Authorised Moveable Signs

A moveable sign must be removed or relocated by the person who placed the moveable sign on a road or footpath or the owner of the sign, at the reasonable request of an authorised person if:

- 8.1 in the reasonable opinion of the 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
- 8.2 so required by the authorised person for the purpose of special events, parades, road or footpath works or any other circumstances which, in the reasonable opinion of the authorised person, requires relocation or removal of the moveable sign.

Part 5 – Miscellaneous

9. Specified Exemptions

- 9.1 This by-law does not apply to a moveable sign which:
 - 9.1.1 is a moveable sign that is placed on a public road pursuant to an authorisation under the *Local Government Act 1999* or another Act;
 - 9.1.2 directs people to the open inspection of any land or building that is available for purchase or lease;
 - 9.1.3 directs people to a garage sale that is being held on residential premises;
 - 9.1.4 is related to a State or Commonwealth election and is displayed during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day;
 - 9.1.5 is related to a referendum and is displayed during the course and for the purpose of that referendum;
 - 9.1.6 is displayed with permission of the Council and in accordance with any conditions attached to that permission;
 - 9.1.7 is a sign of a class prescribed in regulations; or
 - 9.1.8 directs people to a charitable function.
- 9.2 Paragraphs 4.2.6, 4.3.2, 4.3.3 and 5.2.4 of this by-law do not apply to a flat sign containing only the banner or headlines of a newspaper or magazine.

10. Revocation

Council's *By-law No. 2 – Moveable Signs*, published in the *Gazette* on 25 August 2016, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Victor Harbor on the 24th day of July 2023 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

MS VICTORIA MACKIRDY
Chief Executive Officer

CITY OF VICTOR HARBOR
BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999
Roads By-Law 2023
By-Law No. 3 of 2023

For the management of public roads.

Part 1 – Preliminary

1. **Short Title**
This by-law may be cited as the *Roads By-law 2023*.
2. **Commencement**
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 *Local Government Act 1999*.
3. **Definitions**
In this by-law, unless the contrary intention appears:
 - 3.1 **animal** includes birds and poultry but does not include a dog;
 - 3.2 **camp** includes setting up a camp, or causing a tent, caravan or motorhome to remain on the road for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the road;
 - 3.3 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
 - 3.4 **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;
 - 3.5 **emergency vehicle** means a vehicle driven by a person who is an emergency worker;
 - 3.6 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
 - 3.7 **road** has the same meaning as in the *Local Government Act 1999*.

Part 2 – Management of Roads

4. **Activities Requiring Permission**
A person must not on any road, without the permission of the Council:
 - 4.1 **Advertising**
display any sign for the purpose of commercial advertising, other than a moveable sign which is displayed on a public road in accordance with the Council's *Moveable Signs By-law 2023*;
 - 4.2 **Amplification**
use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or broadcasting announcements or advertisements;
 - 4.3 **Animals**
 - 4.3.1 cause or allow any animal, to stray onto, graze, wander on or be left unattended on any 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, then only if under the effective control of a person;
 - 4.3.2 lead, drive or exercise any animal in such a manner as to endanger the safety of any person;
 - 4.4 **Bicycles**
chain, lock or affix a bicycle to any pole, fence or other structure on a Road where the bicycle may cause an obstruction or damage the structure, other than on a structure specifically designed and set aside by the Council for that purpose;
 - 4.5 **Bridge Jumping**
jump or dive from any bridge or other structure;
 - 4.6 **Camping**
 - 4.6.1 erect any tent or other structure of calico, canvas, plastic or similar material as a place of habitation;
 - 4.6.2 camp or sleep overnight;
 - 4.6.3 camp or sleep overnight in a motorhome, except where a sign or signs erected by the Council indicate that camping on the road in such a vehicle is permitted;
 - 4.7 **Canvassing**
convey any advertising, religious or other message to any bystander, passerby or other person;
 - 4.8 **Donations**
ask for or receive or indicate that they desire a donation of money or any other thing;
 - 4.9 **Preaching**
preach, canvass, harangue or otherwise solicit for religious purposes except on any road or part thereof where the Council has, by resolution, determined this restriction shall not apply;
 - 4.10 **Public Exhibitions and Displays**
 - 4.10.1 sing, busk or play a musical instrument for the apparent purpose of either entertaining others or receiving money;

- 4.10.2 conduct or hold any concert, festival, public gathering, show, street party, circus, performance or any other similar activity;
- 4.10.3 erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity;
- 4.10.4 cause any public exhibitions or displays;
- 4.11 **Touting for Business**
tout for business;
- 4.12 **Use of Council Rubbish Bins**
deposit any residential or commercial waste or other rubbish emanating from residential or commercial premises in any Council rubbish bin;
- 4.13 **Working on Vehicles**
perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except for running repairs in the case of breakdown.

Part 3 – Miscellaneous**5. Directions**

A person must comply with any reasonable direction or request from an authorised person relating to:

- 5.1 that person's use of the road;
- 5.2 that person's conduct and behaviour on the road;
- 5.3 that person's safety on the road;
- 5.4 the safety and enjoyment of the road by other persons.

6. Removal of Animals

If any animal is found on a road in breach of this by-law:

- 6.1 any person in charge of the animal shall forthwith remove it from that land on the reasonable request of an authorised person; and
- 6.2 any authorised person may remove any animal from the road if the person fails to comply with the request, or if no person is in charge of the animal.

7. Exemptions

- 7.1 The restrictions in this by-law do not apply to any Police Officer, 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 to an emergency worker when driving an emergency vehicle.
- 7.2 The restrictions in paragraph 4.7, 4.9 and 4.10 of this by-law do not apply to:
 - 7.2.1 electoral matters authorised by a candidate and which relate to a Commonwealth or State election that occurs during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day; or
 - 7.2.2 matters which relate to, and occur during the course of and for the purpose of a referendum.

8. Revocation

Council's *By-law No. 3 – Roads*, published in the *Gazette* on 26 August 2016, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Victor Harbor held on the 24th day of July 2023 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

MS VICTORIA MACKIRDY
Chief Executive Officer

CITY OF VICTOR HARBOR

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*Local Government Land By-Law 2023***By-law No. 4 of 2023**

For the management and regulation of the use of and access to all land vested in or under the control of the Council including the prohibition and regulation of particular activities on local government land.

Part 1 – Preliminary**1. Short Title**

This by-law may be cited as the *Local Government Land By-law 2023*.

2. Commencement

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 *Local Government Act 1999*.

3. Definitions

In this by-law:

- 3.1 **animal** includes birds, insects and fish;
- 3.2 **boat** includes a raft, canoe, personal watercraft or any other similar device;
- 3.3 **camp** includes setting up a camp, or cause a tent, caravan or motorhome to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 3.4 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of such devices if there is no enclosed area);

- 3.5 **community garden** means an area of land set aside by the Council for the purposes of being gardened collectively by a group of people;
- 3.6 **domestic animal** includes any duck, reptile or fish;
- 3.7 **e-cigarette** means:
- 3.7.1 a device that is designed to generate or release an aerosol or vapour for inhalation by its user in a manner similar to the inhalation of smoke from an ignited tobacco product; or
- 3.7.2 a device of a kind resolved by the Council and notified by notice in the *Gazette* to be an e-cigarette;
- 3.8 **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;
- 3.9 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 3.10 **foreshore** means the area between the low water mark on the seashore and the nearest boundary of:
- 3.10.1 a road;
- 3.10.2 a section;
- 3.10.3 a public reserve; or
- 3.10.4 land comprised in a land grant, Crown Land or Crown License;
- 3.11 **funeral ceremony** means a ceremony only (ie a memorial service) and does not include a burial;
- 3.12 **inflatable castle** includes a bouncy castle, jumping castle and any other inflatable structure used for recreational purposes;
- 3.13 **liquor** has the same meaning as defined in the *Liquor Licensing Act 1997*;
- 3.14 **livestock** has the same meaning as defined in the *Livestock Act 1997* but does not include a dog or cat;
- 3.15 **local government land** has the same meaning as in the *Local Government Act 1999* and includes the foreshore but does not include any road;
- 3.16 **low water mark** means the lowest meteorological tide;
- 3.17 **model aircraft** includes a drone;
- 3.18 **ocean** means that part of the foreshore comprising water;
- 3.19 **open container** means a container which:
- 3.19.1 after the contents thereof have been sealed at the time of manufacture and:
- 3.19.1.1 being a bottle, has had its cap, cork or top removed (whether or not it has since been replaced);
- 3.19.1.2 being a can, it has been opened or punctured;
- 3.19.1.3 being a cask, has had its tap placed in a position to allow it to be used;
- 3.19.1.4 being any form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to the contents thereof; or
- 3.19.2 is a flask, glass or mug or other container used for drinking purposes;
- 3.20 **personal watercraft** means a device that:
- 3.20.1 is propelled by a motor; and
- 3.20.2 has a fully enclosed hull; and
- 3.20.3 is designed not to retain water if capsized; and
- 3.20.4 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;
- 3.21 **smoke** means:
- 3.21.1 in relation to a tobacco product, smoke, hold, or otherwise have control over, an ignited tobacco product; or
- 3.21.2 in relation to an e-cigarette, to inhale from, hold or otherwise have control over, an e-cigarette that is in use;
- 3.22 **traffic control device** has the same meaning as in the *Road Traffic Act 1961*;
- 3.23 **variable message sign** includes a permanent, portable or vehicle mounted electronic sign (except when the sign is used as a traffic control device);
- 3.24 **waters** means any body of water including a pond, lake, river, creek or wetlands under the care, control and management of Council, but does not include the ocean.

Part 2 – Management of Local Government Land

4. Activities Requiring Permission

A person must not on any local government land, without the permission of Council:

- 4.1 **Access to Waters**
subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law* enter any waters, or swim or use a boat in or on waters except:
- 4.1.1 in an area where a nearby sign erected by the Council states that one or more of these activities is permitted; and
- 4.1.2 in accordance with any condition stated in the sign;
- 4.2 **Advertising & Signage**
- 4.2.1 display any sign for the purpose of commercial advertising, other than a moveable sign that is displayed in accordance with the *Moveable Signs By-law 2023*;
- 4.2.2 erect, install, place or display a variable message sign;

- 4.3 **Aircraft**
subject to the *Civil Aviation Act 1988* (Cth), land or take off any aircraft on or from the land;
- 4.4 **Alteration to Local Government Land**
make an alteration to the land, including:
- 4.4.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property; or
- 4.4.2 erecting or installing a structure (including pipes, wires, cables, pavers, fixtures, fittings and other objects) in, on, across, under or over the land; or
- 4.4.3 changing or interfering with the construction, arrangement or materials of the land; or
- 4.4.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the land; or
- 4.4.5 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land;
- 4.4.6 erect, place, use or allow any object to remain;
- 4.5 **Amplification**
use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound to the public;
- 4.6 **Animals**
- 4.6.1 other than the foreshore:
- 4.6.1.1 ride, lead or drive any livestock, 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;
- 4.6.1.2 cause or allow any livestock to stray onto, move over, graze or be left unattended on any land;
- 4.6.1.3 cause or allow any animal under their control to swim or bathe in the any waters to which the Council has resolved this subparagraph shall apply;
- 4.6.2 release or leave any domestic animal;
- 4.7 **Attachments**
attach anything to:
- 4.7.1 a tree or plant; or
- 4.7.2 a structure or fixture;
- 4.8 **Aquatic Life**
take, interfere with, introduce or disturb any aquatic life in any waters to which the Council has resolved this subparagraph shall apply;
- 4.9 **Bees**
place, or allow to remain, any bee hive;
- 4.10 **Boats**
subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:
- 4.10.1 hire or offer for hire a boat, raft, pontoon or other watercraft;
- 4.10.2 launch or retrieve a boat, raft, pontoon or other watercraft to or from any waters;
- 4.10.3 propel, float, install, maintain or otherwise use any boat, raft, pontoon, steps, jetty or other watercraft or similar structure on any waters;
- 4.10.4 launch or operate a model boat on any waters;
- to which the Council has resolved this subparagraph shall apply;
- 4.11 **Bridge Jumping**
jump from or dive from a bridge or jetty;
- 4.12 **Buildings & Structures**
- 4.12.1 erect or install a building;
- 4.12.2 use a building or structure other than for its intended purpose;
- 4.13 **Camping**
- 4.13.1 erect any tent or other structure of calico, canvas, plastic or similar material as a place of habitation;
- 4.13.2 camp or sleep overnight;
- except where a sign or signs erected by the Council indicate that camping on the land is permitted or where the person is in a caravan park (the proprietor of which has been given permission to operate the caravan park on that land);
- 4.14 **Cemeteries**
Comprising a cemetery:
- 4.14.1 bury or inter any human or animal remains;
- 4.14.2 erect any memorial;
- 4.15 **Closed Lands**
enter or remain on any part of the land:
- 4.15.1 at any time during which the Council has declared that it shall be closed to the public, and which is indicated by a sign to that effect; or
- 4.15.2 where the land is enclosed with fences and/or walls and gates, at any time when the gates have been closed and locked; or

- 4.15.3 where admission charges are payable, without paying those charges;
- 4.16 **Distribution**
distribute anything to any bystander, passerby or other person;
- 4.17 **Donations**
ask for or receive or indicate that they desire a donation of money or any other thing;
- 4.18 **Fires**
light any fire except:
4.18.1 in a place provided by the Council for that purpose; or
4.18.2 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 metres; and
4.18.3 in accordance with the *Fire and Emergency Services Act 2005*;
- 4.19 **Fireworks**
discharge any fireworks;
- 4.20 **Fishing**
4.20.1 fish in any waters on local government land to which the Council has resolved this subparagraph shall apply; or
4.20.2 fish from any bridge or other structure on local government land to which the Council has resolved this subparagraph shall apply;
- 4.21 **Flora, fauna and other living things**
subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
4.21.1 except in a community garden, damage, pick, or interfere with any plant, fungi or lichen thereon; or
4.21.2 tease, remove or cause harm to any animal or bird or the eggs or young of any animal or bird or aquatic creature;
4.21.3 use, possess or have control of any device for the purpose of killing or capturing any animal or bird;
- 4.22 **Funerals, burials and scattering ashes**
4.22.1 bury, inter or scatter the ashes of any human or animal remains;
4.22.2 erect any memorial;
4.22.3 conduct or participate in a funeral ceremony;
on land to which the Council has resolved this subparagraph will apply;
- 4.23 **Golf**
play or practice golf, except on local government land where a nearby sign erected by the Council states that the playing or practicing of golf is permitted.
- 4.24 **Lighting**
4.24.1 use or operate any fixed floodlight;
4.24.2 use or operate any portable floodlight between sunrise and sunset on land to which the Council has resolved this subparagraph shall apply;
- 4.25 **Model aircraft, boats and cars**
4.25.1 subject to the *Civil Aviation Act 1988*, fly or operate a model aircraft, model boat or model/remote control car 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 local government land or detract from or be likely to detract from another person's lawful use and enjoyment of the land;
4.25.2 fly or operate a model aircraft, model boat or model/remote control car on land to which the Council has resolved this subparagraph shall apply;
- 4.26 **No Liquor**
4.26.1 consume, carry or be in possession or charge of any liquor on any local government land to which the Council has resolved this subparagraph shall apply (provided the land constitutes a park or reserve);
4.26.2 excepting sealed containers, consume, carry or be in possession or charge of any liquor in an open container on any local government land to which the Council has resolved this subparagraph shall apply (provided the land constitutes a park or reserve);
- 4.27 **Picking of fruit, nuts or berries**
except in any community garden, pick fruit, nuts, seeds or berries from any plant;
- 4.28 **Playing Games**
4.28.1 play or practice a game in any area where a sign indicates that the game is prohibited;
4.28.2 promote, organise or take part in any organised athletic sport in any area to which the Council has resolved this subparagraph shall apply;
4.28.3 play any organised competition sport, as distinct from organised social play, in any area to which the Council has resolved this subparagraph shall apply;
- 4.29 **Pontoons**
install or maintain a pontoon, steps, jetty or similar structure in any waters;
- 4.30 **Preaching and Canvassing**
preach, canvass, harangue or otherwise solicit for religious purposes except on any land or part thereof where the Council has, by resolution, determined this restriction shall not apply;
- 4.31 **Public Exhibitions and Displays**
4.31.1 sing, busk or play a musical instrument for the apparent purpose of either entertaining others or receiving money;

- 4.31.2 conduct or hold any concert, festival, show, public gathering, circus, performance or any other similar activity;
- 4.31.3 erect or inflate any inflatable castle;
- 4.31.4 cause any public exhibitions or displays;
- 4.32 **Removing and Depositing**
carry away or deposit any earth, rocks, minerals, plant material (dead or living), animal remains (including shells and fossils) or any part of the land;
- 4.33 **Sand Dunes**
- 4.33.1 use a sand board or other item to slide down a sand dune, coastal slope, or cliff;
- 4.33.2 ride a horse on a sand dune or coastal slope;
- 4.33.3 carry out an activity on a sand dune, coastal slope or cliff that may threaten its integrity;
- 4.34 **Selling, Hiring, Leasing**
sell, offer or display anything for sale, hire or lease;
- 4.35 **Skateboards and Small Wheeled Devices**
subject to the *Road Traffic Act 1961*, and the *Local Government Act 1999*, ride on a skateboard, e-scooters, segways, other motorised transport or use roller skates or roller blades on land to which the Council has resolved this subparagraph will apply;
- 4.36 **Vehicles**
- 4.36.1 drive or propel a motor vehicle thereon, unless on an area or road constructed or set aside by the Council for the parking or travelling of motor vehicles;
- 4.36.2 take part in any race, test or trial of any kind utilising a motor vehicle except in an area that has been properly constructed or set aside by the Council for that purpose; or
- 4.36.3 promote or organise any race, test or trial of any kind in which motor vehicles take part unless the race, test or trial is to take place on an area that has been properly constructed or set aside by the Council for that purpose;
- 4.37 **Weddings, Functions and Special Events**
- 4.37.1 hold, conduct or participate in a marriage ceremony, funeral or special event;
- 4.37.2 erect a marquee, stage or structure;
- 4.37.3 conduct any commercial filming;
- on land to which the Council has resolved this subparagraph will apply;
- 4.38 **Wetlands**
subject to the *Natural Resources Management Act 2004*, where that land constitutes a wetland:
- 4.38.1 operate a model boat;
- 4.38.2 fish, or take any aquatic creature;
- 4.38.3 introduce any fish or aquatic creature;
- 4.38.4 take or draw water;
- 4.39 **Working on Vehicles**
perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except for running repairs in the case of breakdown.
5. **Prohibited Activities**
A person must not, on any local government land:
- 5.1 **Animals**
- 5.1.1 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;
- 5.1.2 allow an animal in that persons control, charge or ownership to damage Council property;
- 5.1.3 lead, drive, or exercise any horse or other animal in such a manner as to endanger the safety of any other person;
- 5.2 **Annoyances**
unreasonably annoy or interfere with any other person's use of the land by making a noise or creating a disturbance that has not been authorised by the Council;
- 5.3 **Children's Playgrounds**
use any device, equipment or apparatus installed in a children's playground if that person is of or over the age indicated by sign or notice as the age limit for using such equipment, apparatus or other installed device;
- 5.4 **Defacing Property**
deface, paint, write, cut marks or affix bills or advertisements to any tree, rock, gate, fence, building, sign or property of the Council;
- 5.5 **Fishing**
- 5.5.1 fish, including with a hand spear or spear gun in any waters to which the Council has determined this subparagraph applies except in the area of Encounter Lakes;
- 5.5.2 return any noxious species including European carp (*Cyprinus carpio*) or redfin perch (*Perca fluviatilis*) caught by the person to any land or waters;
- 5.5.3 deposit or leave any dead fish (in part or whole) or offal;
- 5.5.4 fish at Encounter Lakes without complying with the conditions indicated by signage at that location;

- 5.6 **Glass**
wilfully break any glass, china or any other brittle material;
- 5.7 **Interference with Permitted Use**
interrupt, disrupt or interfere with any other person's use of local government land which is permitted or for which permission has been granted;
- 5.8 **Smoking**
smoke any substance:
5.8.1 in any building or part of any building; or
5.8.2 on any local government land;
to which the Council has resolved this subparagraph shall apply;
- 5.9 **Swim**
swim, dive, scuba dive or snorkel in any waters to which the Council has determined this subparagraph applies;
- 5.10 **Toilets**
in any public convenience:
5.10.1 smoke any substance;
5.10.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
5.10.3 use it for a purpose or manner for which it was not designed or constructed;
5.10.4 subject to clause 5.10.5, enter the public convenience unless the person is of the gender indicated in writing or on a sign located on the public convenience;
5.10.5 clause 5.10.4 does not apply –
5.7.5.1 in a genuine emergency; or
5.7.5.2 to a vulnerable person being assisted by the vulnerable person's caregiver, parent or guardian; or
5.7.5.3 to a person that is intersex, transgender or gender diverse; or
5.7.5.4 to a person with a disability; or
5.7.5.5 to a person assisting a person with a disability;
- 5.11 **Use of Council Rubbish Bins**
deposit any residential or commercial waste or other rubbish emanating from residential or commercial premises in any Council rubbish bin;
- 5.12 **Use of Equipment**
use any item of equipment or property belonging to the Council other than in the manner and for the purpose for which it was designed or set aside.

Part 3 – Miscellaneous

6. **Directions**
A person must comply with any reasonable direction or request from an authorised person relating to:
6.1 that person's use of the land;
6.2 that person's conduct and behaviour on the land;
6.3 that person's safety on the land;
6.4 the safety and enjoyment of the land by other persons.
7. **Removal of Animals and Exclusion of Persons**
7.1 If any animal is found on local government land in breach of this by-law:
7.1.1 any person in charge of the animal shall forthwith remove it from that land on the reasonable request of an authorised person; and
7.1.2 any authorised person may remove any animal from the land if the person fails to comply with the request, or if the authorised person reasonably believes that no person is in charge of the animal.
7.2 An authorised person may direct any person who is reasonably considered to be committing, or has committed, a breach of this by-law to leave local government land.
8. **Removal of Encroachment or Interference**
Any person who encroaches onto, interferes with, or alters local government land contrary to this by-law must at the request in writing of an authorised person:
8.1 cease the encroachment or interference; and
8.2 remove the source of the encroachment or interference; and
8.3 reinstate the land to the same standard it was prior to the encroachment, interference or alteration.
9. **Council May do Work**
If a person:
9.1 fails to remove an encroachment or interference on local government land in accordance with a request of an authorised person pursuant to paragraph 8 of this by-law; or
9.2 intentionally or negligently damages local government land,
an authorised person may:
9.3 undertake the work to comply with the request pursuant to paragraph 8 and/or repair the damage; and
9.4 recover the cost of completing the work from the person.

10. Exemptions

- 10.1 The restrictions in this by-law do not apply to any Police Officer, 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 to an emergency worker performing emergency duties.
- 10.2 The restrictions in paragraph 4.2.2, 4.7.2, 4.16, 4.30, 4.31.1, 4.31.2 and 4.31.4 of this by-law do not apply to:
- 10.2.1 electoral matters authorised by a candidate and which relate to a Commonwealth or State election that occurs during the period commencing at 5:00pm on the day before on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- 10.2.2 matters which relate to, and occur during the course of and for the purpose of a referendum.

11. Application

Any of paragraphs 4.6.1.3, 4.8, 4.10, 4.20, 4.22, 4.24.2, 4.25.2, 4.26, 4.28.2, 4.28.3, 4.35, 4.37, 5.5.1, 5.8 and 5.9 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

12. Revocation

Council's *By-law No. 4 – Local Government Land*, published in the *Gazette* on 26 August 2016, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Victor Harbor on the 24th day of July 2023 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

MS VICTORIA MACKIRDY
Chief Executive Officer

CITY OF VICTOR HARBOR

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999
AND THE DOG AND CAT MANAGEMENT ACT 1995*Dogs By-Law 2023***By-law No. 5 of 2023**

For the management and control of dogs within the Council's area.

Part 1 – Preliminary**1. Short Title**

This by-law may be cited as the *Dogs By-law 2023*.

2. Commencement

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 *Local Government Act 1999*.

3. Definitions

In this by-law:

- 3.1 **approved kennel establishment** means a building, structure or area approved by the relevant authority, pursuant to the *Development Act 1993* or *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
- 3.2 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled and includes a dog undergoing training of a kind approved by the Board for assistance dogs;
- 3.3 **Board** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.4 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of such devices if there is no enclosed area);
- 3.5 **control**, in relation to a dog, includes the person having ownership, possession or charge of, or authority over, the dog;
- 3.6 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.7 **effective control** means a person exercising effective control of a dog either:
- 3.7.1 by means of a physical restraint;
- 3.7.2 by command, the dog being in close proximity to the person, and the person being able to see the dog at all times;
- 3.8 **keep** includes the provision of food or shelter;
- 3.9 **local government land** has the same meaning as in the *Local Government Act 1999*;
- 3.10 **wetland area** includes any park, reserve, scrub, trail or other land adjacent to a wetland.

Part 2 – Dog Management and Control**4. Dog Free Areas**

- 4.1 A person must not on any local government land to which this paragraph applies allow a dog in that person's control to be in or remain in that place unless the dog is an assistance dog;
- 4.2 A person must not allow a dog under that person's control to be or remain on any local government land that has been identified as a Hooded Plover breeding site by a temporary fenced exclusion zone with a sign at least 50 metres away from the fence to indicate a Hooded Plover nest is or may be present on the land or in the vicinity.

5. Dog on Leash Areas

A person must not allow a dog under that person's control to be or remain:

- 5.1 on local government land or public place to which the Council has resolved that this subparagraph applies;
- 5.2 on any park or reserve during times when organised sport is being played;
- 5.3 within 5 metres of children's playground equipment;

5.4 in any wetland area;

unless the dog is secured by a strong leash not exceeding 2 metres in length which is either tethered securely to a fixed object capable of securing the dog or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

6. **Dog Exercise Areas**

6.1 A person may enter upon any part of local government land identified by the Council as a dog exercise area in accordance with paragraph 8 for the purpose of exercising a dog under his or her control.

6.2 Where a person enters upon such part of local government land for that purpose, they must ensure that the dog under their control remains under effective control while on that land.

7. **Limit on Dog Numbers**

7.1 The limit on the number of dogs kept on any premises in a township shall be two dogs.

7.2 The limit on the number of dogs kept on any premises outside of a township shall be three dogs (other than any working livestock dog).

7.3 A person must not, without obtaining written permission of the Council, keep any dog on any premises where the number of dogs exceeds the limit unless the premises is an approved kennel establishment.

Part 3 – Miscellaneous

8. **Application**

Any of paragraphs 4.1, 5.1 and 6.1 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246 of the Local Government Act 1999 and as are denoted by signs erected by the Council and information provided to the public in a manner determined by the Council's Chief Executive Officer.

9. **Revocation**

Council's *By-law No. 5 – Dogs*, published in the *Gazette* on 26 August 2016, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Victor Harbor held on the 24th day of July 2023 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

MS VICTORIA MACKIRDY
Chief Executive Officer

CITY OF VICTOR HARBOR

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999
AND THE DOG AND CAT MANAGEMENT ACT 1995

Cats By-Law 2023

By-law No. 6 of 2023

For the management and control of cats within the Council's area.

Part 1 – Preliminary

1. **Short Title**

This by-law may be cited as the *Cats By-law 2023*.

2. **Commencement**

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 *Local Government Act 1999*.

3. **Definitions**

3.1 In this by-law:

3.1.1 **authorised person** has the same meaning as in the *Dog and Cat Management Act 1995*;

3.1.2 **cattery** means a building, structure, premises or area approved by the relevant authority pursuant to the *Development Act 1993* or the *Planning, Development and Infrastructure Act 2016* for the keeping of cats on a temporary or permanent basis;

3.1.3 **cat** means an animal of the species *Felis catus* over three months of age;

3.1.4 **effective control by means of physical restraint**, with respect to a cat, means:

3.1.4.1 the person is exercising effective control of the cat by means of a chain, cord or leash that does not exceed two metres in length restraining the cat;

3.1.4.2 the person has effectively secured the cat by placing it in a cage, vehicle or other object or structure;

3.1.5 **keep** includes the provision of food or shelter;

3.1.6 **premises** includes:

3.1.6.1 land;

3.1.6.2 a part of any premises or land;

3.1.7 **prescribed premises** means:

3.1.7.1 a cattery;

3.1.7.2 a veterinary practice;

3.1.7.3 a pet shop; or

3.1.7.4 any premises for which the Council has granted an exemption;

3.1.8 **public notice** has the same meaning as in Section 4(1aa) of the *Local Government Act 1999*;

3.1.9 **responsible for the control** means a person who has possession or control of the cat;

- 3.1.10 **wander at large** means, with respect to a cat, the cat is in a public place or a private place without the consent of the occupier, and no person is exercising effective control by means of physical restraint.
- 3.2 For the purposes of this by-law:
- 3.2.1 the **prescribed limit**, in respect of the number of cats to be kept on premises, is two cats;
- 3.2.2 the **prescribed manner** in which a cat is to be identified at all times while the cat is not effectively confined to premises of which the owner of the cat is the occupier is by means of a collar around its neck to which a tag is attached legibly setting out:
- 3.2.2.1 the name of the owner of the cat, or of a person entitled to possession of the cat; and
- 3.2.2.2 either:
- (a) the address of the owner or other person; or
- (b) the telephone number of the owner or other person.
- Part 2 – Registration and Identification of Cats**
4. **Cats Must be Registered**
- 4.1 Every cat must be registered under this by-law.
- 4.2 If a cat is unregistered, any person who owns or is responsible for the control of the cat is guilty of an offence.
- 4.3 If a person is guilty of an offence by reason of a cat being unregistered, the person is guilty of a continuing offence for each day that the cat remains unregistered.
- 4.4 A person is not guilty of an offence by reason of the fact that the cat is unregistered if:
- 4.4.1 less than 14 days has elapsed since the person first owned or became responsible for the control of the cat; or
- 4.4.2 the cat:
- 4.4.2.1 is travelling with the person; and
- 4.4.2.2 is not usually kept within the area of the Council; or
- 4.4.3 the person is responsible for the control of the cat only by reason of the cat being kept for business purposes at prescribed premises.
5. **Registration Procedure for Cats**
- 5.1 An application for registration of a cat must:
- 5.1.1 be made to the Council in the manner and form approved by the Council; and
- 5.1.2 nominate a person of or over 16 years of age who consents to the cat being registered in their own name; and
- 5.1.3 nominate, with reference to an address of premises, the place at which the cat will usually be kept; and
- 5.1.4 include the unique identification number assigned to the microchip implanted in the cat; and
- 5.1.5 be accompanied by the registration fee and, if applicable, any late payment fee set by resolution of the Council for the cat.
- 5.2 Subject to subparagraph 5.3, on application and payment of the registration fee and any fee for late payment of the registration fee, the Council must register the cat in the name of the person nominated and issue to that person a certificate of registration in the form approved by Council.
- 5.3 The Council may refuse to register a cat under this by-law if:
- 5.3.1 the number of cats kept or proposed to be kept at premises exceeds the prescribed limit;
- 5.3.2 keeping a cat at the proposed premises would be contrary to any Act, Regulation or By-law.
- 5.4 A cat registered in the name of a particular person must, on application to the Council, be registered in the name of some other person who is stated in the application and is of or over 16 years of age and consents to the cat being registered in their name.
6. **Duration and Renewal of Registration**
- 6.1 Registration under this by-law remains in force until 30 June next ensuing after registration was granted and may be renewed from time to time for further periods of 12 months.
- 6.2 If an application for renewal of registration is made before 31 August of the year in which the registration expired, the renewal operates retrospectively from the date of expiry.
7. **Accuracy of Records**
- 7.1 The person in whose name a cat is individually registered must inform the Council as soon as practicable after any of the following occurs:
- 7.1.1 the cat is removed from the place recorded in the register as the place at which the cat is usually kept with the intention that it will be usually kept at some other place (whether in the area of the Council, in a different Council area or outside the State);
- 7.1.2 the cat dies;
- 7.1.3 the cat has been missing for more than 72 hours;
- 7.1.4 the residential address or telephone number of the owner of the cat change;
- 7.1.5 the ownership of the cat is transferred to another person.
- 7.2 Information given to the Council under this paragraph must include such details as may be reasonably required for the purposes of ensuring the accuracy of records kept under the Dog and Cat Management Act 1995 and this by-law.
- 7.3 If ownership of a cat is transferred from the person in whose name the cat is individually registered, the person must give to the new owner the certificate of registration last issued in respect of the cat.

8. Identification of Cats

- 8.1 Every cat must be identified in the prescribed manner at all times while the cat is not effectively confined to premises of which the owner of the cat is the occupier.
- 8.2 If a cat is not identified in the prescribed manner required by paragraph 8.1, any person who owns or is responsible for the control of the cat is guilty of an offence.
- 8.3 A person is not guilty of an offence by reason of the fact that the cat is not identified in the prescribed manner if:
- 8.3.1 the cat:
 - 8.3.1.1 is travelling with the person; and
 - 8.3.1.2 is not usually kept within the area of the Council; or
 - 8.3.1.3 is suffering from injury, disease or sickness to the extent that the wearing of a collar would be injurious to the health of the cat; or
 - 8.3.2 the person is responsible for the control of the cat only by reason of the cat being kept, for business purposes, at prescribed premises; or
 - 8.3.3 the Council has granted the owner of the cat an exemption from the requirements of this paragraph or an extension of time within which to comply with the requirements.

Part 3 – Cat Management and Control**9. Cats Not to Wander at Large**

- 9.1 A person who owns or is responsible for the control of a cat must not allow the cat to wander at large.
- 9.2 A person is not guilty of an offence by reason of the fact that a cat is wandering at large if the cat:
- 9.3 was born on or before the designated day; or
 - 9.4 was born after the designated day and the cat is wandering at large before 1 January 2025.
- 9.5 In this paragraph designated day means 1 January 2024.

10. Limit on Cat Numbers

- 10.1 A person must not, without permission, keep any cat on any premises where the number of cats on the premises exceeds the prescribed limit.
- 10.2 Permission under this paragraph may be given if the Council is satisfied that:
- 10.2.1 no insanitary condition exists on the premises as a result of the keeping of cats;
 - 10.2.2 a nuisance is not caused to any neighbour as a result of the keeping of cats on the premises; and
 - 10.2.3 all cats kept on the premises are desexed and microchipped in accordance with any requirements of the Dog and Cat Management Act 1995.
- 10.3 The prescribed limit does not apply to prescribed premises.

Part 4 – Miscellaneous**11. Revocation**

Council's *By-law No. 6 – Cats*, published in the *Gazette* on 26 August 2016, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Victor Harbor held on the 24th day of July 2023 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

MS VICTORIA MACKIRDY
Chief Executive Officer

CITY OF VICTOR HARBOR**BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999***Foreshore By-Law 2023***By-law No. 7 of 2023**

For the management of local government land comprising the beach and foreshore under the control of the Council.

Part 1 – Preliminary**1. Short Title**

This by-law may be cited as the *Foreshore By-law 2023*.

2. Commencement

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 *Local Government Act 1999*.

3. Definitions

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

- 3.1 **animal** includes birds, insects and fish, but excludes a dog;
- 3.2 **boat** includes a raft, pontoon, jet ski, personal watercraft or any other similar device;
- 3.3 **camp** includes setting up a camp, or causing a tent, caravan or motor home to remain on the foreshore for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the foreshore;
- 3.4 **e-cigarette** means:
 - 3.4.1 a device that is designed to generate or release an aerosol or vapour for inhalation by its user in a manner similar to the inhalation of smoke from an ignited tobacco product; or
 - 3.4.2 a device of a kind resolved by the Council and notified by notice in the *Gazette* to be an e-cigarette;
- 3.5 **effective control** means a person exercising effective control of an animal either:
 - 3.5.1 by means of a physical restraint; or

- 3.5.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 3.6 **foreshore** means the area between the low water mark on the seashore and the nearest boundary of:
- 3.6.1 a road;
- 3.6.2 a section;
- 3.6.3 a public reserve; or
- 3.6.4 land comprised in a land grant, Crown Land or Crown License;
- 3.7 **liquor** has the same meaning as defined in the *Liquor Licensing Act 1997*;
- 3.8 **low water mark** means the lowest meteorological tide;
- 3.9 **open public water** means any stream, river, creek or ocean within the foreshore;
- 3.10 **smoke** means:
- 3.10.1 in relation to a tobacco product, smoke, hold, or otherwise have control over, an ignited tobacco product; or
- 3.10.2 in relation to an e-cigarette, to inhale from, hold or otherwise have control over, an e-cigarette that is in use;
- 3.11 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

Part 2 – Management of Foreshore

4. Activities Requiring Permission

A person must not without permission on the foreshore:

- 4.1 **Advertising**
display any sign for the purpose of commercial advertising other than a moveable sign displayed in accordance with the Council's Moveable Signs By-law 2023;
- 4.2 **Aircraft**
subject to the *Civil Aviation Act 1988*, land any aircraft on, or take off any aircraft from the foreshore;
- 4.3 **Amplification**
use an amplifier or other mechanical or electrical device for the purpose of broadcasting sound, or magnifying sound, to an audience;
- 4.4 **Attachments**
attach anything to a tree, plant, equipment, fence, post, structure or fixture on the foreshore;
- 4.5 **Camp**
erect a tent or other structure of calico, canvas, plastic or other similar material;
- 4.6 **Charge Admission**
charge admission or seek payment for entering any part of the foreshore;
- 4.7 **Closed Lands**
enter or remain on any part of the foreshore that has been closed to the public, including through the erection of barriers;
- 4.8 **Flora, fauna and other living things**
subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
- 4.8.1 except in a community garden, damage, pick, or interfere with any plant, fungi or lichen thereon; or
- 4.8.2 tease, remove or cause harm to any animal or bird or the eggs or young of any animal or bird or aquatic creature;
- 4.8.3 use, possess or have control of any device for the purpose of killing or capturing any animal or bird;
- 4.9 **Fireworks**
ignite or discharge any fireworks;
- 4.10 **Jetties**
jump or dive from a jetty or other structure onto the foreshore or into any adjacent waters;
- 4.11 **Missiles**
throw, roll or discharge any stone, substance or missile to the danger of any person or animal thereon;
- 4.12 **Pontoons**
install or maintain a pontoon or jetty in any open public water;
- 4.13 **Public Exhibitions and Displays**
- 4.13.1 sing, busk or play a musical instrument for the apparent purpose of either entertaining others or receiving money;
- 4.13.2 conduct or hold any concert, festival, show, public gathering, circus, performance or any other similar activity;
- 4.13.3 erect or inflate any inflatable castle;
- 4.13.4 cause any public exhibitions or displays;
- 4.14 **Trading**
- 4.14.1 carry on the business of selling or offering or exposing for sale any goods, merchandise, commodity, article or thing; or
- 4.14.2 set up a van or other vehicle or stall or other structure, tray, carpet or device for the purpose of buying or selling any goods, merchandise, commodity, article or thing;

- 4.15 **Vehicles and Vessels**
repair, wash, paint, panel beat or carry out other work to a vehicle or a vessel, except for running repairs in the case of a breakdown;
- 4.16 **Weddings, Functions and Special Events**
- 4.16.1 hold, conduct or participate in a marriage ceremony, funeral or special event;
- 4.16.2 erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event;
- 4.16.3 hold or conduct any filming where the filming is for a commercial purpose.
5. **Activities Requiring Permission in Declared Areas**
A person must not without permission on any part of the foreshore:
- 5.1 **Alcohol**
consume or possess or be in charge of any liquor;
- 5.2 **Animals**
- 5.2.1 cause or allow any animal to swim or bathe in any open public water to the inconvenience, annoyance or danger of any other person bathing or swimming; or
- 5.2.2 allow, ride or take any animal or allow it to remain;
- 5.2.3 allow any animal to enter or leave the foreshore other than by the access ramps constructed or provided for that purpose;
- 5.3 **Bathing**
swim or bathe in any open public water at a time when swimming or bathing in that place has been prohibited as indicated by a sign or signs displayed on or near the foreshore;
- 5.4 **Boats**
- 5.4.1 subject to the provisions of the Harbors and Navigation Act 1993 and the Marine Safety (Domestic Commercial Vessel) National Law hire out any boat or otherwise use a boat for commercial purposes from the foreshore;
- 5.4.2 launch or retrieve a boat from or onto the foreshore without using a boat ramp constructed or provided for that purpose;
- 5.4.3 allow a vehicle or a boat to remain stationary on a boat ramp for longer than is necessary to launch or retrieve a boat;
- 5.5 **Boat Ramps**
subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:
- 5.5.1 use or launch a boat or other object from any boat ramp or in any area except where a sign or signs are displayed by the Council requiring the purchase of a permit prior to launch;
- 5.5.2 in respect of a permit issued under sub-paragraph 5.5.1:
- 5.5.2.1 the Council shall prescribe a fee at least once in each financial year for permits to use a boat ramp;
- 5.5.2.2 a permit may be purchased for a fee from the Council or its duly authorised agent, or a ticket vending machine installed and maintained by the Council;
- 5.5.2.3 upon request of an authorised person, any person about to use (unless they have not yet had the opportunity to purchase a ticket) using or having used a boat ramp, must produce a permit or ticket purchased prior to the request in compliance with this by-law;
- 5.5.2.4 the Council, or such other person as the Council may authorise by resolution for that purpose, may exempt organisations involved in search and rescue at sea from the requirement to purchase a permit; and
- 5.5.2.5 the Council may, by resolution and the erection of a sign or signs, restrict the use of special areas or boat ramps to either commercial or recreational use, or prohibit their use entirely;
- 5.6 **Camp**
Camp or sleep overnight in accordance with such time limits and other conditions determined by resolution of Council (if any);
- 5.7 **Fires**
subject to the *Fire and Emergency Services Act 2005*, light any fire except:
- 5.7.1 in a place provided by the Council for that purpose; or
- 5.7.2 in a portable barbecue, as long as the barbecue is used in an area that is clear of flammable material for a distance of four metres;
- 5.8 **Fishing**
cast or keep in open public water any fishing line, net or trap to catch fish or other water creatures in any area, bridge, pontoon or jetty in any area to which the Council has resolved this paragraph applies;
- 5.9 **Vehicles**
drive or propel a vehicle except on an area of the foreshore set aside by the Council for that purpose and identified by means of signs, devices or fencing;
- 5.9.1 clause 5.9 applies to all fenced Hooded Plover breeding sites located on the foreshore so that these sites constitute an area on the foreshore where a vehicle may not be driven or propelled; and
- 5.9.2 for the purposes of clause 5.9.1, a 'Hooded Plover breeding site' is any land that has been identified by a temporary fenced exclusion zone with a sign at least 20 metres away from the fence to indicate a Hooded Plover nest is or may be present on the land or in the vicinity.

6. Prohibited Activities

A person must not on the foreshore:

6.1 Annoyances

do anything likely to offend or unreasonably interfere with any other person:

6.1.1 using the foreshore; or

6.1.2 occupying nearby premises,

by making a noise or creating a disturbance;

6.2 Glass

wilfully break glass, china or other brittle material;

6.3 Interference with Permitted Use

interrupt, disrupt or interfere with any other person's use of the foreshore for which permission has been granted;

6.4 Model Aircraft, Boats and Cars

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 foreshore or detract from or be likely to detract from another person's lawful use of and enjoyment of the foreshore;

6.5 Pontoon

moor a boat or allow any boat to remain stationary adjacent to a pontoon installed on the foreshore other than in accordance with any conditions displayed on any sign on or in the vicinity of the pontoon;

6.6 Sand Dunes, Pebble Dunes, Coastal Slopes and Cliffs

6.6.1 carry out any activity that may damage or threaten the integrity of sand dunes, pebble dunes, coastal slopes or cliffs; or

6.6.2 introduce non-indigenous flora or fauna or dump any material in a sand dune or pebble dune; or

6.6.3 destroy, remove or cause interference to any vegetation, whether living or dead, on or within a sand dune, coastal slope or coastal cliff;

6.6.4 remove or clear or destroy any sand, soil, rocks or other flora and fauna;

6.6.5 make or excavate any dugout, cave, cliff or other opening or camp in or otherwise occupy any dugout, cave or cliff overhanging opening;

6.7 Toilets

in any public convenience:

6.7.1 smoke tobacco or any other substance;

6.7.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;

6.7.3 use it for a purpose or manner for which it was not designed or constructed;

6.7.4 subject to clause 6.5.5, enter the public convenience unless the person is of the gender indicated in writing or on a sign located on the public convenience;

6.7.5 clause 6.5.4 does not apply –

6.5.5.1 in a genuine emergency; or

6.5.5.2 to a vulnerable person being assisted by the vulnerable person's caregiver, parent or guardian; or

6.5.5.3 to a person that is intersex, transgender or gender diverse; or

6.5.5.4 to a person with a disability; or

6.5.5.5 to a person assisting a person with a disability;

6.8 Use of Equipment, Buildings and Property

use any item of equipment and/or facilities or other Council property:

6.8.1 other than for the purpose and in the manner for which it was designed, set aside or intended to be used; and

6.8.2 where any nearby sign states the conditions of use, except in accordance with those conditions;

6.9 Waste

6.9.1 deposit or leave thereon:

6.9.1.1 anything obnoxious or offensive;

6.9.1.2 any offal, dead animal, dung or filth; or

6.9.1.3 any mineral, mineral waste, industrial waste or by-products;

6.9.2 deposit any rubbish other than in receptacles provided by the Council for that purpose;

6.9.3 deposit in any receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs.

Part 3 – Miscellaneous**7. Orders and Directions**

7.1 Every person shall comply with any reasonable direction or request from an authorised person relating to:

7.1.1 that person's use of the foreshore;

7.1.2 that person's conduct and behaviour on the foreshore;

7.1.3 that person's safety on the foreshore; and

7.1.4 the safety and enjoyment of the foreshore by other persons.

8. Removal of Animals and Objects

If any animal or object is found on any part of the foreshore in breach of a by-law:

- 8.1 any person in charge of the animal or object shall forthwith remove it from that part on the reasonable request of an authorised person; and
- 8.2 any authorised person may remove the animal or object if the person fails to comply with the request, or if the authorised person reasonably believes that no person is in charge of the animal or object.

9. Exemptions

- 9.1 The restrictions in this by-law do not apply to any 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 of a Council Officer, or an emergency worker when performing emergency duties.
- 9.2 The restrictions in paragraphs 4.1, 4.3, 4.4, 4.13.1, 4.13.2 and 4.13.4 of this by-law do not apply to electoral matters:
- 9.2.1 authorised by a candidate and which relate to a Commonwealth or State election that occurs during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- 9.2.2 related to, and occurring during the course of and for the purpose of a referendum.

10. Application of Paragraphs

Any of paragraph 5.1 and 5.8 of this by-law shall apply only in such portion or portions of the foreshore as the Council may be resolution direct in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

11. Revocation

Council's *By-law No. 7 – Foreshore*, published in the *Gazette* on 26 August 2016, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Victor Harbor held on the 24th day of July 2023 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

MS VICTORIA MACKIRDY
Chief Executive Officer

CITY OF WEST TORRENS

Adoption of Valuations and Declaration of Rates

Notice is hereby given that the Council in exercise of the powers contained in Chapters 8, 9 and 10 of the *Local Government Act 1999* and the *Landscape South Australia Act 2019*:

1. Adoption of Valuations

At a meeting held on 18 July 2023, adopted for rating purposes, for the year ended 30 June 2024, the capital valuations of the Valuer-General of all property within the Council area, totalling \$26,625,407,500.

2. Declaration of Rates

At a meeting held on 18 July 2023:

- (i) Declared differential general rates in the dollar based on capital values as follows:
- (a) 0.196158 cents in the dollar on rateable land use of the permissible differing category (a);
- (b) 0.510026 cents in the dollar on any rateable land of the permissible differing categories (b) to (i) inclusive.
- (ii) Declared a minimum amount payable by way of general rates on rateable land in its area of \$1,066.
- (iii) Declared a separate rate on rateable land within the Council area of 0.007449 cents in the dollar based on capital values, as a contribution to the Green Adelaide Board.

3. Payment

Rates may be paid by four equal or approximately equal instalments as follows:

- (i) 1 September 2023 in respect of the first instalment;
- (ii) 1 December 2023 in respect of the second instalment;
- (iii) 1 March 2024 in respect of the third instalment; and
- (iv) 3 June 2024 in respect of the fourth instalment.

TERRY BUSS PSM
Chief Executive Officer

LIGHT REGIONAL COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*Light Regional Council (Miscellaneous) Amendment By-Law 2023***Light Regional Council By-law No. 7**

To vary the Council's *Permits and Penalties By-law 2022*, *Moveable Signs By-law 2022*, *Roads By-law 2022*, *Local Government Land By-law 2022* and *Dogs By-law 2022* and for related purposes.

Part 1 - Preliminary**1. Short title**

This by-law may be cited as the *Light Regional Council (Miscellaneous) Amendment By-law 2023*.

2. Commencement

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 *Local Government Act 1999*.

3. Amendment provisions

In this by-law, a provision under a heading referring to the amendment of a specified by-law amends the by-law so specified.

Part 2 - Amendment of *Permits and Penalties By-law 2022***4. Amendment of Paragraph 7**

- 4.1 Paragraph 7.3 – delete ‘statutory declaration’ and substitute ‘statutory nomination’.
- 4.2 Paragraph 7.4 – delete ‘section’ and substitute ‘paragraph 7’.
- 4.3 Paragraph 7.4.2 – delete ‘he or she was’ and substitute ‘they were’.
- 4.4 Paragraph 7.4.2 – delete ‘statutory declaration’ and substitute ‘statutory nomination’.
- 4.5 Paragraph 7.5.2 – delete ‘statutory declaration’ and substitute ‘statutory nomination’.
- 4.6 After paragraph 7.5.2, insert:
- 7.6 The Council, Informant or officer to whom a nomination is provided in response to a notice under subparagraphs 7.3 or 7.4 may require the person who made the nomination to verify the information contained in the nomination by statutory declaration.
- 7.7 If the Council, Informant or officer specified in the notice under subparagraphs 7.3 or 7.4 believes that a nomination made in response to the notice has been made in error, the Council, Informant or officer (as the case may be) may permit the nomination to be withdrawn and a new nomination to be made.
- 4.7 Paragraph 7.8 – delete ‘subparagraph 7.7’ and substitute ‘subparagraph 7.9’.
- 4.8 Paragraph 7.8.2 – delete ‘statutory declaration’ and substitute ‘statutory nomination’.
- 4.9 Paragraph 7.9 – delete ‘paragraph 7.6.2’ and substitute ‘subparagraph 7.8.2’.
- 4.10 Paragraph 7.9 – delete ‘declaration’ and substitute ‘nomination’.
- 4.11 Paragraph 7.10.1 – delete ‘statutory declaration’ and substitute ‘statutory nomination’.
- 4.12 Paragraph 7.10.2 – delete ‘statutory declaration’ and substitute ‘statutory nomination’.
- 4.13 Paragraph 7.10 – delete ‘summons’ and substitute ‘Information’.
- 4.14 Paragraph 7.10 – delete ‘statutory declaration’ and substitute ‘statutory nomination’.
- 4.15 Paragraph 7.11 – delete ‘statutory declaration’ and substitute ‘statutory nomination’.
- 4.16 After paragraph 7.11, insert:
- 7.12 A nomination under this paragraph must be made in a manner and form approved by the Council.
- 7.13 A person must not, in making a nomination for the purposes of this paragraph, make a statement that is false or misleading in a material particular.
- 4.17 Paragraph 8.8 – delete ‘statutory declaration’ and substitute ‘statutory nomination’.

Part 3 - Amendment of *Moveable Signs By-law 2022***5. Amendment of Paragraph 10**

- 5.1 Paragraph 10 – after ‘at the’ insert ‘reasonable’.
- 5.2 Paragraph 10.1 – after ‘in the’ insert ‘reasonable’.
- 5.3 Paragraph 10.2 – delete ‘so’ and insert ‘reasonably’.
- 5.4 Paragraph 10.2 – after ‘which, in the’ insert ‘reasonable’.

Part 4 – Amendment of *Roads By-law 2022***6. Amendment of Paragraph 4**

- Paragraph 4.6 – delete ‘he or she desires’ and substitute ‘they desire’.

7. Amendment of Paragraph 7

- 7.1 Paragraph 7.1 – after ‘on the’ insert ‘reasonable’.
- 7.2 Paragraph 7.2 – after ‘or if’ insert ‘the authorised person reasonably believes that’.

Part 5 – Amendment of *Local Government Land By-law 2022***8. Amendment of Paragraph 4**

- 8.1 Paragraph 4.5.2 – delete ‘his or her’ and substitute ‘their’.
- 8.2 Paragraph 4.1.6 – delete ‘he or she desires’ and substitute ‘they desire’.

9. Amendment of Paragraph 5

- 9.1 Paragraph 5.8 – after paragraph 5.8.4, insert:
- 5.8.5 subject to paragraph 5.8.6, enter the public convenience unless the person is of the gender indicated in writing or on a sign located on the public convenience;
- 5.8.6 paragraph 5.8.5 does not apply:
- 5.8.6.1 in a genuine emergency; or
- 5.8.6.2 to a vulnerable person being assisted by the vulnerable person’s caregiver, parent or guardian; or
- 5.8.6.3 to a person that is intersex, transgender or gender diverse; or
- 5.8.6.4 to a person with a disability; or
- 5.8.6.5 to a person assisting a person with a disability;

10. Amendment of Paragraph 7

- 10.1 Paragraph 7.1.1 – after ‘on the’ insert ‘reasonable’.
- 10.2 Paragraph 7.1.2 – after ‘or if’ insert ‘the authorised person reasonably believes that’.
- 10.3 Paragraph 7.2 – after ‘may’ insert ‘reasonably’.

Part 6 – Amendment of Dogs By-law 2022**11. Amendment of Paragraph 6**

11.1 Paragraph 6.1 – delete ‘his or her’ and substitute ‘their’.

The foregoing by-law was duly made and passed at a meeting of the Council of the Light Regional Council held on the 25th day of July 2023 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

MR RICHARD DODSON
Acting Chief Executive Officer

ADELAIDE PLAINS COUNCIL

Adoption of Valuations and Declaration of Rates

NOTICE is hereby given that the Adelaide Plains Council, at a Council meeting held on 24 July 2023, in respect of the financial year ending 30 June 2024, adopted its Annual Business Plan and Budget and made the following decisions:

Adoption of Valuations

The Council adopted, for rating purposes, the most recent valuations of the Valuer-General available to the Council of the capital value of land within the Council’s area totalling \$2,947,302,260, of which \$2,915,203,330 is the total capital value of rateable land.

Declaration of Rates and Service Charges*General Rates*

The Council declared differential general rates on all rateable land within its area comprising two components:

- a) one component being a differential rate based on the capital value of rateable land varying according to land use as follows:
 - 0.382163 cents in the dollar on rateable land attributed with a land use category of Residential or Other;
 - 0.554136 cents in the dollar on rateable land attributed with a land use category of Commercial Shop, Commercial Office, Commercial Other, Industry Light or Industry Other;
 - 0.374520 cents in the dollar on rateable land attributed with a land use category of Primary Production; and
 - 0.458595 cents in the dollar on rateable land attributed with a land use category of Vacant;
- b) the other component being fixed charge of \$185.

Kerbside Waste Collection Annual Service Charges

The Council imposed an annual service charge of \$206 per assessment in respect of all occupied land to which Council provides or makes available the prescribed service of kerbside waste collection 3-bin service (noting that this service is provided within the townships of Mallala, Two Wells and Dublin), and an annual service charge of \$206 per assessment in respect of all occupied land to which Council provides the prescribed service of kerbside waste collection 2-bin service (noting that this service is provided outside the townships of Mallala, Two Wells and Dublin) upon the (existing or future) application to participate in such service by the ratepayer, provided that the sliding scale provided for in regulations will apply to reduce the service charge, as prescribed.

Community Wastewater Management Annual Service Charges

The Council imposed annual service charges of the following amounts in respect of all land to which the service of collecting, treating and disposing of wastewater as part of the Council’s Community Wastewater Management Systems is provided or made available:

Middle Beach	Mallala Township
\$488.00 per assessment	\$740.00 per assessment

Regional Landscape Levy

The Council declared a separate rate of 0.011019 cents in the dollar on all rateable land within its area and within the area of the Northern and Yorke Landscape Board for the purpose of raising the amount of \$319,213 to reimburse the Council for the amount payable to the Northern and Yorke Landscape Board.

Payment of Rates

The Council determined all rates and annual service charges shall be due in four equal or approximately equal instalments payable on 15 September 2023, 1 December 2023, 1 March 2024 and 7 June 2024.

Dated: 27 July 2023

JAMES MILLER
Chief Executive Officer

[REPUBLICISHED]

DISTRICT COUNCIL OF COOBER PEDY

Adoption of Valuations and Declaration of Rates

Notice is hereby given that at its meeting of 26 July 2023 the District Council of Coober Pedy adopted its valuations and declared its rates for the 2023-24 financial year.

Adoption of Valuations for 2023/24

That pursuant to Section 167(2)(a) of the *Local Government Act 1999*, the Council adopts for rating purposes the capital valuations made by the Valuer-General within the Council’s area totalling \$171,644,800 of which \$149,689,908 represents rateable land.

Declaration of Differential General Rates for 2023/24

That, having taken into account the general principles of rating contained in Section 150 of the *Local Government Act 1999* and the requirements of Section 153(2) of the *Local Government Act 1999*, Council, pursuant to and in accordance with Sections 152(1)(a) and 153(1)(a) of the *Local Government Act 1999* declares:

Land Use (a)	Residential	1.2915 cents in the dollar
Land Use (b)	Commercial—Shop	1.6144 cents in the dollar
Land Use (c)	Commercial—Office	1.6144 cents in the dollar
Land Use (d)	Commercial—Other	1.6144 cents in the dollar
Land Use (e)	Industry Light	1.6144 cents in the dollar
Land Use (f)	Industry—Other	1.6144 cents in the dollar
Land Use (h)	Vacant Land	1.2915 cents in the dollar
Land Use (i)	Other	1.6144 cents in the dollar

Declaration of a Fixed Charge - General Rates for 2023/24

That the Council's in accordance with Section 153(2) of the *Local Government Act 1999* impose a fixed charge of \$100.00 in respect of each separate piece of rateable land within the Council's area for the financial year ending 30th June 2024.

Declaration of a Maximum Increase in General Rates for 2023/24

That, pursuant to Section 153(3) of the *Local Government Act 1999*, Council determines it will not fix a maximum increase in the general rates on the principal place of residence of a principal ratepayer for the financial year ending 30 June 2024.

Declaration of Separate Rate - Regional Landscape Levy for 2023/24

That, pursuant to Part 5 of the *Landscape South Australia Act 2019* and Section 154 of the *Local Government Act 1999*, the Council declares a separate rate based on a fixed charge based on land use code on all rateable land in the Council area of:

Land Use (a)	Residential	\$45.35
Land Use (b)	Commercial—Shop	\$90.69
Land Use (c)	Commercial—Office	\$90.69
Land Use (d)	Commercial—Other	\$90.69
Land Use (e)	Industry Light	\$90.69
Land Use (f)	Industry—Other	\$90.69
Land Use (h)	Vacant Land	\$45.35
Land Use (i)	Other	\$45.35

To raise the amount of \$76,561 on behalf of the SA Arid Lands Landscape Board for the financial year ending 30th June 2024.

Declaration of Water Annual Service Charge for 2023/24

That pursuant to Section 155 of the *Local Government Act 1999*, the Council declares an annual service charge for the financial year ending 30 June 2024 on all land within the Council's area to which the Council provides or makes available the prescribed service of the treatment and provision of water, based on the nature of the service, of \$302.75.

Declaration of Annual Community Wastewater Management Scheme Service Rate for 2023/24

That pursuant to and in accordance with Section 155 of the *Local Government Act 1999*, the Council declares a service rate for the prescribed service of the collection, treatment and disposal of waste in respect of all rateable land within the Community Wastewater Management Scheme (CWMS) Area and within the area of the Council, as set out in in Attachment 1 to the report titled Annual Business Plan, Budget, Valuations and Rates adoption" and dated 26 July 2023, for the financial year ending 30 June 2024 being a rate of 0.6081 cents in the dollar, based on the capital value of the land the subject of the rate.

Due Dates for Payment of Rates for 2023/24

That pursuant to Section 181 of the *Local Government Act 1999* rates for the financial year ending 30 June 2024 will fall due in four equal or approximately equal instalments on 12 September 2023, 4 December 2023, 4 March 2024, and 3 June 2024.

A copy of the Annual Business Plan 2023-24 can be viewed at the Council offices, Lot 773, Hutchison Street, Coober Pedy SA 5723, during business hours, or from www.cooberpedy.sa.gov.au.

Dated: 27 July 2023

D. KELLY
Chief Executive Officer

KINGSTON DISTRICT COUNCIL
PERMITS AND PENALTIES BY-LAW 2023
By-law No. 1 of 2023

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 2023* and is By-law No. 1 of the Kingston District Council.
2. **Authorising Law**
This By-law is made under section 246 of the Act.
3. **Purpose**
The objects 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 2016.²
 - 4.2 This By-law will expire on 1 January 2031.³

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 Kingston District Council; 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 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:
 - 7.2.1 permission granted specifically to an applicant; or
 - 7.2.2 permission of general application granted by way of the Council adopting a policy 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 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 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 the Kingston District Council held on **18 July 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**KINGSTON DISTRICT COUNCIL
MOVEABLE SIGNS BY-LAW 2023
By-law No. 2 of 2023**

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 2023* and is By-law No. 2 of the Kingston District Council.
 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.2 – Moveable Signs 2016.*²
 - 4.2 This By-law will expire on 1 January 2031.³
- 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 2023*.
 - 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, at both sides, 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 Kingston District Council;
 - 6.6 **footpath area** means:
 - 6.6.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary; or
 - 6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
 - 6.7 **Local Government land** has the same meaning as in the Act, being land owned by the Council or under the Council's care, control and management;
 - 6.8 **moveable sign** has the same meaning as in the Act, being a moveable advertisement or sign;
 - 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* and includes:
 - 6.10.1 a motor vehicle trailer and a tram;
 - 6.10.2 a bicycle;
 - 6.10.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
 - 6.10.4 a combination; and
 - 6.10.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Note-

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

PART 2 – MOVEABLE SIGNS**7. Construction and Design**

A moveable sign must:

- 7.1 be of a kind known as:
 - 7.1.1 an 'A' frame or sandwich board sign;
 - 7.1.2 an 'inverted 'T' sign;
 - 7.1.3 a flat sign;
 - 7.1.4 a 'teardrop' or 'flag' 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), a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition (in the reasonable opinion of an authorised person) so as not to present a hazard to any member of the public;
- 7.3 be of strong construction 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 have sharp or jagged edges or corners;
- 7.6 not in the reasonable opinion of an authorised person, be unsightly or offensive in appearance or content;
- 7.7 not rotate, be illuminated internally, or contain moving or flashing parts;
- 7.8 except in the case of a 'teardrop' or 'flag' sign:
- 7.8.1 not exceed 900mm in perpendicular height;
- 7.8.2 not have a display area exceeding 0.7 square metres in total, or, if the sign is two-sided, 0.7 square metres on each side;
- 7.9 in the case of an 'A' frame or sandwich board sign:
- 7.9.1 be hinged or joined at the top;
- 7.9.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 7.9.3 not have a base area in excess of 0.6 square metres; or
- 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:
- 8.1 placed on any part of a road other than the footpath area;
- 8.2 placed on a footpath that is less than 2.5 metres wide;
- 8.3 placed on a designated parking area or within one (1) metre of an entrance to any business or other premises;
- 8.4 placed on the sealed part of a footpath:
- 8.4.1 if there is an unsealed part on which the sign can be placed in accordance with this By-law; or
- 8.4.2 unless the sealed part is wide enough to contain the sign and leave a clear thoroughfare for pedestrians of a width of at least 1.8 metres;
- 8.5 placed so as to interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed;
- 8.6 placed closer than 0.4 metres to the kerb or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, whichever is the greater;
- 8.7 placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.8 placed within six (6) metres of an intersection;
- 8.9 placed on a footpath area with a minimum height clearance from a structure above it of less than two (2) metres;
- 8.10 placed on a median strip, traffic island, roundabout or on any other traffic control device on a road;
- 8.11 tied, fixed or attached to, or placed closer than two (2) metres from any other structure, object, tree, plant or thing (including another moveable sign);
- 8.12 displayed during the hours of darkness unless it is in a lit area and is clearly visible; or
- 8.13 placed in such a position or in such circumstances so that, in the reasonable opinion of an authorised officer, the safety of a user of the footpath area or road is at risk.
- 9. Appearance**
- A moveable sign on a road must, in the reasonable 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 as are compatible with the architectural design of the premises adjacent to the sign, and which related well to the town landscape and overall amenity of the locality in which it is situated and not detract from or conflict with traffic, safety or direction signs or signals; and
- 9.4 contain combinations of colour and typographical styles which lend in with and reinforce the heritage qualities of the locality and the buildings where it is situated.
- 10. Banners**
- A person must not erect or display a banner on a building or structure on a road without the Council's permission.
- Note-**
- A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under section 222 of the *Local Government Act 1999*.
- 11. Restrictions**
- 11.1 The owner or operator of a business must not cause or allow more than two (2) moveable signs for each business premises to be displayed on the footpath area of a road at any time.
- 11.2 A person must not, without the Council's permission, display a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land (including roads) 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 footpath area 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.
- 11.4 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, 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 8.9, 8.11, 9.1-9.4 (inclusive), 11.1 and 11.3 of this By-law do not apply to a moveable sign which:
- 12.1.1 advertises a garage sale taking place from residential premises provided that:
- 12.1.1.1 no more than four (4) moveable signs per residential premises are displayed at any one time in relation to a garage sale taking place at that premises;
- 12.1.1.2 the moveable sign displays the address of the vendor; and
- 12.1.1.3 the moveable sign is displayed on the day the garage sale is taking place; or
- 12.1.2 is a directional sign to an event run by a community organisation or charitable body.

- 12.2 Subclauses 11.1 and 11.3 of this By-law do not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.
- 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 an 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 reasonable 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 reasonable opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

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 the Kingston District Council held **18 July 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**KINGSTON DISTRICT COUNCIL
LOCAL GOVERNMENT LAND BY-LAW 2023
By-law No. 3 of 2023**

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 2023* and is By-law No. 3 of the Kingston District Council.

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 objects 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 area; 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. 3 – Local Government Land 2016.*²

- 4.2 This By-law will expire on 1 January 2031.³

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 2023*.
- 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council area.
- 5.3 Subclauses 9.2, 9.4.1.2., 9.23.1, 9.9.1, 9.9.2, 9.10.1, 9.23.3, 9.23.5, 9.25.2, 9.33.4, 9.35, 10.6 and 10.11 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 9.4.2.2 and 9.14.2 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 **camp includes** setting up a camp or causing
- 6.8.1 a tent or other structure of calico, canvas, plastic or other similar material;
- 6.8.2 a swag or similar bedding; or
- 6.8.3 subject to the *Road Traffic Act 1961*, a caravan, tent trailer, motor home or other vehicle; to remain on a road overnight, whether or not any person is in attendance or sleeps on the road.
- 6.9 **Council** means the Kingston District Council;
- 6.10 **effective control** means a person exercising effective control of an animal either:
- 6.10.1 by means of a physical restraint; or
- 6.10.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.11 **electoral matter** has the same meaning as in the *Electoral Act 1985*;
- 6.12 **emergency vehicle** has the same meaning as in the *Australian Road Rules* and the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.13 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.14 **foreshore** means land (which may or may not be Local Government land) extending:
- 6.14.1 from the low water mark on the seashore in the Council's area to the nearest road or section boundary; or
- 6.14.2 for a distance of 50 metres from the high water mark. (whichever is the lesser) and to avoid doubt, includes the foreshore within the Harbor of Cape Jaffa and the Harbor of Kingston (SE).
- 6.15 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.16 **Harbor or Cape Jaffa** has the same meaning as in Schedule 3 of the *Harbors and Navigation Regulations 2009*;
- 6.17 **Harbor of Kingston (SE)** has the same meaning as in Schedule 3 of the *Harbors and Navigation Regulations 2009*;
- 6.18 **high-water mark** means the point on land that is the highest astronomical tide;
- 6.19 **horse** includes pony, mule and donkey;
- 6.20 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 6.21 **Local Government land** means land owned by the Council or under the Council's care, control and management (except roads);
- 6.22 **low water mark** means the lowest astronomical tide;
- 6.23 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.24 **open container** means a container that:
- 6.24.1 after the contents of the container have been sealed at the time of manufacture:
- 6.24.1.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
- 6.24.1.2 being a can, it has been opened or punctured;
- 6.24.1.3 being a cask, it has had its tap placed in a position to allow it to be used;
- 6.24.1.4 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
- 6.24.2 is a flask, glass, mug or other container able to contain liquid;
- 6.25 **personal watercraft** has the same meaning as in the *Harbors and Navigation Act 1993*, which is a device that:
- 6.25.1 is propelled by a motor;
- 6.25.2 has a fully enclosed hull;
- 6.25.3 is designed not to retain water if capsized; and
- 6.25.4 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;
- 6.26 **portable barbecue** is a barbecue or other device used for cooking food that uses solid fuel including (but not limited to) wood, charcoal and heat beads;
- 6.27 **Sand Dune or Coastal Slope or Cliff** means the sand dunes, coastal slopes, cliffs or other geomorphologic coastal

- forms under the care, control and management of the Council;
- 6.28 **tobacco product** has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*;
- 6.29 **road** has the same meaning as in the Act;
- 6.30 **special event** means an organised gathering of more than fifty (50) persons for any social, sporting or cultural purpose;
- 6.31 **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 6.32 **waters** include 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
- 6.33 **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 Land

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

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

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

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

A person must not without the permission of the Council, do any of the following activities on Local Government land or on the foreshore, unless otherwise indicated.

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 On Local Government land other than the foreshore:

- 9.4.1.1 cause or allow an animal to stray onto, move over, graze or be left unattended;
- 9.4.1.2 cause or allow an animal to enter, swim, bathe or remain in any waters to which the Council has resolved this subparagraph applies; or
- 9.4.1.3 lead, herd, drive or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided that the animal or animals are under effective control.

9.4.2 On Local Government land comprising the foreshore:

- 9.4.2.1 cause or allow a sheep, cow, goat or horse to enter, swim, bathe or remain in any waters.
- 9.4.2.2 take any horse or camel onto or allow it to remain on the foreshore except on any foreshore area to which the Council has resolved this clause applies; or
- 9.4.2.3 subject to sub clause 9.4.2.2, 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

Take, interfere with, disturb or introduce 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 to or from any Local Government land or foreshore to which the Council has

- determined that this subclause applies;
- 9.9.2 on Local Government land or foreshore to which the Council has determined this subclause applies, launch or retrieve a boat other than from a boat ramp constructed for that purpose;
- 9.9.3 hire out a boat or otherwise use a boat for commercial purposes; or
- 9.9.4 moor a boat on any waters or to a pontoon attached to Local Government land or foreshore except:
- 9.9.4.1 in an area that the Council has set aside for that purpose as indicated by signs on the land;
- 9.9.4.2 in accordance with any conditions displayed on that sign;
- 9.9.5 obstruct any boat, or any mooring place, or access to any boat or other object (either floating or sunk) regardless as to whether that access is by water or by land.
- 9.10 **Boat Ramps**
- 9.10.1 Launch or retrieve a boat from or onto any boat ramp on any Local Government land or foreshore to which the Council has determined this clause applies without:
- 9.10.1.1 having purchased a daily ticket and other than in compliance with the conditions attaching to the daily ticket; or
- 9.10.1.2 obtaining a launch permit and other than in compliance with the conditions attached to the launch permit.
- 9.10.2 Allow any vehicle or boat to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat.
- 9.10.3 Launch or retrieve a boat from or onto any boat ramp other than in accordance with the conditions determined by the Council and specified on any sign displayed on or in the vicinity of 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 or, that restricts the weight of vehicles and/or vessels that may use the boat ramp.
- 9.10.4 For the purposes of this clause 9.10 the following definitions apply:
- 9.10.4.1 **daily ticket** means a ticket purchased from the Council, a Council approved ticket agent, or from a vending machine located at or in the vicinity of a boat ramp that authorises a single launch and retrieval of a boat from the boat ramp in accordance with the conditions determined by the Council and displayed at the site of the vending machine and, which is valid for the day of purchase;
- 9.10.4.2 **launch permit** means a permit issued by the Council or a Council approved agent upon application and which authorises the launch or retrieval of a reasonably nominated boat from or onto a boat ramp in accordance with the permit conditions determined by the Council; and
- 9.10.4.3 **nominated boat** means the boat specified in an application for an annual launch permit, in respect of which a launch permit is granted.
- 9.10.5 Upon using a boat ramp, fail to produce the daily ticket or launch permit required for such use in accordance with subclause 9.10.1 upon request by an authorised person.
- 9.11 **Bridge and Jetty Jumping**
- 9.11.1 Jump or dive from a bridge or jetty on or extending from Local Government land.
- 9.11.2 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 for a purpose other than 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 and Cemeteries**
- 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.
- 9.13.3 In an area comprising a cemetery, drive or propel any vehicle except on paths or roads constructed and set aside by the Council for that purpose and in compliance with any signs that have been erected.
- 9.14 **Camping and Tents**
- 9.14.1 Subject to this clause 9.14, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation.
- 9.14.2 Camp or remain overnight except:
- 9.14.2.1 on any Local Government land or foreshore to which the Council has resolved this subclause applies (and thereby designates as a camping area); and
- 9.14.2.2 in accordance with any conditions determined by the Council and displayed on any signage on or near the Local Government land or foreshore.
- 9.14.3 Subject to this clause 9.14, use or occupy or cause, suffer or permit to be used or occupied, any caravan, motorhome or other vehicle on Local Government land or on the foreshore for or in connection with camping activities, including for washing, cooking or sleeping.
- 9.15 **Canvassing**
- Subject to subclause 13.2, convey any advertising, religious or other message to any bystander, passer-by or other.
- 9.16 **Distribution**
- Subject to subclause 13.2 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.
- 9.17 **Donations**
- Ask for or receive or indicate that the person desires a donation of money or any other thing.
- 9.18 **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.

- 9.19 **Entertainment and Busking**
9.19.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.
9.19.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 9.20 **Fires**
Subject to the *Fire and Emergency Services Act 2005* light a fire except:
9.20.1 in a place provided by the Council for that purpose; or
9.20.2 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.
- 9.21 **Fireworks**
Ignite, explode or use any fireworks.
- 9.22 **Flora and Fauna**
Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
9.22.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;
9.22.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
9.22.3 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;
9.22.4 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;
9.22.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
9.22.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
9.22.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or
9.22.8 collect or take any dead wood or timber or burn any timber or dead wood; –
with the exception that subclauses 9.22.4 and 9.22.7 do not apply to lawful fishing activities.
- 9.23 **Games and Sport**
9.23.1 Participate in, promote or organise any organised competition or sport as distinct from organised social play on Local Government land to which the Council has resolved this subclause applies.
9.23.2 Play or practise any game which involves kicking, hitting or throwing a ball or other object:
9.23.2.1 on Local Government land to which the Council has resolved this subclause applies; and
9.23.2.2 in a manner that causes or is 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.
9.23.3 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.
9.23.4 Play or practise the game of golf on Local Government Land to other than on a properly constructed golf course or practice fairway.
9.23.5 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.
- 9.24 **Interference with Land**
Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
9.24.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
9.24.2 erecting or installing a structure in, on, across, under or over the land;
9.24.3 changing or interfering with the construction, arrangement or materials of the land;
9.24.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
9.24.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 9.25 **Model Aircraft, Boats and Cars**
Subject to the *Civil Aviation Safety Regulations 1998*:
9.25.1 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
9.25.2 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.
- 9.26 **Overhanging Articles**
Suspend or hang an article or object from a building, verandah, pergola, post or other structure on Local Government land where, in the reasonable opinion of an authorised person, it might:
9.26.1 present a nuisance or danger to a person using the land; or
9.26.2 cause an unsightly condition.
- 9.27 **Playing Area**
Use or occupy a playing area:
9.27.1 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);
9.27.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
9.27.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.
- 9.28 **Pontoons**
Install or maintain a pontoon or jetty in any waters.

- 9.29 **Preaching**
Preach, harangue or solicit for religious purposes.
- 9.30 **Rubbish Dumps and Rubbish Bins**
- 9.30.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land.
- 9.30.2 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).
- 9.31 **Sand Boards**
Use a sand board or other item to slide down a sand dune, coastal slope or cliff.
- 9.32 **Trading**
- 9.32.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing.
- 9.32.2 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.
- 9.33 **Vehicles**
- 9.33.1 Drive or propel a vehicle except on any Local Government land or foreshore constructed and set aside by the Council for that purpose including as may be indicated by signs in or on the area.
- 9.33.2 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.
- 9.33.3 Repair, wash, paint, panel beat or carry out any other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.33.4 Drive or propel a vehicle on any foreshore to which the Council has determined this subclause applies.
- 9.34 **Weddings, Functions and Special Events**
- 9.34.1 Hold, conduct or participate in a marriage ceremony, funeral ceremony or special event.
- 9.34.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral ceremony or special event.
- 9.34.3 Hold or conduct any filming where the filming is for a commercial purpose.
- 9.35 **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 activities on Local Government land or on the foreshore (unless otherwise indicated).
- 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**
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 other than a playground or similar area that the Council has set aside for the purpose.
- 10.4 **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.
- 10.5 **Equipment**
- 10.5.1 Use any item of equipment, facilities or property belonging to the Council other than:
- 10.5.1.1 in the manner and for the purpose for which it was designed, constructed or intended to be use;
- 10.5.1.2 where any nearby sign states the conditions of use, except in accordance with such conditions; or
- 10.5.1.3 in such a manner as is likely to damage or destroy it.
- 10.5.2 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.
- 10.6 **Fishing**
Fish in any waters to which the Council has resolved this subclause applies.
- 10.7 **Glass**
Wilfully break any glass, china or other brittle material.
- 10.8 **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.
- 10.9 **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.
- 10.10 **Playing Games**
Play or practise a game:
- 10.10.1 which is likely to cause damage to the land or anything on it; or
- 10.10.2 in any area where a sign indicates that the game is prohibited.

- 10.11 **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.
- 10.12 **Obstruction**
Obstruct:
10.12.1 any path or track;
10.12.2 any door, entrance, stairway or aisle in any building; or
10.12.3 any gate or entrance to or on Local Government land.
- 10.13 **Sand Dunes, Pebble Dunes, Coastal Slopes and Cliffs**
10.13.1 Destabilise sand on a sand dune, coastal slope or cliff so as to cause it to unnecessarily mass waste down slope.
10.13.2 Carry out any other activity that may damage or threaten the integrity of a sand dune, coastal slope or cliff.
- 10.14 **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.
- 10.15 **Toilets**
In any public convenience facility on Local Government land:
10.15.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
10.15.2 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;
10.15.3 use it for a purpose for which it was not designed or constructed; or
10.15.4 enter any gender specific public convenience except—
10.15.4.1 if the person is of the gender indicated on a sign or writing located on the public convenience;
10.15.4.2 where the person is a caregiver, parent or guardian and is providing assistance to a vulnerable person in that person's care;
10.15.4.3 for the purpose of providing assistance to a person with a disability;
10.15.4.4 where the person identifies as gender diverse and is using the public convenience of the gender that the person identifies with; or
10.15.4.5 in the case of a genuine emergency.
- 10.16 **Waste**
10.16.1 Deposit or leave thereon anything obnoxious or offensive.
10.16.2 Deposit any rubbish other than in receptacles provided by the Council for that purpose.
10.16.3 Deposit in any rubbish bin:
10.16.3.1 any trash or rubbish emanating from a domestic, trade or commercial source; or
10.16.3.2 any rubbish contrary to any information on a sign or signs on the bin or in its vicinity.

PART 4 – ENFORCEMENT**11. Orders**

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

- 1) *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.

12. 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**13. Exemptions**

- 13.1 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.
- 13.2 The restrictions in subclauses 9.15 and 9.16 of this By-law do not apply to electoral matter authorised by a candidate and which is:
13.2.1 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;
- 13.2.2 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
- 13.2.3 related to, and occurs during the course of and for the purpose of a referendum.
- 13.3 The Council may otherwise, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 13.4 An exemption:
- 13.4.1 may be granted or refused at the discretion of the Council;
- 13.4.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 13.4.3 is subject to any conditions specified in the instrument of exemption.
- 13.5 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 13.6 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

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 Kingston District Council held on **18 July 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.'

KINGSTON DISTRICT COUNCIL
ROADS BY-LAW 2023
By-law No. 4 of 2023

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 2023* and is By-law No. 4 of the Kingston District Council.
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 objects 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 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 – Roads 2016.*²
- 4.2 This By-law will expire on 1 January 2031.³
- 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 2023*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Subclause 7.4 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 **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;
- 6.4.3 subject to the *Road Traffic Act 1961*, a caravan, tent trailer, motor home or other vehicle; or to remain on a road overnight, whether or not any person is in attendance or sleeps on the road.
- 6.5 **Council** means the Kingston District Council;
- 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 1985*;
- 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; and

6.11 **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 2023*.

7.2 Amplification

Use an amplifier or other device whether mechanical or electrical for the purpose of broadcasting or amplifying sound and 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.

7.4 Camping and Tents

7.4.1 Subject to this subclause 7.4, erect a tent or other structure of calico, canvas, plastic or other similar material.

7.4.2 Camp or remain overnight except:

7.4.2.1 on a road to which the Council has resolved this clause applies (and thereby designates as a camping area); and

7.4.2.2 in accordance with any conditions determined by the Council and displayed on any signage on or near the road.

7.4.3 Subject to this subclause 7.4.3, use or occupy or cause, suffer or permit to be used or occupied, any caravan, motorhome or other vehicle on a road for or in connection with camping activities, including for washing, cooking or sleeping.

7.5 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.

7.6 Preaching and Canvassing

7.6.1 Preach, harangue, solicit or canvass for a religious, charitable or advertising purpose.

7.6.2 Subject to subclause 10.2, convey any religious or other message to any bystander, passerby or other person.

7.7 Public Exhibitions and Displays

7.7.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.

7.7.2 Conduct, cause or hold a concert, festival, show, display public gathering, circus, performance or a similar activity.

7.7.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.

7.7.4 Cause any public exhibition or displays.

7.8 Soliciting

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

7.9 Rubbish Bins

Deposit in any Council bin on a road:

7.9.1 any rubbish emanating from a domestic, commercial or trade source; or

7.9.2 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.

7.10 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 2023*.

PART 3 – ENFORCEMENT

8. Orders

8.1 A person on a road who, in the reasonable opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with an order of the authorised person made pursuant to section 262 of the Act, including an order to leave that part of the road.

8.2 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:

(1) *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 the 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
- dismantle and remove a tent from a road.

9. Removal of Animals and Objects

9.1 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.

9.2 The Council may recover from the owner of an object removed under subclause 9.1 the costs it incurs in removing that object.

PART 4 – MISCELLANEOUS

10. Exemptions

10.1 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.

10.2 The restrictions in subclause 7.6.2 of this By-law do not apply to electoral matter authorised by a candidate and which is:

- 10.2.1 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;
- 10.2.2 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
- 10.2.3 related to, and occurs during the course of and for the purpose of a referendum.

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

10.4 An exemption:

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

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

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

11. Liability of Vehicle Owners

11.1 For the purposes of this clause 11, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.

11.2 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 Kingston District Council held on **18 July 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

KINGSTON DISTRICT COUNCIL

DOGS BY-LAW 2023

By-law No. 5 of 2023

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 2023* and is By-law No. 5 of the Kingston District Council.

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 *Harbors and Navigation Act 1993*.

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'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 2016.*²

4.2 This By-law will expire on 1 January 2031.³

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 2023*.

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 Kingston District Council;
- 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 **foreshore** means land extending:
 - 6.7.1 from the low water mark on the seashore in the Council's area to the nearest road or section boundary; or
 - 6.7.2 for a distance of 50 metres from the high water mark. (whichever is the lesser) and to avoid doubt, includes the foreshore with the Harbor of Cape Jaffa and the Harbor of Kingston (SE).
- 6.8 **Harbor of Cape Jaffa** has the same meaning as in Schedule 3 of the *Harbors and Navigation Regulations 2009*;
- 6.9 **Harbor of Kingston (SE)** has the same meaning as in Schedule 3 of the *Harbors and Navigation Regulations 2009*;
- 6.10 **keep** includes the provision of food or shelter;
- 6.11 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.12 **premises** includes land and part of any land whether used or occupied for domestic or non-domestic purposes;
- 6.13 **township** has the same meaning as in the Act; and
- 6.14 **working livestock dog** means a dog:
 - 6.14.1 usually kept, proposed to be kept or worked on rural land by a person who is:
 - 6.14.1.1 a primary producer; or
 - 6.14.1.2 engaged or employed by a primary producer; and
 - 6.14.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.
- 6.15 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:
 - 6.15.1 the leash, chain or cord is either tethered securely 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 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 7.2 and 7.4 a person must not, without the Council's permission, keep or cause, suffer or permit to be kept:
 - 7.1.1 more than two (2) dogs on any premises in a township; or
 - 7.1.2 more than three (3) dogs (other than a working livestock dog) on any premises outside a township.
- 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 an authorised person reasonably believes that 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 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 any Local Government land, foreshore or public place to which the Council has resolved this clause 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 Local Government land, foreshore or public place to which the Council has resolved this clause applies.
11. **Dog Faeces**
No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995*).

PART 4 – EXEMPTIONS**12. Council May Grant Exemptions**

- 12.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 12.2 An exemption:
- 12.2.1 may be granted or refused at the discretion of the Council;
- 12.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 12.2.3 is subject to any conditions specified in the instrument of exemption.
- 12.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 12.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

PART 5 – ENFORCEMENT**13. Orders**

- 13.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:
- 13.1.1 if the conduct is still continuing – to stop the conduct; and
- 13.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 13.2 A person must comply with an order of an authorised person under section 262 of the Act.
- 13.3 If a person does not comply with an order of an authorised officer, the authorised person may take the action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 13.4 An authorised person may not use force against a person.

Note-

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

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This By-law was duly made and passed at a meeting of the Kingston District Council held on **18 July 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

KINGSTON DISTRICT COUNCIL
CAPE JAFFA ANCHORAGE (WATERWAYS) BY-LAW 2023
By-law No. 6 of 2023

This By-law is to manage, control and regulate activities in waterways at Cape Jaffa.

PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Cape Jaffa Anchorage (Waterways) By-law 2023* and is By-law No. 6 of the Kingston District Council.

2. Authorising law

This By-law is made under section 246 and 238 of the Act.

3. Purpose

The objects of this By-law are to regulate activities in and on waterways at Cape Jaffa:

- 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 within the Cape Jaffa Anchorage;
- 3.4. to enhance the amenity of the Cape Jaffa Anchorage; 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. 6 – Cape Jaffa Anchorage (Waterways) By-law 2016.*²

- 4.2. This By-law will expire on 1 January 2031.³

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 2023*.
- 5.2. This By-law applies to the Waterways within the Cape Jaffa Anchorage Waterways as may be determined by the Council from time to time.
- 5.3. This By-law does not and is not intended to detract from the operation of the Council's Local Government land By-law, which operates in respect of Local Government land and waters thereon.

6. Interpretation

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

- 6.1. **Act** means the *Local Government Act 1999*;
- 6.2. **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.3. **Cape Jaffa Anchorage Waterways** means the body of water delineated as such and coloured grey in the plan marked "*Cape Jaffa Anchorage (Waterways) By-law - Annexure A*" that is available on the Council's website;
- 6.4. **Council** means the Kingston District Council;
- 6.5. **person** includes a body corporate;
- 6.6. **private property** means land that is in private ownership and is not Local Government land;
- 6.7. **vessel** has the same meaning as in the *Harbours and Navigation Act 1993*;

- 6.8. **Waterway** means those parts of the Cape Jaffa Anchorage Waterways area as the Council may by resolution determine from time to time in accordance with section 246(3)(e) of the Act;
- 6.9. **In this By-law, a reference to an:**
- 6.9.1 approved launching ramp, slipway, or boat lift;
 - 6.9.2 approved fishing area;
 - 6.9.3 approved vessel refuelling facility;
 - 6.9.4 approved swimming area;
 - 6.9.5 approved marina berth, wharf, pontoon, jetty or boat launching facility;
- means an area approved and signposted by Council for the approved purpose.

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 – USE OF WATERWAYS**7. Activities Requiring Permission**

No person shall, without permission of the Council, on or in any Waterway:

- 7.1. lay an anchor or moor a vessel by anchor;
- 7.2. secure a vessel to land, except within private property or to an approved marina berth, wharf, pontoon, jetty or boat launching facility;
- 7.3. launch a vessel into or retrieve a vessel from a Waterway, except at an approved launching ramp, slipway or boat lift;
- 7.4. bring into a Waterway a vessel which in the reasonable opinion of an authorised person is of an excessive size (having regard to the Vessel's length, beam, draft and manoeuvrability);
- 7.5. catch fish or other marine organism, except within private property or from an approved fishing area;
- 7.6. swim, snorkel or dive, except within private property or within an approved swimming area;
- 7.7. water ski;
- 7.8. refuel a vessel other than from an approved vessel re-fuelling facility;
- 7.9. allow, cause or permit a vessel to be left unattended, unless it is securely moored to an approved marina berth, wharf, pontoon, jetty or boat launching facility; or
- 7.10. behave in a manner, or cause or permit a circumstance to arise, that in the reasonable opinion of an authorised person, is likely to cause offence or annoyance to other persons using or in the vicinity of the Waterway.

PART 3 – ENFORCEMENT**8. Directions**

- 8.1. A person on or in the Waterway (whether on a vessel or otherwise) must comply with a reasonable direction from an authorised person relating to:
 - 8.1.1 that person's use of the Waterway;
 - 8.1.2 that person's use of a vessel within the Waterway;
 - 8.1.3 that person's conduct and behaviour within the Waterway;
 - 8.1.4 that person's safety within the Waterway; or
 - 8.1.5 the safety and enjoyment of other persons within the Waterway.
- 8.2. A person who, in the reasonable opinion of an authorised person, is likely to commit or has committed, a breach of this By-law must immediately comply with an order of an authorised person pursuant to section 262 of the Act including an order to leave that part of the Waterway.

9. 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.

10. Exemptions

The restrictions in this By-law do not apply to:

- 10.1. any emergency services personnel to the extent that they are acting in the course of their emergency response duties;
- 10.2. any Council officers or employees (including authorised persons) who are acting in the course of their normal duties; or
- 10.3. any of the Council's contractors while performing work for the Council or while acting in accordance with the direction or under the supervision of a Council officer.

This By-law was duly made and passed at a meeting of the Kingston District Council held on **18 July 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

DISTRICT COUNCIL OF PETERBOROUGH*Adoption of Valuations and Declaration of Rates*

NOTICE is given that the District Council of Peterborough, at the Special Council Meeting held on 26 July 2023, for the financial year ending 30 June 2024 resolved:

Adoption of Capital Valuations:

To adopt the most recent capital valuations of the Valuer-General available for rating purposes for its area with total valuations being \$285,896,600 comprising \$280,717,700 in respect of rateable land and \$5,178,900 in respect of non-rateable land.

Fixed Charge/Differential General Rates:

To impose a fixed charge of \$430.00 on each piece of separate rateable land and to declare the following differential general rates on all rateable land, by reference to the locality of the land:

Peterborough township	0.679 cents in the dollar
Oodla Wirra township	0.569 cents in the dollar
Yongala township	0.571 cents in the dollar
Rural property	0.249 cents in the dollar

Annual Service Charge (Waste):

To impose an Annual Service Charge of \$120.00 per Mobile Waste Bin (Wheelie Bin) in respect of all land (rateable and non-rateable) to which it provides or makes available the service of the collection and disposal of domestic and commercial waste.

Separate Rates (State Government Landscape SA Levy):

To declare a separate rate of 0.0111 cents in the dollar to reimburse the Council for the amount of \$29,931 contributed to the Northern and Yorke Landscape Region Board.

Annual Service Charge (Community Wastewater Management System)

To impose an Annual Service Charge of \$600.00 per Property Unit upon all land (rateable and non-rateable) to which it provides or makes available the service of the Community Wastewater Management System in the Peterborough township.

Dated: 27 July 2023

STEPHEN RUFUS
Chief Executive Officer

RENMARK PARINGA COUNCIL

Adoption of Valuations and Declaration of Rates 2023-2024

NOTICE is hereby given that at its meeting held on 25 July 2023 the Renmark Paringa Council for the financial year ending 30 June 2024, passed the following resolutions:

Adoption of Valuation

To adopt the most recent valuations of the Valuer General available to Council of the capital value of land within the Council's area, totalling \$2,195,640,880 of which \$2,147,640,080 is rateable.

Declaration of General Rates

Declared differential general rates as follows:

- a) 0.2350 cents in the dollar on rateable land of Category (a) (Residential),
- b) 0.4920 cents in the dollar on rateable land of Category (b) (Commercial—Shop), Category (c) (Commercial—Office), Category (d) (Commercial—Other), Category (e) (Industry—Light) and Category (f) (Industry—Other);
- c) 0.3450 cents in the dollar on rateable land of Category (g) (Primary Production); and
- d) 0.6600 cents in the dollar on rateable land of Category (h) (Vacant Land).
- e) 0.2350 cents in the dollar on rateable land of Category (i) (Other).

Fixed Charge

Imposed a fixed charge of \$400 on each separate piece of rateable land within the area of the Council.

Separate Rate—Regional Landscape Levy

Declared a separate rate of 0.01860 cents in the dollar, on all rateable land in the Council area in respect of the Regional Landscape Levy.

Service Charges

- 1) Declared an annual service charge of \$520 per unit on rateable and non-rateable land where a septic tank effluent disposal connection point is provided by Council.
- 2) Declared an annual service charge of \$160 for residual waste collection within the Township areas (Town Residential).
- 3) Declared an annual service charge of \$160 for residual waste collection within the Rural areas (Rural Residential).
- 4) Declared an annual service charge of \$80 for recycling collection within the Township areas (Town Residential).
- 5) Declared an annual service charge of \$80 for recycling collection within the Rural areas (Rural Residential).
- 6) Declared an annual service charge of \$80 for organics collection within the Township areas (Town Residential).

Payment by Instalments

General rates, minimum rates and service charges shall be payable in four equal or approximately equal instalments on the following dates:

- a) September 6, 2023
- b) December 6, 2023
- c) March 6, 2024
- d) June 6, 2024

Dated: 26 July 2023

TONY SIVIOUR
Chief Executive Officer

RENMARK PARINGA COUNCIL

Resignation of Councillor

Notice is hereby given in accordance with section 54(6) of the *Local Government Act 1999*, that a vacancy has occurred in the office of Councillor, due to the resignation of Councillor Frank James Turton, effective at the conclusion of the Ordinary meeting of Council held on Tuesday, 25 July 2023.

Dated: 26 July 2023

TONY SIVIOUR
Chief Executive Officer

RENMARK PARINGA COUNCIL

ROADS (OPENING AND CLOSING) ACT 1991

Road Closing—Portion of Renmark - Wentworth Road—Chaffey

Notice is hereby given, pursuant to section 10 of the *Roads (Opening and Closing) Act 1991*, that the Renmark Paringa Council proposes to make a Road Process Order to close and merge with Section 465 Chaffey Irrigation Area the portion of the public road adjoining Section

465 in Chaffey Irrigation Area, more particularly delineated and lettered "C" on Preliminary Plan 22/40. Also, to close and merge with Allotment comprising Pieces Q100 and Q101 in D37498 the portion of the public road adjoining Allotment comprising Pieces Q100 and Q101 in D37498, more particularly delineated and lettered "D" on Preliminary Plan 22/0040.

The Preliminary Plan and Statement of Persons Affected are available for public inspection at the offices of the Renmark Paringa Council at Eighteenth Street, Renmark, and the Adelaide Office of the Surveyor-General during normal working hours. The Preliminary Plan can also be viewed at www.sa.gov.au/roadsactproposals.

Dated: 28 August 2022

TARIK WOLFE
Director of Infrastructure and Environmental Services

DISTRICT COUNCIL OF ROBE
PERMITS AND PENALTIES BY-LAW 2023
By-Law No. 1 of 2023

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 2023* and is By-law No. 1 of the District Council of Robe.
 2. **Authorising Law**
This By-law is made under section 246 of the Act.
 3. **Purpose**
The objects 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**
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 2016.*²
 This By-law will expire on 1 January 2031.³
- 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 Robe;
 - 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 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 in writing by the Council (or its delegate) prior to the act, event or activity to which it relates and includes:
 - 7.2.1 permission granted specifically to an applicant; or
 - 7.2.2 permission of general application granted by way of the Council adopting a policy of general application for that purpose.

PART 2 – PERMITS AND PENALTIES

8. **Permits**
 - 8.1 Where a By-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
 - 8.2 The Council (or such other person as may be authorised by the Council) may attach such conditions as it thinks fit to a grant of permission and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.
 - 8.3 A person granted permission 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 acts in contravention 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 the District Council of Robe held on **12 July 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

DISTRICT COUNCIL OF ROBE
LOCAL GOVERNMENT LAND BY-LAW 2023
By-Law No. 2 of 2023

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 2023* and is By-law No. 2 of the District Council of Robe.

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 objects 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 area; 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. 2 – Local Government Land 2016.²

4.2 This By-law will expire on 1 January 2031.³

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 2023*.

5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council area.

5.3 Subclauses 9.2, 9.6, 9.26.2, 9.26.4, 9.29.2, 9.38, 10.1.4, 10.4 and 10.8 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 9.4.2.2, 9.9.2, 9.9.4, 9.14.2 and 9.26.1 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 to or from coastal waters or other waters;
- 6.7 **camp includes** setting up a camp or causing:
 - 6.7.1 a tent or other structure of calico, canvas, plastic or other similar material;
 - 6.7.2 a swag or similar bedding; or
 - 6.7.3 subject to the *Road Traffic Act 1961*, a caravan, tent trailer, motor home or other 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;

Note-

To avoid doubt, setting up a calico, canvas, plastic or other tent, marquee or similar structure for recreation purposes to provide shade during daylight hours only (and not overnight) is not within the meaning of 'camp'.

6.8 **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;

6.9 **Council** means the District Council of Robe;

6.10 **effective control** means a person exercising effective control of an animal either:

- 6.10.1 by means of a physical restraint; or
- 6.10.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;

6.11 **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;

6.12 **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 in the Council's area to the nearest road or section boundary;
- or
- 6.13.2 for a distance of 50 metres from the high water mark.

(whichever is the lesser) and includes the foreshore within the Harbor of Robe;

6.14 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;

6.15 **Harbor of Robe** has the same meaning as in Schedule 3 of the *Harbors and Navigation Regulations 2009*;

6.16 **high-water mark** means the point on land that is the highest astronomical tide;

6.17 **Lake Butler Marina** means the Local Government land identified in the plan marked "Local Government Land By-law Attachment A" that is available on the Council's website;

6.18 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;

6.19 **Local Government land** means land owned by the Council or under the Council's care, control and management (except roads);

6.20 **low water mark** means the lowest astronomical tide;

6.21 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;

6.22 **open container** means a container that:

- 6.22.1 after the contents of the container have been sealed at the time of manufacture:
 - 6.22.1.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
 - 6.22.1.2 being a can, it has been opened or punctured;
 - 6.22.1.3 being a cask, it has had its tap placed in a position to allow it to be used;
 - 6.22.1.4 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
- 6.22.2 is a flask, glass, mug or other container able to contain liquid;

- 6.23 **personal watercraft** has the same meaning as in the *Harbors and Navigation Act 1993*, which is a device that –
- 6.23.1 is propelled by a motor;
- 6.23.2 has a fully enclosed hull;
- 6.23.3 is designed not to retain water if capsized; and
- 6.23.4 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;
- 6.24 **portable barbeque** is a barbeque or other device used for cooking food that uses solid fuel including (but not limited to) wood, charcoal and heat beads;
- 6.25 **recreation ground** means Local Government land commonly used for playing sports or games, or accommodating the spectators at any sport or game, and any area of land contiguous thereto and used in connection with it;
- 6.26 **road** has the same meaning as in the Act;
- 6.27 **sand dune or coastal slope or cliff** means the sand dunes, coastal slopes, cliffs or other geomorphologic coastal forms under the care, control and management of the Council;
- 6.28 **special event** means an organised gathering of more than fifty (50) persons for any social, sporting or cultural purpose;
- 6.29 **tobacco product** has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*;
- 6.30 **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 6.31 **waters** include 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
- 6.32 **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 Land

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

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

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

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

A person must not without the permission of the Council, do any of the following activities on Local Government land or 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 On Local Government land other than the foreshore:

- 9.4.1.1 subject to this subclause 9.4.1, cause or allow an animal to stray onto, move over, graze or be left unattended;
- 9.4.1.2 cause or allow an animal to enter, swim, bathe or remain in any waters; or
- 9.4.1.3 lead, herd, drive or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided that the animal or animals are under effective control;

9.4.2 On the foreshore:

- 9.4.2.1 cause or allow a sheep, pig, camel, cow, goat or horse to enter, swim, bathe or remain in any waters; or
- 9.4.2.2 lead, herd, drive or exercise a sheep, pig, camel, cow, goat or horse except on any foreshore to which the Council has resolved this subclause applies and in accordance with any conditions determined by the Council and displayed on the Council's website.

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

Take, interfere with, disturb or introduce any aquatic life in any waters to which the Council has resolved this clause applies.

9.7 Attachments

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 to or from any waters or coastal waters where the Council has determined that this subclause applies;
- 9.9.2 launch or retrieve a boat other than from a boat ramp constructed for that purpose except on any Local Government land or foreshore to which the Council has determined this subclause applies;
- 9.9.3 hire out a boat for commercial purposes;
- 9.9.4 moor a boat on any waters or to a pontoon attached to Local Government land except:
- 9.9.4.1 in an area that the Council has set aside for that purpose as indicated by signs on the land; and
- 9.9.4.2 in accordance with any conditions displayed on that sign; or
- 9.9.5 obstruct any boat, or any mooring place, or access to any boat or other object regardless as to whether that access is by water or by land.
- 9.10 **Boat Ramps**
- 9.10.1 Launch or retrieve a boat from or onto any boat ramp on Local Government land or the foreshore to which the Council has determined this clause applies without obtaining a launch permit and other than in compliance with the conditions attached to the launch permit.
- 9.10.2 Allow any vehicle or boat on Local Government land or the foreshore to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat.
- 9.10.3 Launch or retrieve a boat from or onto any boat ramp on Local Government land or foreshore to which the Council has determined this clause applies other than in accordance with the conditions specified on any sign displayed on or in the vicinity of the boat ramp.
- 9.10.4 Upon using a boat ramp, fail to produce the launch permit required for such use in accordance with subclause 9.10.1 upon request by an authorised person.
- 9.10.5 For the purposes of this subclause 9.10, **launch permit** means a permit issued by the Council and/or its agent upon application and which authorises the launch or retrieval of a boat from or onto a boat ramp in accordance with the permit conditions determined by the Council.
- 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 Jumping**
Jump or dive from a bridge on or extending from Local Government land.
- 9.12 **Buildings**
Use a building, or structure on Local Government land for a purpose other than 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 and Cemeteries**
- 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 or affix any memorial including any plaque.
- 9.14 **Camping and Tents**
- 9.14.1 Subject to this subclause 9.14, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation;
- 9.14.2 Camp or sleep overnight except:
- 9.14.2.1 in a caravan park on Local Government land, the proprietor of which has been given permission to operate the caravan park on that land; or
- 9.14.2.2 on Local Government land or foreshore to which the Council has resolved this subclause applies (and thereby designates as a camping area), and in accordance with such time limits and other conditions determined by the Council (if any) and displayed on any signage on or near the local government land or foreshore.
- 9.14.3 subject to this subclause 9.14, use or occupy or cause, suffer or permit to be used or occupied, any caravan, motorhome or other vehicle on Local Government land or on the foreshore for or in connection with camping activities, including for washing, cooking or sleeping.
- 9.15 **Canvassing**
Subject to subclause 13.2, convey any advertising, religious or other message to any bystander, passer-by or other.
- 9.16 **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.
- 9.17 **Depasturing**
Cause, suffer or allow any horse, cattle, sheep, goat or other animal to depasture thereon.
- 9.18 **Distribution**
Subject to subclause 13.2 and the *Local Nuisance and Litter Control Act 2016*, give out or distribute any book, leaflet or other printed matter to any bystander, passer-by or other person.
- 9.19 **Donations**
Ask for or receive or indicate that the person desires a donation of money or any other thing.
- 9.20 **Encroachment**
Erect or cause to be erected or placed any fencing, post or other structures or any other items so as to encroach onto the land.
- 9.21 **Entertainment and Busking**
- 9.21.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money; or
- 9.21.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 9.22 **Fires**
Subject to the *Fire and Emergency Services Act 2005* light a fire except:
- 9.22.1 in a place provided by the Council for that purpose; or
- 9.22.2 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.
- 9.23 **Fireworks**
Ignite, explode or use any fireworks.
- 9.24 **Flora and Fauna**

Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:

- 9.24.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;
- 9.24.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
- 9.24.3 deposit, dig, damage, disturb, interfere with, clear or remove any soil, sand stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 9.24.4 take, interfere with, tease, harm or disturb any animal, bird or aquatic life or the eggs or young of any animal, bird or aquatic life;
- 9.24.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.24.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 9.24.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or
- 9.24.8 collect or take any dead wood or timber or burn any timber or dead wood;
- with the exception that subclauses 9.24.4 and 9.24.7 do not apply to lawful fishing activities.
- 9.25 **Foreshore**
On the foreshore:
- 9.25.1 drive or propel a vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or set aside by the Council for that purpose;
- 9.25.2 drive or propel a vehicle except on an area or road that is constructed or set aside by the Council for that purpose as indicated by signage; or
- 9.25.3 drive a vehicle on any foreshore to which the Council has determined this clause applies.
- 9.26 **Games and Sport**
- 9.26.1 Participate in, promote or organise any organised competition or sport as distinct from organised social play except on Local Government land to which the Council has resolved this subclause applies.
- 9.26.2 Play or practise any game which involves kicking, hitting or throwing a ball or other object:
- 9.26.2.1 on Local Government land to which the Council has resolved this subclause applies; or
- 9.26.2.2 in any event, in a manner that causes or is likely to cause injury or discomfort to a person being on or in the vicinity of that land, or detract from or be likely to detract from another person's lawful use and enjoyment of that land.
- 9.26.3 Play or practise the game of golf other than on a properly constructed golf course or practice fairway.
- 9.26.4 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.
- 9.27 **Interference with Land**
Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
- 9.27.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 9.27.2 erecting or installing a structure in, on, across, under or over the land;
- 9.27.3 changing or interfering with the construction, arrangement or materials of the land;
- 9.27.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.27.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 9.28 **Marina**
Within those parts of Lake Butler Marina to which the Council has determined this clause applies
- 9.28.1 lay an anchor, moor a boat or otherwise secure a boat within a marina berth; or
- 9.28.2 allow cause or permit a vessel to be left unattended unless, subject to this By-law, it's securely moored within a marina berth.
- 9.29 **Model Aircraft, Boats and Cars**
Subject to the *Civil Aviation Safety Regulations 1998*:
- 9.29.1 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
- 9.29.2 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.
- 9.30 **Overhanging Articles**
- 9.30.1 Suspend or hang an article or object from a building, verandah, pergola, post or other structure on Local Government land where it might present, in the reasonable opinion of an authorised person, either:
- 9.30.1.1 a nuisance or danger to a person using the land; or
- 9.30.1.2 cause an unsightly condition.
- 9.31 **Playing Area**
Use or occupy a recreation ground:
- 9.31.1 in such a manner as to damage or be likely to damage the surface of the recreation ground or infrastructure (above and under ground level);
- 9.31.2 in a manner contrary to the purpose for which the recreation ground was intended to be used or occupied; or
- 9.31.3 contrary to any directions of the Council made by resolution and indicated on a sign displayed adjacent to the recreation ground.
- 9.32 **Pontoons**
Install or maintain a pontoon or jetty in any waters.
- 9.33 **Preaching**
Preach, harangue or solicit for religious or other purposes.
- 9.34 **Sand Boards**
Use a sand board or other item to slide down a sand dune, coastal slope or cliff.
- 9.35 **Trading**
- 9.35.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing.
- 9.35.2 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.
- 9.36 **Vehicles**
- 9.36.1 Drive or propel a vehicle except on any Local Government land or foreshore constructed or set aside by the Council for that purpose including as may be indicated by signs in or on the area.

- 9.36.2 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.
- 9.36.3 Repair, wash, paint, panel beat or carry out any other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.37 **Weddings, Functions and Special Events**
- 9.37.1 Hold, conduct or participate in a marriage ceremony, funeral ceremony or special event.
- 9.37.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral ceremony or special event.
- 9.37.3 Hold or conduct any filming where the filming is for a commercial purpose.
- 9.38 **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.
- 10.1.4 Lead, herd, drive, ride or exercise any horse, cattle, camel or sheep or permit any horse, cattle, camel or sheep to be led, herded, driven, ridden, exercised or left unattended on any land to which the Council has determined this subclause applies.
- 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.
- 10.4 **Fishing**
Fish in any waters to which the Council has resolved this subclause applies.
- 10.5 **Glass**
Wilfully 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 so as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.
- 10.8 **Obstruction**
Obstruct (according to the reasonable opinion of an authorised officer):
- 10.8.1 any path or track;
- 10.8.2 any door, entrance, stairway or aisle in any building; or
- 10.8.3 any gate or entrance to or on Local Government land.
- 10.9 **Playing Games**
Play or practise a game or sport:
- 10.9.1 which is likely to cause damage to the land or anything on it;
- 10.9.2 which endangers the safety or interferes with the comfort of any person; or
- 10.9.3 in any area where a sign indicates that the game or sport is prohibited.
- 10.10 **Sand Dunes, Pebble Dunes, Coastal Slopes and Cliffs**
- 10.10.1 Destabilise sand on a sand dune, coastal slope or cliff so as to cause it to unnecessarily mass waste down slope.
- 10.10.2 Carry out any activity that may threaten the integrity of a sand dune, coastal slope or cliff.
- 10.10.3 Introduce non-indigenous flora or fauna or dump any material in a sand dune, coastal slope or cliff.
- 10.10.4 Destroy, remove or cause interference to any vegetation, whether living or dead, on or within a sand dune, coastal slope or cliff.
- 10.11 **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.
- 10.12 **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 (including toilets, showers or change rooms) 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 & Orders**

- 11.1 A person on Local Government land must comply with a reasonable direction from an authorised person relating to:
- 11.1.1 that person's use of the land;
- 11.1.2 that person's conduct and behaviour on the land;
- 11.1.3 that person's safety on the land; or
- 11.1.4 the safety and enjoyment of other persons on the land.
- 11.2 A person who, in the reasonable opinion of an authorised person, is likely to commit or has committed a breach of this By-law must immediately comply with an order of an authorised person made pursuant to section 262 of the Act, including an order to leave that part of Local Government land.
- 11.3 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:

- (1) 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.

12. 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**13. Exemptions**

- 13.1 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.
- 13.2 The restrictions in subclauses 9.15 and 9.18 of this By-law do not apply to electoral matter authorised by a candidate and which is:
- 13.2.1 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;
- 13.2.2 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
- 13.2.3 related to, and occurs during the course of and for the purpose of a referendum.
- 13.3 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.
- 13.4 An exemption under subclause 13.3:
- 13.4.1 may be granted or refused at the discretion of the Council;
- 13.4.2 may operate indefinitely or for a period specified in the instrument of exemption;
- 13.4.3 is subject to any conditions specified in the instrument of exemption;
- 13.4.4 may be varied (including by way of an additional condition being imposed) by notice in writing to the person to whom the exemption applies; and
- 13.4.5 may be revoked by the Council by notice in writing for a contravention of a condition of the exemption, or for any other reason that the Council thinks fit.

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 District Council of Robe held on 12 July 2023 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

DISTRICT COUNCIL OF ROBE**ROADS BY-LAW 2023****By-law No. 3 of 2023**

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 2023* and is By-law No. 3 of the District Council of Robe.

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 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 2016.*²
 4.2 This By-law will expire on 1 January 2031.³
- 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 2023*.
 5.2 Subject to subclause 5.3 and 5.4, this By-law applies throughout the Council's area.
 5.3 Subclause 7.3.3 of this By-law only applies 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 Subclause 7.4.2 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 **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, tent trailer, motor home or other vehicle;
 to remain on a road overnight, whether or not any person is in attendance or sleeps on the road.
- Note-**
 To avoid doubt, setting up a calico, canvas, plastic or other tent, marquee or similar structure for recreation purposes to provide shade during daylight hours only (and not overnight) is not within the meaning of 'camp'.
 6.5 **Council** means District Council of Robe;
 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 1985*;
 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; and
 6.11 **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 2023*.
- 7.2 **Amplification**
 Use an amplifier or other device whether mechanical or electrical for the purpose of broadcasting or amplifying sound including for announcements or advertisement.
- 7.3 **Animals**
 7.3.1 Subject to this subclause 7.3, 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 Lead, herd or exercise any horse, cattle, camel or sheep on any road to which the Council has determined this subclause applies.
- 7.4 **Camping and Tents**
 7.4.1 Subject to this subclause 7.4, erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation.
 7.4.2 Camp, sleep overnight or occupy any caravan or other vehicle for or in connection with undertaking camping activities (including but not limited to washing, cooking, sleeping) except:
 7.4.2.1 on a road to which the Council has resolved this subclause applies (and thereby designated as a camping area); and
 7.4.2.2 in accordance with any conditions determined by the Council and displayed on any signage on or near the road.
 7.4.3 subject to this subclause 7.4, use or occupy or cause, suffer or permit to be used or occupied, any caravan, motorhome or other vehicle on a road for or in connection with camping activities, including for washing, cooking or sleeping.
- 7.5 **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.
- 7.6 **Preaching and Canvassing**
Subject to clause 10.2, preach, harangue, or canvass for a religious, charitable or any other purpose.
- 7.7 **Public Exhibitions and Displays**
- 7.7.1 Sing, busk, play a recording or use a musical instrument, or perform similar activities.
- 7.7.2 Conduct, cause or hold a concert, festival, show, display public gathering, circus, performance or a similar activity.
- 7.7.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.
- 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.
- 7.8.3 Cause any public exhibition or displays.
- 7.9 **Soliciting**
Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.
- 7.10 **Vehicles**
Repair, wash, paint, panel beat or perform other work on or to any vehicle, except for running repairs in the case of a vehicle breakdown.

PART 3 – ENFORCEMENT**8. Orders**

- 8.1 A person on a road who, in the reasonable opinion of an authorised person, is committing or has committed a breach of this By-law, must immediately comply with an order of the authorised person made pursuant to section 262 of the Act, including an order to leave that part of the road.
- 8.2 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 by an authorised person under section 262(3) of the Act from the person to whom the order was directed.

Note-

Section 262(1) of the Act states:

- (1) *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 the 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; or
- dismantle and remove a tent from a road.

9. Removal of Objects

- 9.1 The Council (or its delegate) may, pursuant to section 234 of the Act, remove an object that is on a road in breach of a By-law if no person is in charge of the object.
- 9.2 The Council may recover from the owner of an object removed under subclause 9.1 the costs it incurs in removing that object.

PART 4 – MISCELLANEOUS**10. Exemptions**

- 10.1 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.
- 10.2 The restrictions in subclause 7.6 of this By-law do not apply to electoral matter authorised by a candidate and which is:
- 10.2.1 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;
- 10.2.2 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
- 10.2.3 related to, and occurs during the course of and for the purpose of a referendum.

11. Liability of vehicle owners

- 11.1 For the purposes of this clause 11, owner in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 11.2 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 District Council of Robe held on **12 July 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**DISTRICT COUNCIL OF ROBE
MOVEABLE SIGNS BY-LAW 2023
By-law No. 4 of 2023**

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 2023* and is By-law No. 4 of the District Council of Robe.

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 2016.*²

4.2 This By-law will expire on 1 January 2031.³

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 2023*.

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

6. Interpretation

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

6.1 **Act** means the *Local Government Act 1999*;

6.2 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;

6.3 **banner** means a strip of cloth, plastic or other material hung up or attached to a pole, fence or other structure;

6.4 **business premises** means premises from which a business is being conducted;

6.5 **Council** means the District Council of Robe;

6.6 **footpath area** means:

6.6.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary; or

6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;

6.7 **Local Government land** has the same meaning as in the Act, being land owned by the Council or under the Council's care, control and management;

6.8 **moveable sign** has the same meaning as in the Act, being a moveable advertisement or sign;

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

Note-

The definition of 'road' under the Act includes footpaths.

6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:

6.10.1 a motor vehicle trailer and a tram;

6.10.2 a bicycle;

6.10.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;

6.10.4 a combination; and

6.10.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Note-

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

PART 2 – MOVEABLE SIGNS

7. Construction and Design

A moveable sign must:

7.1 be of a kind known as:

7.1.1 an 'A' frame or sandwich board sign;

7.1.2 an 'inverted T' sign;

7.1.3 a flat sign; or

7.1.4 with the permission of the Council (including as may be set out in a Council policy of general application from time to time), a sign of some other kind;

7.2 be designed, constructed and maintained in good quality and condition (in the reasonable opinion of an authorised person) so as not to present a hazard to any member of the public;

7.3 be of strong construction 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 have sharp or jagged edges or corners;

7.6 not (in the reasonable opinion of an authorised person), be unsightly or offensive in appearance or content;

7.7 not exceed 900mm in height, 600mm in width and 600mm in depth;

7.8 in the case of an 'A' frame or sandwich board sign:

7.8.1 be hinged or joined at the top;

7.8.2 be of such construction that its sides are securely fixed or locked in position when erected; and

7.8.3 not have a base area in excess of 0.6 square metres;

7.9 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;

7.10 not rotate, contain flashing or moving parts, lights or be illuminated internally.

8. Placement

A moveable sign must not be:

8.1 placed on any part of a road other than the footpath area;

8.2 placed on a footpath area that is less than 2.5 metres wide;

8.3 placed on a designated parking area or within 1 metre of an entrance to any business or other premises;

8.4 tied, fixed or attached to, or placed closer than 2 metres from another structure, fixed object (including another moveable sign), object, tree, bush or plant;

8.5 placed on the sealed part of a footpath area if there is an unsealed part on which the sign can be placed in accordance with this By-law;

8.6 placed so as to obstruct a vehicle door when opened, provided that the vehicle is parked lawfully on the road;

8.7 interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed;

8.8 placed closer than 1.5 metres to the kerb or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, whichever is the greater;

- 8.9 placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.10 placed within 10 metres of an intersection of two or more roads;
- 8.11 placed on a footpath area with a minimum height clearance from a structure above it of less than 2 metres;
- 8.12 placed on a median strip, traffic island, roundabout or on any other traffic control device on a road;
- 8.13 displayed during the hours of darkness unless it is in a lit area and is clearly visible; or
- 8.14 placed in such a position or in such circumstances so that, in the reasonable opinion of an authorised officer, the safety of a user of the footpath area or road is at risk.
- 9. Banners**
A person must not erect or display a banner on a building or structure on a road without the Council's permission.
- Note-**
A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under section 222 of the *Local Government Act 1999*.
- 10. Restrictions**
- 10.1 The owner or operator of a business must not cause or allow more than one moveable sign for each business premises to be displayed on the footpath area of a road at any time.
- 10.2 A person must not, without the Council's permission, display 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.
- 10.3 A person must not cause or allow a moveable sign to be placed on a footpath area unless:
- 10.3.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and
- 10.3.2 the business premises to which it relates is open to the public.
- 10.4 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council may prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.
- 11. Exemptions**
- 11.1 Subclauses 10.1, and 10.3 of this By-law do not apply to a moveable sign which:
- 11.1.1 advertises a garage sale taking place from residential premises; or
- 11.1.2 is a directional sign to an event run by a community organisation or charitable body.
- 11.2 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.
- 11.3 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:
- 11.3.1 the requirements of the By-law that the applicant is seeking permission to display a moveable sign contrary to;
- 11.3.2 the reasons why permission is being sought to display a moveable sign contrary to those requirements;
- 11.3.3 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
- 11.3.4 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**
- 12. Removal of Moveable Signs**
- 12.1 A person must immediately comply with an 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.
- The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.
- 12.2 The owner of, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 12.2.1 if, in the reasonable 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
- 12.2.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the reasonable opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.
- 13. Liability of Vehicle Owners**
- 13.1 For the purpose of this clause 13, owner in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 13.2 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 District Council of Robe held on **12 July 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.
- DISTRICT COUNCIL OF ROBE**
DOGS BY-LAW 2023
By-Law No. 5 of 2023
- 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 2023* and is By-law No. 5 of the District Council of Robe.
- 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 *Harbors and Navigation Act 1993*.
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'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 2016.²
 - 4.2 This By-law will expire on 1 January 2031.³
- 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 2023*.
 - 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
 - 5.3 Subclauses 9.1 and 10.2, of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.
6. **Interpretation**
In this By-law, unless the contrary intention appears:
- 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **approved kennel establishment** means a building, structure, premises or area approved 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 Robe;
 - 6.5 **children's playground** means an enclosed area in which playground equipment (such as slides, swings or other similar devices) is installed for the purpose of children's play or, within 10 metres of such equipment if it is not in an enclosed area);
 - 6.6 **dog** (except for in clause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;
 - 6.7 **effective control** means a person exercising effective control of a dog either:
 - 6.7.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
 - 6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
 - 6.8 **foreshore** means land extending:
 - 6.8.1 from the low water mark on the seashore in the Council's area to the nearest road or section boundary; or
 - 6.8.2 for a distance of 50 metres from the high water mark.
 (whichever is the lesser) and to avoid doubt, includes the foreshore with the Harbor of Robe.
 - 6.9 **Harbor of Robe** has the same meaning as in Schedule 3 of the *Harbors and Navigation Regulations 2009*;
 - 6.10 **keep** includes the provision of food or shelter;
 - 6.11 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
 - 6.12 **premises** includes land and part of any land whether used or occupied for domestic or non-domestic purposes;
 - 6.13 **small dwelling** means a self-contained residence that is:
 - 6.13.1 a residential flat building; or
 - 6.13.2 contained in a separate strata unit or community title; or
 - 6.13.3 on an allotment less than 600 square metres in area; or
 - 6.13.4 without a secure yard of at least 100 square metres in area;
 - 6.14 **township** has the same meaning as in the Act; and
 - 6.15 **working livestock dog** means a dog:
 - 6.15.1 usually kept, proposed to be kept or worked on rural land by a person who is:
 - 6.15.1.1 a primary producer; or
 - 6.15.1.2 engaged or employed by a primary producer; and
 - 6.15.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.
 - 6.16 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:
 - 6.16.1 the leash, chain or cord is either tethered securely to a fixed object; or
 - 6.16.2 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 clauses 7.2 and 7.4, a person must not, without the Council's permission, keep or cause, suffer or permit to be kept:
 - 7.1.1 in a township, more than one (1) dog in a small dwelling;
 - 7.1.2 in a township, more than two (2) dogs on any premises other than a small dwelling; or
 - 7.1.3 outside of a township, more than three dogs on any premises (other than working livestock dogs);
- 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 reasonable opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

PART 3 – DOG CONTROLS

8. Dog Exercise Areas

Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council's area for the purpose of exercising a dog under the person's 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 permission of the Council, 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 Local Government land, the foreshore or a public place to which the Council has determined this subclause applies; and

9.2 on any park or reserve during times when organised sport is being played - unless the dog is under effective control by means of a leash.

10. Dog Prohibited Areas

A person must not, without the permission of the Council, allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain on:

10.1 any children's playground; and

10.2 any other Local Government land, the foreshore, or public place to which the Council has determined this subclause applies.

11. Dog Faeces

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with the obligation to dispose of dog faeces deposited in a public place under section 45A(6) of the *Dog and Cat Management Act 1995*).

PART 4 – EXEMPTIONS

12. Council May Grant Exemptions

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

12.2 An exemption:

12.2.1 may be granted or refused at the discretion of the Council;

12.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and

12.2.3 is subject to any conditions specified in the instrument of exemption.

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

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

PART 5 – ENFORCEMENT

13. Orders

13.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:

13.1.1 if the conduct is still continuing – to stop the conduct; and

13.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.

13.2 A person must comply with an order of an authorised person made pursuant to section 262 of the Act.

13.3 If a person does not comply with an order of an authorised person, the authorised person may take the action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.

13.4 An authorised person may not use force against a person.

Note-

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

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This By-law was duly made and passed at a meeting of the District Council of Robe held 12 July 2023 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

DISTRICT COUNCIL OF ROBE

CATS BY-LAW 2023

By-law No. 6 of 2023

A By-law to limit the number of cats kept on premises and for the management and control of cats in the Council area.

PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Cats By-law 2023* and is By-law No. 6 of the District Council of Robe.

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, 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. 6 – Cats 2016*²

4.2 This By-law will expire on 1 January 2031.

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 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 in 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 Robe;
- 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 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 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*.
- 6.8 **premises** includes any land (whether used or occupied for domestic or non-domestic purposes) and any part of land; and

Note-

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

PART 2 – LIMITS ON CAT NUMBERS**7. Limits on Cat Numbers**

- 7.1 Subject to this clause 7, a person must not, without the Council's permission, keep, or cause suffer or permit to be kept, more than two (2) cats on any premises.
- 7.2 The limit prescribed by subclause 7.1 does not apply to premises comprising a business involving the keeping of cats provided that the business is operating in accordance with all required approvals and consents.
- 7.3 The Council may require that premises that are the subject of an application for permission to keep additional cats are inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.
- 7.4 Permission under subclause 7.1 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 clause 8, cat means an animal of the species *felis catus* (of any age).

9. Registration of Cats

- 9.1 Where the Council has resolved to adopt a registration scheme for cats, a person must not keep a cat in the Council's area for more than 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 the person's 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, pursuant to section 262 of the Act, 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 of an authorised person made pursuant to section 262 of the Act.

- 11.3 If a person does not comply with an order of an authorised person, 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 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 cats on that person's premises; or
- take the necessary steps to mitigate a nuisance caused by howling or wandering cats.

This By-law was duly made and passed at a meeting of the District Council of Robe held on **12 July 2023** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

WAKEFIELD REGIONAL COUNCIL*Adoption of Valuations and Declaration of Rates 2023-24*

Notice is hereby given that at its meeting held on 26 July 2023, Wakefield Regional Council, in exercise of its powers contained in Chapter 10 of the *Local Government Act 1999*, for the financial year ending 30 June 2024:

Adoption of Valuation

Adopted the most recent valuation made by the Valuer-General of capital value in relation to the area of the Council, that being the valuation listing on 23 July 2023 showing a total assessment for the district of \$3,641,059,140.

Fixed Charge

Declared a fixed charge of \$350 on rateable property within its area.

Declaration of Differential General Rates

Declared differential general rates on property within its area based on land use as follows:

- on rateable land of Category (a), (Residential), a rate of 0.374613 cents in the dollar;
- on rateable land of Category (b) (Commercial Shop), Category (c) (Commercial Office), and Category (d) (Commercial Other), a rate of 0.380247 cents in the dollar;
- on rateable land of Category (e) (Industry Light) and Category (f) (Industry Other), a rate of 0.369473 cents in the dollar;
- on rateable land assigned Category (g) (Primary Production), a rate of 0.227181 cents in the dollar;
- on rateable land assigned Category (h) (Vacant land), a rate of 0.353423 cents in the dollar; and
- on rateable land assigned Category (i) (Other), a rate of 0.353423 cents in the dollar.

Community Wastewater Management Schemes Service Charges

Declared service charges for the purposes of recovering from ratepayers who will benefit from the authorised Community Wastewater Management Schemes for the disposal of sewerage effluent, the capital cost of the work and the cost of the maintenance and operation thereof, of \$603.00 in respect of land which is occupied and \$466.00 in respect of land which is vacant.

Waste Collection Charge

Declared a service charge of \$304 for the service known as the Residential (three bin) waste collection service and \$270 for the service known as the Commercial (two bin) domestic waste collection service for the purpose of recovering from ratepayers, who will be benefited by the collection of waste, the cost of providing those services.

Regional Landscape Levy

Declared a separate rate of 0.011080 cents in the dollar on rateable land within its area for the purpose of raising its contribution to the Regional Landscape Levy.

Dated: 27 July 2023

ANDREW MACDONALD
Chief Executive Officer

PUBLIC NOTICES

AERODROME FEES ACT 1998

ADELAIDE AIRPORT LTD (AAL)

Schedule of Aeronautical Fees—Effective 1 November 2023

The prices shown in this schedule are inclusive of GST.

This Schedule of Aeronautical Fees (**Schedule**) is published pursuant to and in accordance with both the *Aerodrome Fees Act 1998* (SA) and the 'Adelaide Airport Terms of Use' (as amended from time to time) (**Terms of Use**) (which document is available on the Adelaide Airport website). This Schedule sets out the fees payable for an Aircraft's use of Adelaide Airport in the absence of any other agreement to which AAL has agreed in writing.

ARRIVAL FEES AND DEPARTURE FEES—PER PASSENGER BASIS

SERVICE	Landing Fee (A)	Terminal Fee (B)	Terminal Expansion Fee (C)	Government Mandated Fee (D)	Total (A + B + C + D)
INTERNATIONAL PASSENGER TRANSPORT SERVICES					
Arrival Fee (other than Transit or Transfer)	\$16.31	\$4.64	\$14.22	\$0.00	\$35.17
Departure Fee (other than Transit or Transfer)	\$16.31	\$4.64	\$14.22	\$13.93	\$49.10
Arrival Fee (Transit)	\$8.16	\$2.32	\$7.11	\$0.00	\$17.59
Departure Fee (Transit)	\$8.16	\$2.32	\$7.11	\$13.93	\$31.52
Arrival Fee (Transfer)	\$16.31	\$4.64	\$14.22	\$0.00	\$35.17
Departure Fee (Transfer)	\$16.31	\$4.64	\$14.22	\$13.93	\$49.10
DOMESTIC PASSENGER TRANSPORT SERVICES					
Arrival Fee (other than Transit)	\$8.67	\$4.64		\$0.00	\$13.31
Departure Fee (other than Transit)	\$8.67	\$4.64		\$7.32	\$20.63
Arrival Fee (Transit)	\$8.67	\$4.64		\$0.00	\$13.31
Departure Fee (Transit)	\$8.67	\$4.64		\$7.32	\$20.63
REGIONAL RPT SERVICES					
Arrival Fee	\$5.08	\$0.46		\$0.00	\$5.54
Departure Fee	\$5.08	\$0.46		\$7.32	\$12.86

ARRIVAL FEES—MTOW BASIS

SERVICE	Fee per 1,000kg MTOW	Minimum Fee
ARRIVAL FEE FOR DIVERSIONS		
Arrival Fee—International Passenger Transport services	\$14.09	\$0.00
Arrival Fee—Domestic Passenger Transport services	\$10.46	\$0.00
Arrival Fee—Freight Diversions	\$9.55	\$0.00
GENERAL AVIATION		
Arrival Fee—Freighter	\$9.55	\$0.00
Arrival Fee—Fixed wing Aircraft (excluding RPT Operations)	\$9.55	\$55.87
Arrival Fee—Rotary wing Aircraft and unpowered aircraft	\$4.79	\$27.91

PARKING FEES (FOR AIRCRAFT) (SEE NOTE IV)

SERVICE	Charge
Code A (< 2 hours)	\$0.00
Code A, per day (> 2 hours)	\$20.83
Code B or C (< 2 Hours)	\$0.00
Code B or C, per day (> 2 Hours)	\$141.92
Code D or E (< 2 Hours)	\$283.83
Code D or E, per day (> 2 Hours)	\$567.66
Code F or greater (< 2 hours)	\$476.82
Code F or greater, per day (> 2 hours)	\$953.67

Notes

- i. Unless the context otherwise requires or a capitalised term is otherwise defined, capitalised terms in this document have the meaning given to them in the Terms of Use.
- ii. Infants and Positioning Crew are excluded from all Arrival Fees and Departure Fees if calculated on a per Passenger basis.
- iii. All amounts are quoted inclusive of GST and in AUD. Calculations of GST exclusive amounts must be made to four decimal places.

- iv. Aircraft Codes (as used in the Parking Fees) are as defined in Table 4.01 (4) of the Part 139 (Aerodromes) Manual of Standards 2019 as published at legislation.gov.au.

Dated: 3 August 2023

ADELAIDE AIRPORT LIMITED
ABN 78 075 176 653
1 James Schofield Drive, Adelaide Airport SA 5950
www.adelaideairport.com.au

NATIONAL ELECTRICITY LAW

Integrating price-responsive resources into the NEM

Notice of Initiation

Notice of Extension of Draft Determination

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

Under s 95, AEMO has requested the *Integrating price-responsive resources into the NEM* (Ref. ERC0352) proposal. The proposal seeks to integrate price-responsive resources that are currently not scheduled into the NEM to improve visibility and dispatchability. This could improve the operation of the energy market. Submissions must be received by **14 September 2023**.

Under s 95, the Australian Energy Market Operator has requested the *Clarifying mandatory primary frequency response obligations for bi-directional plant* (Ref. ERC0364) proposal. The proposal seeks to clarify the mandatory primary frequency response obligations of scheduled bidirectional units. Submissions must be received by **31 August 2023**.

Under s 107, the time for making the draft determination on the *Amendment of the Market Price Cap, Cumulative Price Threshold and Administered Price Cap* (Ref. ERC0353) proposal has been extended to **14 September 2023**.

Submissions can be made via the AEMC's [website](http://www.aemc.gov.au). Before making a submission, please review the AEMC's [privacy statement](#) on its website, and consider the AEMC's [Tips for making a submission](#). The AEMC publishes all submissions on its website, subject to confidentiality.

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: 3 August 2023

NATIONAL ENERGY RETAIL LAW

Integrating price-responsive resources into the NEM

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

Under s 251, AEMO has requested the *Integrating price-responsive resources into the NEM* (Ref. RRC0051) proposal. The proposal seeks to integrate price-responsive resources that are currently not scheduled into the NEM to improve visibility and dispatchability.

This could require consequential changes to the National Energy Retail Rules. Submissions must be received by **14 September 2023**.

Submissions can be made via the AEMC's [website](http://www.aemc.gov.au). Before making a submission, please review the AEMC's [privacy statement](#) on its website, and consider the AEMC's [Tips for making a submission](#). The AEMC publishes all submissions on its website, subject to confidentiality.

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

Dated: 3 August 2023

TRUSTEE ACT 1936

PUBLIC TRUSTEE

Estates of Deceased Persons

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

BASSHAM Kym late of 48 Bondowie Street Gladstone Retired Fisherman who died 13 February 2023
DREWS Egon Edgar late of 7 Lancelot Drive Daw Park Retired Taxi Driver who died 6 April 2023
GIBBINGS Barbara Florence late of 49 Buxton Street North Adelaide Retired Hairdresser who died 11 March 2023
HARMER Valerie Fay late of 15 Halliday Street Risdon Park Retired Secretary who died 12 October 2021
JOBILING Raymond Cyril late of 6 Pridham Boulevard Aldinga Beach Retired training manager who died 15 October 2022
JOLLY Valmai Doreen late of 10 Maxwell Avenue Edwardstown Retired postal clerk who died 4 March 2023
MOWBRAY Margaret Thompson late of 54 Woodcroft Drive Morphett Vale Retired Salesperson who died 22 March 2023
STRAALSTRA Christiena Maria late of 18 Jellicoe Street Flinders Park of no occupation who died 28 March 2023
TRABOLT Mabel Joyce late of 31 Arthur Street Booleroo Centre Retired Assistant Matron who died 12 June 2022

Notice is hereby given pursuant to the *Trustee Act 1936*, the *Inheritance (Family Provision) Act 1972* and the *Family Relationships Act 1975* that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the office of Public Trustee at GPO Box 1338, Adelaide SA 5001, full particulars and proof of such claims, on or before the 1 September 2023 otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver same to the Public Trustee.

Dated: 3 August 2023

N. S. RANTANEN
Public Trustee

NOTICE SUBMISSION

The South Australian Government Gazette is published each Thursday afternoon.

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

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

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

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

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

Please provide the following information in your email:

- Date of intended publication
- Contact details of the person responsible for the notice content
- Name and organisation to be charged for the publication—Local Council and Public notices only
- Purchase order, if required—Local Council and Public notices only

EMAIL: governmentgazettesa@sa.gov.au

PHONE: (08) 7109 7760

WEBSITE: www.governmentgazette.sa.gov.au

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