



# THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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PUBLISHED BY AUTHORITY

ALL PUBLIC ACTS appearing in this GAZETTE are to be considered official, and obeyed as such

ADELAIDE, THURSDAY, 25 AUGUST 2016

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## GOVERNMENT GAZETTE NOTICES

Notices for publication in the *South Australian Government Gazette* should be emailed to [GovernmentGazetteSA@sa.gov.au](mailto:GovernmentGazetteSA@sa.gov.au). Content should be sent as Word format attachment(s). Covering emails should include the date the notice is to be published and to whom the notice will be charged. **Closing time for lodgement is 4 p.m. on the Tuesday preceding the regular Thursday publication.** Gazette enquiries to: **Phone 8207 1045.** The *Government Gazette* is available online at: [www.governmentgazette.sa.gov.au](http://www.governmentgazette.sa.gov.au).

Department of the Premier and Cabinet  
Adelaide, 25 August 2016

HER Excellency the Governor's Deputy in Executive Council has revoked the appointment of the Honourable Kyam Joseph Maher, MLC, Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation and Minister for Science and Information Economy as Acting Deputy Premier, Acting Attorney-General, Acting Minister for Justice Reform, Acting Minister for Industrial Relations, Acting Minister for the Public Sector and Acting Minister for Consumer and Business Services for the period from 30 August 2016 to 9 September 2016 inclusive, during the absence of the Honourable John Robert Rau, MP.

By command,

JOHN JAMES SNELLING, for Premier

DPR0006/16CS

Department of the Premier and Cabinet  
Adelaide, 25 August 2016

HER Excellency the Governor's Deputy in Executive Council has revoked the appointment of the Honourable Tom Koutsantonis, MP, Treasurer, Minister for Finance, Minister for State Development and Minister for Mineral Resources and Energy as Acting Minister for Planning and Acting Minister for the City of Adelaide for the period from 30 August 2016 to 9 September 2016 inclusive, during the absence of the Honourable John Robert Rau, MP.

By command,

JOHN JAMES SNELLING, for Premier

DPR0006/16CS

Department of the Premier and Cabinet  
Adelaide, 25 August 2016

HER Excellency the Governor's Deputy in Executive Council has revoked the appointment of the Honourable Susan Elizabeth Close, MP, Minister for Education and Child Development and Minister for Higher Education and Skills as Acting Minister for Child Protection Reform for the period from 30 August 2016 to 9 September 2016 inclusive, during the absence of the Honourable John Robert Rau, MP.

By command,

JOHN JAMES SNELLING, for Premier

DPR0006/16CS

Department of the Premier and Cabinet  
Adelaide, 25 August 2016

HER Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Kyam Joseph Maher, MLC, Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation and Minister for Science and Information Economy to be appointed as Acting Deputy Premier, Acting Attorney-General, Acting Minister for Justice Reform, Acting Minister for Industrial Relations, Acting Minister for the Public Sector and Acting Minister for Consumer and Business Services for the period from 4 September 2016 to 15 September 2016 inclusive, during the absence of the Honourable John Robert Rau, MP.

By command,

JOHN JAMES SNELLING, for Premier

DPR0006/16CS

Department of the Premier and Cabinet  
Adelaide, 25 August 2016

HER Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Tom Koutsantonis, MP, Treasurer, Minister for Finance, Minister for State Development and Minister for Mineral Resources and Energy to be appointed as Acting Minister for Planning and Acting Minister for the City of Adelaide for the period from 4 September 2016 to 15 September 2016 inclusive, during the absence of the Honourable John Robert Rau, MP.

By command,

JOHN JAMES SNELLING, for Premier

DPR0006/16CS

Department of the Premier and Cabinet  
Adelaide, 25 August 2016

HER Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Susan Elizabeth Close, MP, Minister for Education and Child Development and Minister for Higher Education and Skills to be appointed as Acting Minister for Child Protection Reform for the period from 4 September 2016 to 15 September 2016 inclusive, during the absence of the Honourable John Robert Rau, MP.

By command,

JOHN JAMES SNELLING, for Premier

DPR0006/16CS

Department of the Premier and Cabinet  
Adelaide, 25 August 2016

HER Excellency the Governor's Deputy in Executive Council has been pleased to appoint the people listed to the position of Community Visitor for a period of 3 years commencing on 25 August 2016 and expiring on 24 August 2019, pursuant to the provisions of the Mental Health Act 2009:

- Kelly Ann Mudaliar
- Ronald Keith Oliver
- Bryn Frank Williams

By command,

JOHN JAMES SNELLING, for Premier

HEAC-2016-00058

Department of the Premier and Cabinet  
Adelaide, 25 August 2016

HER Excellency the Governor's Deputy in Executive Council has been pleased to appoint, by Notice in the *Government Gazette* the people listed in the Notice as Justices of the Peace for South Australia, upon the terms and conditions set out in the Notice, pursuant to Section 4 of the Justices of the Peace Act 2005.

#### NOTICE OF APPOINTMENT OF JUSTICES OF THE PEACE FOR SOUTH AUSTRALIA

*Pursuant to Section 4 of the Justices of the Peace Act 2005*

I, the Governor's Deputy in Executive Council, hereby appoint the people listed as Justices of the Peace for South Australia for a period of ten years commencing from 25 August 2016 and expiring on 24 August 2026, it being a condition of appointment that the Justices of the Peace must take the oaths required of a Justice under the Oaths Act 1936 and return the oaths form to the Justice of the Peace Services within 3 months of the date of appointment.

Kimberley Clare Arend  
Lance James Bagster  
Stephen John Barnes  
Meg Boswell  
Melanie Jane Boxall  
Darryl Stewart Buchanan  
Katherine Ann Cotellessa  
Tracey Anne Davis  
Geoffrey Russell Dunlop  
Naomi Kay Edmead  
Darren Mark Hassan  
Simon Charles Heaselgrave  
Esther Ruth Jane Huntley  
Kevin William Johnson  
Michael Edward Johnson  
Marjory Jean Jones  
Rojan Jose  
Phillip Andrew Lawson  
Sohbat Lutfi  
Neil Patrick McBrearty  
Meg Louise Mackenzie  
Lydia Martha Makiv  
Trevor Robert Mayhew

Jack Arthur Monaghan  
 Renee Colleen Monaghan  
 Linda Michelle Morgan  
 Daniel Fernando Moya  
 Deborah Jane Ophof  
 Gina Corina Oprea  
 Cheryl Kaye Oxford  
 Brian Richard Phelps  
 Brian Paul Pietsch  
 Wendy Alison Poole  
 Peter James Radford  
 Lucrezia Ranieri  
 Tanja Samira Jorgic Rudd  
 Dylan Kyle Russell  
 Simone Mary Sargent  
 Peter Andrew Shortman  
 Amanda Jayne Shopov  
 Mark Andrew Slattery  
 Mark Alexander Thompson  
 Robert George Tucker  
 Saloni Nikul Upadhyay  
 Bradley Joseph Ken Vermeer  
 Karen Jean Wallace  
 Julie Anne Watson  
 Edward Kam Tao Wong

By command,

JOHN JAMES SNELLING, for Premier

JP16/014CS

FISHERIES MANAGEMENT ACT 2007: SECTION 79

*Garfish Commercial Size Limit Increase*

TAKE notice that pursuant to Section 79 of the Fisheries Management Act 2007, it is hereby declared that it shall be unlawful for a person fishing pursuant to a fishery licence of the fisheries listed in Schedule 1 to engage in the class of fishing activities or have possession or control of aquatic resources specified in Schedule 2 during the period specified in Schedule 3.

SCHEDULE 1

Marine Scalegfish Fishery; Restricted Marine Scalegfish Fishery, Southern Zone Rock Lobster Fishery, Lakes and Coorong Fishery, or Northern Zone Rock Lobster Fishery.

SCHEDULE 2

The act of taking, possessing or landing Southern Garfish (*Hyporhamphus melanochir*) in the waters of the State that are less than 25 cm in length when measured from the foremost part of the upper jaw to the end of the tail fin.

SCHEDULE 3

Between 1200 hours on 1 April 2016 until 1200 hours on 1 April 2017.

Dated 1 April 2016.

S. SLOAN, Director,  
 Fisheries and Aquaculture Policy

FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to Section 115 of the Fisheries Management Act 2007, Robert McCallum, 12 Tenth Street, Millicent, S.A. 5280 (the 'exemption holder') or a person acting as his agent, is exempt from the provisions of Section 70 of the Fisheries Management Act 2007, and Regulation 4, Schedule 3 and Regulation 7, Schedule 6, Clauses 61 (2), 63, 49, 50 and 72 (a) of the Fisheries Management (General) Regulations 2007, but only insofar as the exemption holder may use one mesh net (Minimum mesh of 50 millimetres, maximum mesh 150 mm x 75 metres in length and a two metre drop) (the 'exempted activity') within the waters described in Schedule 1, subject to the conditions set out in Schedule 2, from 20 August 2016 until 20 August 2017, unless varied or revoked earlier.

SCHEDULE 1

- Waters of the Lakes and Coorong.

SCHEDULE 2

1. The use of the gear prescribed in Schedule 1 is for traditional Aboriginal fishing purposes only.

2. The fish captured by the exemption holder may be retained for domestic non-commercial communal needs and must not be sold.

3. All undersized fish must be returned to the water immediately.

4. The exemption holder must notify PIRSA FISHWATCH on 1800 065 522 at least two hours prior to conducting the exempted activity and answer a series of questions about the exempted activity. The exemption holder will need to have a copy of the exemption notice at the time of making the call, and be able to provide information about the area and time of the exempted activity, the vehicles and boats involved, the number of agents undertaking the exempted activity and other related questions. Exemption No. 9902876.

5. While engaged in the exempted activity the exemption holder must be in possession of a copy of this notice and such a notice must be produced to a PIRSA Fisheries Officer if requested.

6. The exemption holder must not contravene or fail to comply with the Fisheries Management Act 2007, or any regulations made under that Act, except where specifically exempted by this notice.

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

Dated 19 August 2016.

S. SLOAN, Director,  
 Fisheries and Aquaculture Policy

HEALTH CARE ACT 2008

*Fees for Ambulance Services*

I, LEESA VLAHOS, Acting Minister for Health, in accordance with Section 59 of the Health Care Act 2008 (the Act), hereby set the fees to be charged for incidental services provided by SA Ambulance Service (SAAS) as follows:

if the person receiving the service is the holder of a Pensioner Concession Card issued by the Commonwealth Government, a TPI Gold Repatriation Health Card issued by the Commonwealth Government, a War Widows Gold Repatriation Health Card issued by the Commonwealth Government, a Gold Repatriation Health Card issued by the Commonwealth Government, a Gold Repatriation Health Card (EDA) issued by the Commonwealth Government, a current Health Care Card (including Low Income Health Care Card) issued by the Commonwealth Government .....	\$105
in any other case .....	\$208

These fees will operate from 1 September 2016, until I make a further notice under Section 59 of the Act.

Dated 15 August 2016.

LEESA VLAHOS, Acting Minister for Health

LAND ACQUISITION ACT 1969

(SECTION 16)

*Notice of Acquisition*

THE COMMISSIONER OF HIGHWAYS (the 'Authority'), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

*Definition of Land Acquired*

Comprising an estate in fee simple in that piece of land being a portion of Allotment 9 in Filed Plan No. 108207 comprised in Certificate of Title Volume 5913, Folio 692, and being the whole of the land numbered Allotment 41 in plan D112903 that has been lodged in the Land Titles Office, subject only to the existing easement(s) over the land marked QQ created by TG9739262.

This notice is given under Section 16 of the Land Acquisition Act 1969.

*Compensation*

A person who has or had an 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.

*Inquiries*

Inquiries should be directed to:

Peter Jackel,  
G.P.O. Box 1533,  
Adelaide, S.A. 5001  
Phone (08) 8204 1223

Dated 22 August 2016.

The Common Seal of the Commissioner of Highways was hereto affixed by authority of the Commissioner of Highways in the presence of:

M. ELGAZZAR, Manager,  
Portfolio and Acquisition Services  
(Authorised Officer),  
Department of Planning,  
Transport and Infrastructure

DPTI 2009/03603/01

LAND ACQUISITION ACT 1969

(SECTION 16)

*Notice of Acquisition*

THE COMMISSIONER OF HIGHWAYS (the 'Authority'), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

*Definition of Land Acquired*

First—

Comprising an estate in fee simple in that piece of land being a portion of Allotment 2 in Filed Plan No. 2871 comprised in Certificate of Title Volume 5931, Folio 18 and being the whole of the land numbered Allotment 23 in plan D112816 that has been lodged in the Land Titles Office, subject only to the following: existing easement(s) as provided for by Section 9 of the Natural Gas Authority Act 1967, existing easement(s) over the land marked 'QQ' as created by TG9739262, existing easement(s) over the land marked 'U' to Transmission Lessor Corporation of 1 undivided 2nd part (subject to Lease 9061500) and Electranet Pty Ltd of 1 undivided 2nd part as created by T2587082 but expressly excluding the following: existing easement(s) over the land marked 'X' created by T4258280 and existing free and unrestricted right(s) of way over the land marked 'W'.

Secondly—

Comprising an estate in fee simple in that piece of land being a portion of Allotment 2 in Filed Plan No. 2871 comprised in Certificate of Title Volume 5931, Folio 18 and being the whole of the land numbered Allotment 22 in plan D112816 that has been lodged in the Land Titles Office, subject only to the following: existing easement(s) as provided for by Section 9 of the Natural Gas Authority Act 1967, the existing easement(s) over the land marked 'QQ' as created by TG9739262, but expressly excluding the following: existing easement(s) over the land marked 'X' created by T4258280 and existing free and unrestricted right(s) of way over the land marked 'W'.

This notice is given under Section 16 of the Land Acquisition Act 1969.

*Compensation*

A person who has or had an 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.

*Inquiries*

Inquiries should be directed to:

Peter Jackel,  
G.P.O. Box 1533,  
Adelaide, S.A. 5001  
Phone (08) 8204 1223

Dated 22 August 2016.

The Common Seal of the Commissioner of Highways was hereto affixed by authority of the Commissioner of Highways in the presence of:

M. ELGAZZAR, Manager,  
Portfolio and Acquisition Services  
(Authorised Officer),  
Department of Planning,  
Transport and Infrastructure

DPTI 2015/16866/01

LAND ACQUISITION ACT 1969

(SECTION 16)

*Notice of Acquisition*

THE COMMISSIONER OF HIGHWAYS (the 'Authority'), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

*Definition of Land Acquired*

Comprising an unencumbered estate in fee simple in that piece of land being a portion of Allotment 4 in Filed Plan No. 114465 comprised in Certificate of Title Volume 5360, Folio 750, and being the whole of the land numbered Allotment 514 in plan numbered D113208 that has been lodged in the Lands Titles Office.

This notice is given under Section 16 of the Land Acquisition Act 1969.

*Compensation*

A person who has or had an 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.

*Inquiries*

Inquiries should be directed to:

Philip Cheffirs,  
G.P.O. Box 1533,  
Adelaide, S.A. 5001  
Phone (08) 7424 7015

Dated 22 August 2016.

The Common Seal of the Commissioner of Highways was hereto affixed by authority of the Commissioner of Highways in the presence of:

M. ELGAZZAR, Manager,  
Portfolio and Acquisition Services  
(Authorised Officer),  
Department of Planning,  
Transport and Infrastructure

DPTI 2015/16475/01

LAND ACQUISITION ACT 1969

(SECTION 16)

*Notice of Acquisition*

THE COMMISSIONER OF HIGHWAYS (the 'Authority'), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

*Definition of Land Acquired*

Comprising an unencumbered estate in fee simple in that piece of land being a portion of Allotment 24 in Filed Plan No. 114485 comprised in Certificate of Title Volume 5826, Folio 488 and being the whole of the land numbered Allotment 562 in plan D113505 that has been lodged in the Lands Titles Office.

This notice is given under Section 16 of the Land Acquisition Act 1969.



*Compensation*

A person who has or had an 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.

*Inquiries*

Inquiries should be directed to:

Chris Southam,  
G.P.O. Box 1533,  
Adelaide, S.A. 5001  
Phone (08) 7424 7036

Dated 22 August 2016.

The Common Seal of the Commissioner of Highways was hereto affixed by authority of the Commissioner of Highways in the presence of:

M. ELGAZZAR, Manager,  
Portfolio and Acquisition Services  
(Authorised Officer),  
Department of Planning,  
Transport and Infrastructure

DPTI 2015/16466/01

## LAND ACQUISITION ACT 1969

(SECTION 16)

*Notice of Acquisition*

THE COMMISSIONER OF HIGHWAYS (the 'Authority'), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

*Definition of Land Acquired*

Comprising an unencumbered estate in fee simple in that piece of land being a portion of Allotment 1 in Filed Plan No. 2536 comprised in Certificate of Title Volume 5608, Folio 133, and being the whole of the land identified as Allotment 10 in D113348 lodged in the Lands Titles Office.

This notice is given under Section 16 of the Land Acquisition Act 1969.

*Compensation*

A person who has or had an 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.

*Inquiries*

Inquiries should be directed to:

Jason Kuusk,  
G.P.O. Box 1533,  
Adelaide, S.A. 5001  
Phone (08) 7424 7023

Dated 23 August 2016.

The Common Seal of the Commissioner of Highways was hereto affixed by authority of the Commissioner of Highways in the presence of:

M. ELGAZZAR, Manager,  
Portfolio and Acquisition Services  
(Authorised Officer),  
Department of Planning,  
Transport and Infrastructure

DPTI 2006/15426/02

## MINING ACT 1971

NOTICE is hereby given in accordance with Section 28 (5) of the Mining Act 1971 that the delegate of the Minister for Mineral Resources and Energy intends to grant an Exploration Licence over the area described below:

Applicant: CU-River Mining Australia Pty Limited

Location: Mount Woods Area—Approximately 50 km south-east of Coober Pedy.

Pastoral Leases: Anna Creek, McDouall Peak and Ingomar.

Term: Two years

Area in km<sup>2</sup>: 1 620

Reference No.: 2015/00251

Plan and co-ordinates can be found on the Department of State Development website: [http://www.minerals.statedevelopment.sa.gov.au/exploration/public\\_notices](http://www.minerals.statedevelopment.sa.gov.au/exploration/public_notices) or by contacting Mineral Tenements on (08) 8463 3103.

Community information on mineral exploration licence processes and requirements under the Mining Act 1971, is available from: [http://www.minerals.statedevelopment.sa.gov.au/land\\_access/community\\_information](http://www.minerals.statedevelopment.sa.gov.au/land_access/community_information) or hard copy on request to Mineral Tenements.

J. MARTIN, Mining Registrar

## MINING ACT 1971

NOTICE is hereby given in accordance with Section 28 (5) of the Mining Act 1971 that the delegate of the Minister for Mineral Resources and Energy intends to grant an Exploration Licence over the area described below.

Applicant: Tunkillia Gold Pty Ltd

Location: Lake Everard Area—Approximately 70 km south-east of Tarcoola.

Pastoral Leases: Lake Everard, North Well and Kokatha.

Term: Two years

Area in km<sup>2</sup>: 1 088

Reference No.: 2016/00110

Plan and co-ordinates can be found on the Department of State Development website: [http://www.minerals.statedevelopment.sa.gov.au/exploration/public\\_notices](http://www.minerals.statedevelopment.sa.gov.au/exploration/public_notices) or by contacting Mineral Tenements on (08) 8463 3103.

Community information on mineral exploration licence processes and requirements under the Mining Act 1971 is available from: [http://www.minerals.statedevelopment.sa.gov.au/land\\_access/community\\_information](http://www.minerals.statedevelopment.sa.gov.au/land_access/community_information) or hard copy on request to Mineral Tenements.

J. MARTIN, Mining Registrar

## NATIONAL ELECTRICITY LAW

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

Under s 107, the time for making the draft determination on the *Five Minute Settlement* (Ref. ERC0201) proposal has been extended to **30 March 2017**.

Australian Energy Market Commission

Level 6, 201 Elizabeth Street  
Sydney, N.S.W. 2000

Telephone: (02) 8296 7800

[www.aemc.gov.au](http://www.aemc.gov.au)

25 August 2016.

## NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS) REGULATIONS 2001

*Closure of Brookfield Conservation Park*

PURSUANT to Regulations 8 (3) (a) and 8 (3) (d) of the National Parks and Wildlife (National Parks) Regulations 2001, I, Grant Anthony Pelton, Director, Regional Programs, Partnerships and Stewardship, authorised delegate of the Director of National Parks and Wildlife, close to the public the whole of the Brookfield Conservation Park from:

- 6 p.m. on Sunday, 4 September 2016, until 6 p.m. on Friday, 9 September 2016;
- 6 p.m. on Thursday, 15 December 2016, until 6 p.m. on Monday, 19 December 2016;
- 6 p.m. on Sunday, 5 February 2017, until 6 p.m. on Friday, 10 February 2017;
- 6 p.m. on Sunday, 4 June 2017, until 6 p.m. on Friday, 9 June 2017; and

- 6 p.m. on Sunday, 3 September 2017, until 6 p.m. Friday, 8 September 2017.

The purpose of the closure is to ensure the safety of the public during a pest control and monitoring program adjacent the reserve during the period indicated.

Dated 22 August 2016.

G. A. PELTON, Director,  
Regional Programs, Partnerships and Stewardship,  
Department of Environment, Water and  
Natural Resources

NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS)  
REGULATIONS 2001

*Partial Closure of Ngarkat Conservation Park*

PURSUANT to Regulations 8 (3) (a) and 8 (3) (d) of the National Parks and Wildlife (National Parks) Regulations 2001, I, Grant Anthony Pelton, as Director, Regional Programs, Partnerships and Stewardship, authorised delegate of the Director of National Parks and Wildlife, close to the public, part of Ngarkat Conservation Park from 6 p.m. on Sunday, 13 November 2016 until 6 a.m. on Thursday, 24 November 2016.

This closure applies to the whole of the sections of park known as; Box Flat Block; Ashby's Block, Jimmy's Well Block and Day Block. These are adjoining areas of the reserve bounded by the following roads and tracks:

Mount Rescue Track (Open)  
Ngarkat Highway (Open)  
Western Boundary Track (Closed)  
Northern Boundary Track (Closed)  
Piggery Track (Closed)  
Baan Hill Track (Open)

The area impacted includes but is not limited to: Box Flat Campground; Box Flat Track; Baan Hill Track; Jimmy's Well Track; Emu Springs Track; Piggery Track.

The remainder of the park will remain open to the public during this period.

The purpose of the closure is to ensure the safety of the public during a pest control and monitoring program within the reserves during the period indicated.

Dated 11 August 2016.

G. A. PELTON, Director,  
Regional Programs, Partnerships and Stewardship,  
Department of Environment, Water and  
Natural Resources

NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS)  
REGULATIONS 2001

*Partial Closure of Flinders Chase National Park*

PURSUANT to Regulations 8 (3) (a) and 8 (3) (d) of the National Parks and Wildlife (National Parks) Regulations 2001, I, John Erwin Schutz, Director of National Parks and Wildlife, close to all vehicles, part of Flinders Chase National Park, from 5.30 a.m. until 2 p.m. on Saturday, 27 August 2016.

The closure applies to the first three kilometres of West Bay Road, the whole of Cape du Couedic Road, the whole of Boxer Drive and the whole of Weirs Cove Road.

Vehicle access from/to the Rocky River Campground and from/to West Bay Road to/from the Flinders Chase National Park Visitor Centre, will not be possible during the closure period, due to the partial closure of the West Bay Road and the closure of Cape du Couedic Road.

The purpose of the closure is to allow for the running of an event within the reserve during the period indicated.

*Permission to Enter Closed Reserve*

Pursuant to Regulations 8 (4), and 41 of the National Parks and Wildlife (National Parks) Regulations 2001, I, John Erwin Schutz, Director of National Parks and Wildlife, grant permission to those

persons identified in the Hire Agreement between the Minister for Sustainability, Environment, and Conservation and 1908 Management Group Pty Ltd, trading as 1908 Sports Management, to drive a vehicle in the closed portions of Flinders Chase National Park from 5.30 a.m. until 2 p.m. on Saturday, 27 August 2016 in accordance with the purposes and conditions as outlined in the said Hire Agreement.

This permission is conditional upon the observance by each of those persons of the requirements of the National Parks and Wildlife Act 1972, and the National Parks and Wildlife (National Parks) Regulations 2001, including those requiring compliance with the Director's requests, requirements and orders of a Warden.

Dated 27 June 2016.

J. E. SCHUTZ, Director of  
National Parks and Wildlife

ROADS (OPENING AND CLOSING) ACT 1991:  
SECTION 24

**NOTICE OF CONFIRMATION OF ROAD  
PROCESS ORDER**

*Road Closure—Adams Street, Emu Bay*

BY Road Process Order made on 2 May 2016, the Kangaroo Island Council ordered that:

1. The whole of the Public Road known as Adams Street, Emu Bay situated adjacent Sections 384 and 388 Hundred of Menzies, more particularly delineated and lettered 'A' in the Preliminary Plan No. 15/0030 be closed.
2. Issue a Certificate of Title to the Kangaroo Island Council for the whole of the land subject to closure.

On 31 July 2016, that order was confirmed by the Minister for Transport and Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 113136 being the authority for the new boundaries.

Pursuant to Section 24 (5) of the Roads (Opening and Closing) Act 1991, NOTICE of the order referred to above and its confirmation is hereby given.

Dated 25 August 2016.

M. P. BURDETT, Surveyor-General

DPTI 15/0030

ROADS (OPENING AND CLOSING) ACT 1991:  
SECTION 24

**NOTICE OF CONFIRMATION OF ROAD  
PROCESS ORDER**

*Road Closure—Public Road, Maaoupe*

BY Road Process Order made on 12 July 2016, Wattle Range Council ordered that:

1. Portion of Public Road, situated adjoining Section 320, Hundred of Killanoola, more particularly delineated and lettered 'A' in the Preliminary Plan No. 16/0011 be closed.
2. Transfer whole of the above closed road to Foreway Holdings Pty Ltd in accordance with the agreement for transfer dated 6 June 2016 entered into between Wattle Range Council and Foreway Holdings Pty Ltd.

On 16 August 2016, that order was confirmed by the Minister for Transport and Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 113487 being the authority for the new boundaries.

Pursuant to Section 24 (5) of the Roads (Opening and Closing) Act 1991, NOTICE of the order referred to above and its confirmation is hereby given.

Dated 25 August 2016.

M. P. BURDETT, Surveyor-General

DPTI 16/0011

## SUMMARY OFFENCES ACT 1953

*Declaration of an Event*

NOTICE is hereby given in accordance with Section 72A (3) of the Summary Offences Act 1953, that the following event has been declared for the duration of the event between the listed dates:

Event: 2016 Balaklava Cup Races.  
 Place: Balaklava Racecourse, Racecourse Road, Balaklava.  
 Date: 31 August 2016.  
 Conditions: Between 1000 hours and 1800 hours on Wednesday, 31 August 2016.

At this event a police officer may carry out a metal detector search in relation to any person who is in, or attempting to enter or leave the event and any property in the person's possession.

Inspector S. DENNY,  
 Delegate of the Commissioner

## SUMMARY OFFENCES ACT 1953

*Declaration of an Event*

NOTICE is hereby given in accordance with Section 72A (3) of the Summary Offences Act 1953, that the following event has been declared for the duration of the event between the listed dates:

Event: Royal Adelaide Show 2016.  
 Place: Public place known as the Adelaide Showgrounds.  
 Date: 2 September 2016 to 11 September 2016.  
 Conditions: May be subject to conditions specified in the notice.

At this event a police officer may carry out a metal detector search in relation to any person who is in, or attempting to enter or leave the event and any property in the person's possession.

Superintendent L. DUNSTAN,  
 Delegate of the Commissioner

**WATER MAINS AND SEWERS**

Office of the South Australian Water Corporation  
 Adelaide, 25 August 2016

**WATER MAINS LAID**

Notice is hereby given that the following main pipes or parts of main pipes have been laid down by the South Australian Water Corporation in or near the undermentioned water districts and are now available for a constant supply of water to adjacent land.

**ADELAIDE WATER DISTRICT**

CAMPBELLTOWN CITY COUNCIL  
 Peter Avenue, Campbelltown. p48

**GOOLWA WATER DISTRICT**

ALEXANDRINA COUNCIL  
 Shannon Place, Hindmarsh Island. p49

**SEWERS LAID**

Notice is hereby given that the following sewers have been laid down by the South Australian Water Corporation in the undermentioned drainage areas and are now available for house connections.

**ADELAIDE DRAINAGE AREA**

## CITY OF CHARLES STURT

Royal Terrace, Royal Park. FB 1260 p13  
 Shore Court, West Lakes Shore. FB 1260 p19  
 Sunset Crescent, Grange. FB 1260 p20

## CITY OF MARION

St Giles Way, Glengowrie. FB 1260 p14

## CITY OF SALISBURY

Salisbury Highway, Green Fields. FB1260 p22  
 Sharon Avenue, Parafield Gardens. FB 1260 p23  
 Across and in Target Hill Road, Salisbury Heights. FB 1258 p26 and 28  
 Easements in lot 20 in LTRO DP 63906, Target Hill Road, in lot 355 and 224 in LTRO DP 11030, Target Hill Road, Salisbury Heights. FB 1258 p26-28  
 Across Coomurra Drive, Salisbury Heights. FB 1258 p27 and 28

## CITY OF ONKAPARINGA

Knox Drive, Woodcroft. FB 1260 p17  
 Irvine Street, Port Noarlunga. FB 1260 p18  
 In and across Karko Drive, Moana. FB 1258 p29, 30 and 32

**OUTSIDE ADELAIDE DRAINAGE AREA**

## CITY OF ONKAPARINGA

Knox Drive, Woodcroft. FB 1260 p17  
 Easements in lots 1002 and 1000 in LTRO DP 111454 (proposed roads Peacock Place, Sapphire Green, Cobalt Road and Teal Avenue in Land Division number 145/D086/12), Esplanade, Moana. FB 1258 p29-32

R. CHEROUX, Chief Executive Officer,  
 South Australian Water Corporation

## WILDERNESS PROTECTION ACT 1992

*Proposal to Alter the Boundary of  
 the Nullarbor Wilderness Protection Area pursuant to  
 Section 24 of the Wilderness Protection Act 1992*

I, IAN HUNTER, Minister for Sustainability, Environment and Conservation, hereby give notice pursuant to Section 24 (2) of the Wilderness Protection Act 1992, of my intention to alter the boundary of the Nullarbor Wilderness Protection Area to allow for minor alterations to a public road that is adjacent to the wilderness protection area.

The land to be removed from the wilderness protection area is portion of Allotment 22 in Deposited Plan 89720. Its removal from the Nullarbor Wilderness Protection Area will allow for its continued use as a truck parking bay. The area is located at Border Village and is approximately 155.5 metres in length, is adjacent to the Eyre Highway, and extends to a width approximately 20 metres at its widest point.

Copies of a plan of the affected land are available from the Department of Environment, Water and Natural Resources in Adelaide, on the Ground Floor, 81-95 Waymouth Street, Adelaide.

Submissions are invited on the proposal, and may be sent to Elspeth Young, Coordinator, Protected Area System, Department of Environment, Water and Natural Resources, G.P.O. Box 1047, Adelaide, S.A. 5001, or via email at [elspeth.young@sa.gov.au](mailto:elspeth.young@sa.gov.au).

Dated 17 August 2016.

IAN HUNTER, Minister for Sustainability,  
 Environment and Conservation

DEWNR 00016258

## DEVELOPMENT ACT 1993, SECTION 29: AMENDMENT TO THE SALISBURY COUNCIL DEVELOPMENT PLAN

*Preamble*

It is necessary to amend the Salisbury Council Development Plan (the Plan) dated 7 July 2016.

## NOTICE

PURSUANT to Section 29 (2) (b) (ii) of the Development Act 1993, I—

1. Amend the Plan as follows:

(a) Insert the contents of 'ATTACHMENT A' after 'Local Centre Zone'.

2. Fix the day on which this notice is published in the *Gazette* as the day on which the Section 29 Amendment will come into operation.

Dated 17 August 2016.

S. SMITH, Acting Chief Development Officer,  
Development Division,  
Department of Planning, Transport and Infrastructure,  
as Delegate of JOHN RAU, Minister for Planning

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## ATTACHMENT A

## Multi Function Polis (The Levels) Zone

Refer to the [Map Reference Tables](#) for a list of the maps that relate to this zone.

### OBJECTIVES

- 1 A zone that accommodates the Mary Dan Industrial Area and an area of wetlands adjacent Shoalhaven Circuit, Mawson Lakes, which may be suited to future residential use.
- 2 The continuation, of light industry development in the Mary Dan Industrial area which is designed and located to minimise environmental impacts.

### PRINCIPLES OF DEVELOPMENT CONTROL

#### Land Use

- 1 The following forms of development are envisaged in the zone:
  - businesses
  - mixed use development
  - residential development

#### Form and Character

- 2 Development should include a range of housing types including the provision of affordable housing options for low-income households.
- 2 Development should be designed to encourage multiple use of facilities and buildings and allow for flexibility of use over time.
- 3 Dwellings for permanent occupation should not be located within the 25 to 30 ANEF contour.
- 4 Industrial development should be located and designed in a manner that is compatible with other mixed-use activities including residential uses.
- 5 Home based employment and small business uses should be of a scale, type and size and have characteristics that are compatible with adjoining development.
- 6 Built-form should contribute to a strong sense of place and community and provide opportunities for social and economic development.
- 7 Development should include distinctive and attractive public spaces with a high level of amenity. Roads, parks and open space areas should be designed giving consideration to social and community activity, safety and provide links to the Metropolitan Open Space System.
- 8 Urban development should be designed to promote integration with adjacent land uses and include the following:
  - (a) co-ordinated vehicle, cycle and pedestrian access between areas
  - (b) complementary facilities and services.
- 9 Integration with the surrounding areas should be promoted by appropriate connections to the existing road network and pedestrian and cycle paths.

## PROCEDURAL MATTERS

### Complying Development

Complying developments are prescribed in Schedule 4 of the *Development Regulations 2008*.

### Non-complying Development

Development (including building work, a change in the use of land, or division of an allotment) for the following is non-complying:

Form of development	Exceptions
Crematorium	
Intensive animal keeping	
Junk yard	
Landfill that constitutes solid waste disposal required to be licensed as a waste depot under the <i>Environment Protection Act 1993</i>	
Prescribed mining activity	
Refuse destructor	
Road transport terminal	
Special industry	
Stock slaughter works	

### Public Notification

Categories of public notification are prescribed in Schedule 9 of the *Development Regulations 2008*.

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## ENVIRONMENT PROTECTION ACT 1993

*Variation to Existing Approval of Collection Depot*

I, ANDREA KAYE WOODS, Delegate of the Environment Protection Authority ('the Authority'), pursuant to Section 69 of the Environment Protection Act 1993 (SA) ('the Act') hereby:

*Variation to Existing Approval of Collection Depot*

Vary the approval of the collection depot listed at Schedule 1 of this notice, that was granted under the Act prior to the date of this Notice and impose the conditions of this approval to be as follows:

## 1.1 Approval of Collection Depot:

The collection depot identified by reference to the following matters is approved:

- (a) the name of the collection depot described in Column 1 of Schedule 1 of this Notice;
- (b) the name of the company identified in Column 2 of Schedule 1 of this Notice;
- (c) the name of the proprietor of the depot identified in Column 3 of Schedule 1 of this Notice;
- (d) the location of the depot described in Columns 4-7 of Schedule 1 of this Notice.

The collection depot listed at Schedule 1 of this Notice is approved in relation to all classes of containers, which were approved under the Act, at or subsequent to the date of this Notice, as Category B Containers.

## 1.2 Conditions of Approval:

Impose the following conditions on the approval:

- (1) If the Approval Holder's name or postal address (or both) changes, then the Approval Holder must inform the Authority in writing, within 28 days of the change occurring.
- (2) If the collection depot is sold to another party, the Approval Holder must inform the Authority in writing, within 28 days of settlement.
- (3) The Approval Holder who wishes to cease operation of the depot shall notify the Authority in writing no less than 14 days from the date of closing.
- (4) The Approval Holder, or a person acting on his or her behalf, must not pay a refund on, or seek reimbursement for, containers that the Approval Holder, or the person acting on his or her behalf, knows were not purchased in South Australia.
- (5) The Approval Holder must ensure that prominent signage is displayed, detailing the offence and the penalties under Section 69 the Act, for presenting interstate containers for refund.

## SCHEDULE

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Depot Name	Company/Trading Name	Proprietors	Depot Location Street	Depot Location Suburb	Certificate of Title No. Volume/Folio No.	Collection Area
Kosi's Cans	YP Recycling	Neil Drogemuller and Sue Drogemuller	142 Calvengrove Road	Waterloo Corner	Vol. 5814, Folio 322	Metro

## HEALTH CARE ACT 2008

*Fees and Charges*

I, LEESA VLAHOS, Acting Minister for Health, hereby give notice pursuant to Section 44 of the Health Care Act 2008, of the fees in the list attached to apply to compensable patients and patients who are not Medicare patients:

These fees will operate from 1 September 2016 until I make a further Notice under Section 44 of the Act.

Dated 14 August 2016.

LEESA VLAHOS, Acting Minister for Health

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## Interpretation

- (1) unless the contrary intention appears—

**Act** means the *Health Care Act 2008*;

**admission** means the formal administrative process of a public hospital site by which a patient commences a period of treatment, care and accommodation in the public hospital site;

**admitted**, in relation to a patient, means a patient who has undergone the formal admission process of a public hospital site;

**compensable patient** means a patient receiving services from a public hospital site who is, or may be, entitled to payment, or has received payment, by way of compensation in respect of the injury, illness or disease for which the patient is receiving those services;

**day** means 24 hours (whether a continuous period or in aggregate);

**discharge** means the formal administrative process of a public hospital site by which a patient ceases a period of treatment, care and accommodation in that public hospital site;

**discharged**, in relation to a patient, means a patient who has undergone the formal discharge process of a public hospital site;

**health professional** includes a person employed to provide training or instruction to patients or their carers in relation to patient treatment and care;

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

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

**non-admitted**, in relation to a patient, means a patient who is not an admitted patient;

**outreach service**, in relation to a public hospital site, means treatment or care provided by the public hospital site to a non-admitted patient at a location outside the public hospital site premises (being treatment or care provided as a direct substitute for treatment or care that would normally be provided on the public hospital site premises);

**patient** means a person to whom a public hospital site provides treatment or care (including outreach services or domiciliary maintenance and care);

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

**public**, in relation to a patient, connotes that the patient receives medical or diagnostic services from a medical practitioner selected by the public hospital site of which he or she is a patient;

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

**retrieval team** means a team of health professionals, at least one of whom is a medical practitioner, with specialist expertise in the treatment and care of seriously ill or seriously injured patients during transportation;

**salaried medical officer**, in relation to a public hospital site, means a medical practitioner who is employed by the employing authority under the *Health Care Act 2008*.

### Determination of fees

#### Fees

- (1) Subject to subsection (3) and (4), the fee to be charged by a public hospital site for services of a kind set out in Schedule 1 provided to an admitted patient—
  - (a) who is a compensable patient,  
is the fee set out in, or determined in accordance with, that Schedule.
- (2) Subject to subsection (3) and (4), the fee to be charged by a public hospital site for services of a kind set out in Schedule 2 provided to an admitted patient—
  - (a) who is not a Medicare patient,  
is the fee set out in, or determined in accordance with, that Schedule.
- (3) Subject to subsection (3) and (4), the fee (or, where specified, the maximum fee) to be charged by a public hospital site for services of a kind set out in Schedule 3 provided to a non-admitted patient—
  - (a) who is a compensable patient; or
  - (b) who is not a Medicare patient,  
is the fee set out in, or determined in accordance with, that Schedule.
- (4) Subject to subsection (4), the fee (or, where specified, the maximum fee) to be charged by a public hospital site for services of a kind set out in Schedule 4 provided to a patient—
  - (a) who is a compensable patient; or
  - (b) who is not a Medicare patient,  
is the fee set out in, or determined in accordance with, that Schedule.
- (5) The fee to be charged by a public hospital site for services of a kind set out in Schedule 4A provided to a public patient—
  - (a) who is not a compensable patient; and
  - (b) who is not a Medicare patient,  
is the fee set out in, or determined in accordance with, that Schedule.

#### Discount or remission of fees

A public hospital site may discount payment of, or remit, the whole or any part of a fee payable to it.

**Schedule 1— Incorporated hospitals and public hospital sites: fees for admitted patients who are compensable patients**

**1—Interpretation**

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

**AR-DRG** means Australian Refined Diagnosis Related Group;

**leave hour** means an hour for which an admitted patient of a public hospital site is on leave from the public hospital site without being discharged from the public hospital site;

**maintenance care** (formerly Nursing Home Type care) means treatment and care of an admitted patient in which the treatment goal is to prevent deterioration in the patient's health or ability to function and where care over an indefinite period, but not further complex assessment or stabilisation, is required;

**Manual** means the most current *Australian Refined Diagnosis Related Groups Definitions Manual*, released by the Commonwealth Department of Health and Ageing;

**Private and public admitted compensable patients** - patients will be seen as a public or private admitted compensable patient in accordance with hospital practices in a similar way as applied to Medicare eligible patients;

**rehabilitation**, or **rehabilitation care**, means the treatment and care of a patient with an impairment, disability or handicap in which the treatment goal is to improve the ability of the patient to function;

**rounded to the nearest hour**, in relation to the determination of a number of hours, means that where a number of hours includes a fraction of an hour, the number is to be rounded up to the nearest whole hour if the fraction consists of 30 minutes or more and rounded down to the nearest whole hour (or, where necessary, to zero) if the fraction consists of less than 30 minutes;

- (2) For the purposes of this Schedule—
- (a) AR-DRG reference numbers or descriptions are as set out in the Manual; and
  - (b) terms and abbreviations used in AR-DRG descriptions have the meanings given by the Manual.
- (3) A reference in this Schedule to a Table of a specified number in this Schedule is a reference to the Table of that number in clause 9.

**2—Determination of applicable AR-DRG**

For the purposes of this Schedule, the AR-DRG applicable to a patient must be determined in accordance with the guidelines contained in *South Australian Morbidity Coding Standards and Guidelines (Inpatients)*, effective 1 July 2015, published by the Department of Health.

### 3—Standard fee for admitted patients

Subject to this Schedule, the fee to be charged by a public hospital site for a period of treatment, care and accommodation of an admitted patient to whom an AR-DRG specified in the first and second columns of Table 3 in this Schedule is applicable must be calculated as follows:

$$\text{Fee} = \text{Price} \times \text{Cost Weight}$$

where—

- (a) the **Price** is the price specified in the second column of Table 1 in this Schedule; and
- (b) the **Cost Weight** is the cost weight specified in the third or fourth column of Table 3 in this Schedule according to the patient classification (public or private) specified in those columns for the AR-DRG applicable to the patient.

### 4—Fee for rehabilitation or maintenance care

Despite clause 3, the fee to be charged by a public hospital site for a period of treatment, care and accommodation of an admitted patient where the treatment and care consists of rehabilitation or maintenance care must be calculated as follows:

$$\text{Fee} = \text{Price} \times \text{LOS}$$

where—

- (a) the **Price** is the price specified in the third column of Table 2 in this Schedule according to the patient classification (public or private) specified in the first column and the type of treatment or care specified in the second column of the Table; and
- (b) the **LOS** (length of stay) means the number of hours (rounded to the nearest hour) between—
  - (i) the admission of the patient to the public hospital site or, where the patient receives maintenance care, the commencement of maintenance care, whichever is the later; and
  - (ii) the discharge of the patient from the public hospital site,  
excluding any leave hours (rounded to the nearest hour) for the patient during that period, expressed as a figure in days (including parts of days) and rounded up to the nearest whole day.

### 5—Medical or diagnostic services not included in fees for private patients

In the case of a private patient, a fee determined in accordance with this Schedule does not include a fee for the cost of medical or diagnostic services provided by a medical practitioner selected by the patient.

### 6—Retrieval fee (admitted patients)

Where a retrieval team provided by a public hospital site or SA Ambulance Service monitors and treats a seriously ill or seriously injured admitted patient of that or any other public hospital site during the transportation of the patient to a the public hospital site or to another facility of the public hospital site, the fee to be charged by the public hospital site or SA Ambulance Service providing the retrieval team is as follows:

Provision of retrieval team—\$3 039.00

#### **7—Transportation fee**

- (1) Where, in addition to providing a service referred to in this Schedule, a public hospital site transports, or arranges for the transportation of, a patient to or from (or between different facilities of) the public hospital site, the public hospital site may charge an additional fee equal to the cost to the public hospital site of providing, or arranging for the provision of, that transportation.
- (2) Subclause (1) does not apply to the transportation of a patient with a retrieval team provided by the public hospital site.

#### **8—Other fees**

- (1) Pharmaceutical Reform arrangements

For public hospital sites participating in the pharmaceutical reform arrangements under the agreement between the South Australian and the Australian Government the following fees apply for pharmaceuticals provided to admitted patients on discharge:

- (i) For compensable patients:
  - (a) For the supply of Pharmaceutical Benefit Scheme items (per item) the community co-payment rate for pharmaceuticals as set under the Commonwealth *National Health Act 1953* each year on 1 January.
  - (b) For the supply of non-Pharmaceutical Benefit Scheme items (per item) an amount that is the cost to the public hospital (using a full cost recovery principle) for supply of that item.

## 9 —Tables

**Table 1: Prices**

<b>Public Hospitals</b>	<b>Price</b>
All Hospitals	\$5 161

**Table 2: Rehabilitation and Maintenance Care Fees**

<b>Public or Private Patient</b>	<b>Type of Treatment</b>	<b>Price Per Day All Hospitals</b>
Public	Maintenance care	\$392
Private	Maintenance care	\$385
Public	Rehabilitation—Spinal	\$2 105
Private	Rehabilitation—Spinal	\$1 922
Public	Rehabilitation—Stroke, Acquired Brain Injury, Amputee	\$1 217
Private	Rehabilitation—Stroke, Acquired Brain Injury, Amputee	\$1 111
Public	Rehabilitation—Other	\$868
Private	Rehabilitation—Other	\$793

**Table 3: Cost Weight Table for All Incorporated Hospitals and Public Hospital Sites**

AR_DRGv8.0		Cost Weight	
DRG	DRG Description	Public	Private
801A	OR Procedures Unrelated to Principal Diagnosis, Major Complexity	10.701	11.387
801B	OR Procedures Unrelated to Principal Diagnosis, Intermediate Complexity	4.126	5.692
801C	OR Procedures Unrelated to Principal Diagnosis, Minor Complexity	1.344	1.309
A01Z	Liver Transplant	30.470	46.463
A03Z	Lung or Heart-Lung Transplant	20.350	18.415
A05Z	Heart Transplant	28.635	25.871
A06A	Tracheostomy and/or Ventilation >=96hours, Major Complexity	60.687	76.694
A06B	Tracheostomy and/or Ventilation >=96hours, Intermediate Complexity	39.479	55.133
A06C	Tracheostomy and/or Ventilation >=96hours, Minor Complexity	24.429	18.675
A07A	Allogeneic Bone Marrow Transplant, Age <=16 Years or Major Complexity	25.190	19.814
A07B	Allogeneic Bone Marrow Transplant, Age >=17 Years and Minor Complexity	12.019	5.617
A08A	Autologous Bone Marrow Transplant, Major Complexity	8.785	7.364
A08B	Autologous Bone Marrow Transplant, Minor Complexity	2.744	2.693
A09A	Kidney Transplant, Age <=16 Years or Major Complexity	13.970	6.391
A09B	Kidney Transplant, Age >=17 Years and Minor Complexity	9.382	12.398
A10Z	Insertion of Ventricular Assist Device	63.716	57.443
A11A	Insertion of Implantable Spinal Infusion Device, Major Complexity	9.799	9.026
A11B	Insertion of Implantable Spinal Infusion Device, Minor Complexity	3.598	1.619
A12Z	Insertion of Neurostimulator Device	5.243	4.588
A40A	ECMO, Major Complexity	101.838	28.949
A40B	ECMO, Minor Complexity	33.012	10.103
B01A	Ventricular Shunt Revision, Major Complexity	4.823	4.527
B01B	Ventricular Shunt Revision, Minor Complexity	2.728	2.255
B02A	Cranial Procedures, Major Complexity	15.737	19.133
B02B	Cranial Procedures, Intermediate Complexity	7.235	13.613
B02C	Cranial Procedures, Minor Complexity	4.516	5.259

B03A	Spinal Procedures, Major Complexity	6.959	7.198
B03B	Spinal Procedures, Intermediate Complexity	3.752	2.044
B03C	Spinal Procedures, Minor Complexity	2.571	1.933
B04A	Extracranial Vascular Procedures, Major Complexity	6.813	3.816
B04B	Extracranial Vascular Procedures, Intermediate Complexity	3.761	1.820
B04C	Extracranial Vascular Procedures, Minor Complexity	2.373	2.057
B05Z	Carpal Tunnel Release	0.446	0.352
B06A	Procedures for Cerebral Palsy, Muscular Dystrophy and Neuropathy, Major Comp	6.753	4.423
B06B	Procedures for Cerebral Palsy, Muscular Dystrophy and Neuropathy, Interm Comp	3.114	1.048
B06C	Procedures for Cerebral Palsy, Muscular Dystrophy and Neuropathy, Minor Comp	1.455	1.184
B07A	Cranial or Peripheral Nerve and Other Nervous System Procedures, Major Comp	4.508	2.647
B07B	Cranial or Peripheral Nerve and Other Nervous System Procedures, Minor Comp	1.400	1.165
B40Z	Plasmapheresis W Neurological Disease, Sameday	0.175	0.350
B41Z	Telemetric EEG Monitoring	1.371	1.271
B42A	Nervous System Disorders W Ventilator Support, Major Complexity	11.160	12.117
B42B	Nervous System Disorders W Ventilator Support, Minor Complexity	4.615	8.361
B60A	Acute Paraplegia and Quadriplegia W or W/O OR Procedures, Major Complexity	16.536	9.921
B60B	Acute Paraplegia and Quadriplegia W or W/O OR Procedures, Minor Complexity	3.880	3.461
B61A	Spinal Cord Conditions W or W/O OR Procedures, Major Complexity	8.898	8.994
B61B	Spinal Cord Conditions W or W/O OR Procedures, Minor Complexity	3.101	2.328
B62Z	Apheresis	0.245	0.436
B63A	Dementia and Other Chronic Disturbances of Cerebral Function, Major Complexity	5.004	4.738
B63B	Dementia and Other Chronic Disturbances of Cerebral Function, Minor Complexity	2.319	2.338
B64A	Delirium, Major Complexity	2.487	4.786
B64B	Delirium, Minor Complexity	0.813	0.409
B65A	Cerebral Palsy, Major Complexity	3.610	2.439
B65B	Cerebral Palsy, Minor Complexity	0.330	0.423
B66A	Nervous System Neoplasms, Major Complexity	2.950	18.997



B66B	Nervous System Neoplasms, Minor Complexity	1.375	1.176
B67A	Degenerative Nervous System Disorders, Major Complexity	2.937	3.809
B67B	Degenerative Nervous System Disorders, Intermediate Complexity	1.133	0.763
B67C	Degenerative Nervous System Disorders, Minor Complexity	0.230	0.094
B68A	Multiple Sclerosis and Cerebellar Ataxia, Major Complexity	2.156	6.540
B68B	Multiple Sclerosis and Cerebellar Ataxia, Minor Complexity	0.343	0.129
B69A	TIA and Precerebral Occlusion, Major Complexity	1.105	1.233
B69B	TIA and Precerebral Occlusion, Minor Complexity	0.486	0.348
B70A	Stroke and Other Cerebrovascular Disorders, Major Complexity	5.841	3.295
B70B	Stroke and Other Cerebrovascular Disorders, Intermediate Complexity	2.151	3.110
B70C	Stroke and Other Cerebrovascular Disorders, Minor Complexity	1.270	1.128
B70D	Stroke and Other Cerebrovascular Disorders, Transferred <5 Days	0.748	0.448
B71A	Cranial and Peripheral Nerve Disorders, Major Complexity	1.815	1.622
B71B	Cranial and Peripheral Nerve Disorders, Minor Complexity	0.170	0.167
B72A	Nervous System Infection Except Viral Meningitis, Major Complexity	4.468	6.351
B72B	Nervous System Infection Except Viral Meningitis, Minor Complexity	1.092	0.962
B73Z	Viral Meningitis	0.797	0.675
B74A	Nontraumatic Stupor and Coma, Major Complexity	1.554	1.003
B74B	Nontraumatic Stupor and Coma, Minor Complexity	0.359	0.381
B75Z	Febrile Convulsions	0.357	0.309
B76A	Seizures, Major Complexity	1.301	1.579
B76B	Seizures, Minor Complexity	0.488	0.435
B77A	Headaches, Major Complexity	0.802	0.905
B77B	Headaches, Minor Complexity	0.209	0.382
B78A	Intracranial Injuries, Major Complexity	3.302	5.302
B78B	Intracranial Injuries, Minor Complexity	1.381	1.186
B78C	Intracranial Injuries, Transferred <5 Days	0.454	0.385
B79A	Skull Fractures, Major Complexity	1.196	0.958

B79B	Skull Fractures, Minor Complexity	0.705	0.343
B80A	Other Head Injuries, Major Complexity	0.951	0.746
B80B	Other Head Injuries, Minor Complexity	0.168	0.155
B81A	Other Disorders of the Nervous System, Major Complexity	2.555	2.246
B81B	Other Disorders of the Nervous System, Minor Complexity	0.861	0.786
B82A	Chronic & Unspec Para/Quadriplegia W or W/O OR Proc, Major Complexity	12.691	10.543
B82B	Chronic & Unspec Para/Quadriplegia W or W/O OR Proc, Intermediate Complexity	2.964	2.718
B82C	Chronic & Unspec Para/Quadriplegia W or W/O OR Proc, Minor Complexity	0.999	0.851
C01A	Procedures for Penetrating Eye Injury, Major Complexity	2.588	2.536
C01B	Procedures for Penetrating Eye Injury, Minor Complexity	1.379	1.339
C02Z	Enucleations and Orbital Procedures	2.269	1.688
C03A	Retinal Procedures, Major Complexity	0.937	0.528
C03B	Retinal Procedures, Minor Complexity	0.383	0.319
C04A	Major Corneal, Scleral and Conjunctival Procedures, Major Complexity	2.116	1.733
C04B	Major Corneal, Scleral and Conjunctival Procedures, Minor Complexity	1.270	1.083
C05Z	Dacryocystorhinostomy	0.988	0.548
C10Z	Strabismus Procedures	0.817	0.609
C11Z	Eyelid Procedures	1.096	0.778
C12Z	Other Corneal, Scleral and Conjunctival Procedures	0.729	0.525
C13Z	Lacrimal Procedures	0.429	0.333
C14A	Other Eye Procedures, Major Complexity	1.132	1.341
C14B	Other Eye Procedures, Minor Complexity	0.432	0.495
C15Z	Glaucoma and Complex Cataract Procedures	0.774	0.513
C16Z	Lens Procedures	0.575	0.205
C60A	Acute and Major Eye Infections, Major Complexity	2.391	2.677
C60B	Acute and Major Eye Infections, Minor Complexity	1.158	0.965
C61A	Neurological and Vascular Disorders of the Eye, Major Complexity	1.254	2.715
C61B	Neurological and Vascular Disorders of the Eye, Minor Complexity	0.781	0.459

C62A	Hyphaema and Medically Managed Trauma to the Eye, Major Complexity	0.888	0.763
C62B	Hyphaema and Medically Managed Trauma to the Eye, Minor Complexity	0.204	0.204
C63A	Other Disorders of the Eye, Major Complexity	1.348	0.695
C63B	Other Disorders of the Eye, Intermediate Complexity	0.749	0.437
C63C	Other Disorders of the Eye, Minor Complexity	0.574	0.544
D01Z	Cochlear Implant	6.809	3.065
D02A	Head and Neck Procedures, Major Complexity	7.644	4.870
D02B	Head and Neck Procedures, Intermediate Complexity	3.716	2.182
D02C	Head and Neck Procedures, Minor Complexity	2.137	2.420
D03Z	Surgical Repair for Cleft Lip and Palate Disorders	2.006	1.647
D04A	Maxillo Surgery, Major Complexity	2.360	1.970
D04B	Maxillo Surgery, Minor Complexity	1.510	1.453
D05Z	Parotid Gland Procedures	2.311	1.858
D06Z	Sinus and Complex Middle Ear Procedures	1.264	0.931
D10Z	Nasal Procedures	0.977	0.723
D11Z	Tonsillectomy and Adenoidectomy	0.740	0.605
D12A	Other Ear, Nose, Mouth and Throat Procedures, Major Complexity	2.477	5.244
D12B	Other Ear, Nose, Mouth and Throat Procedures, Minor Complexity	0.775	0.596
D13Z	Myringotomy W Tube Insertion	0.413	0.245
D14A	Mouth and Salivary Gland Procedures, Major Complexity	1.245	10.846
D14B	Mouth and Salivary Gland Procedures, Minor Complexity	0.597	0.193
D15Z	Mastoid Procedures	1.961	1.353
D40Z	Dental Extractions and Restorations	0.614	0.524
D60A	Ear, Nose, Mouth and Throat Malignancy, Major Complexity	3.535	3.089
D60B	Ear, Nose, Mouth and Throat Malignancy, Minor Complexity	1.022	1.096
D61A	Dysequilibrium, Major Complexity	0.860	0.952
D61B	Dysequilibrium, Minor Complexity	0.261	0.211
D62A	Epistaxis, Major Complexity	1.019	0.371

D62B	Epistaxis, Minor Complexity	0.288	0.587
D63A	Otitis Media and Upper Respiratory Infections, Major Complexity	0.813	2.274
D63B	Otitis Media and Upper Respiratory Infections, Minor Complexity	0.307	0.225
D64A	Laryngotracheitis and Epiglottitis, Major Complexity	0.726	0.752
D64B	Laryngotracheitis and Epiglottitis, Minor Complexity	0.233	0.423
D65A	Nasal Trauma and Deformity, Major Complexity	0.557	0.690
D65B	Nasal Trauma and Deformity, Minor Complexity	0.289	0.444
D66A	Other Ear, Nose, Mouth and Throat Disorders, Major Complexity	1.038	4.985
D66B	Other Ear, Nose, Mouth and Throat Disorders, Minor Complexity	0.318	0.268
D67A	Oral and Dental Disorders, Major Complexity	1.142	4.052
D67B	Oral and Dental Disorders, Minor Complexity	0.323	0.484
E01A	Major Chest Procedures, Major Complexity	11.105	4.365
E01B	Major Chest Procedures, Intermediate Complexity	6.049	1.781
E01C	Major Chest Procedures, Minor Complexity	3.248	2.903
E02A	Other Respiratory System OR Procedures, Major Complexity	5.252	7.124
E02B	Other Respiratory System OR Procedures, Intermediate Complexity	1.881	4.228
E02C	Other Respiratory System OR Procedures, Minor Complexity	0.797	0.565
E40A	Respiratory System Disorders W Ventilator Support, Major Complexity	11.764	5.980
E40B	Respiratory System Disorders W Ventilator Support, Minor Complexity	7.020	37.259
E41A	Respiratory System Disorders W Non-Invasive Ventilation, Major Complexity	11.979	5.299
E41B	Respiratory System Disorders W Non-Invasive Ventilation, Minor Complexity	4.734	10.908
E42A	Bronchoscopy, Major Complexity	3.413	5.563
E42B	Bronchoscopy, Minor Complexity	2.121	0.952
E60A	Cystic Fibrosis, Major Complexity	4.532	5.654
E60B	Cystic Fibrosis, Minor Complexity	2.762	1.979
E61A	Pulmonary Embolism, Major Complexity	2.071	4.554
E61B	Pulmonary Embolism, Minor Complexity	0.922	0.577
E62A	Respiratory Infections and Inflammations, Major Complexity	1.813	2.922

E62B	Respiratory Infections and Inflammations, Minor Complexity	0.810	0.819
E63A	Sleep Apnoea, Major Complexity	0.752	0.761
E63B	Sleep Apnoea, Minor Complexity	0.269	0.381
E64A	Pulmonary Oedema and Respiratory Failure, Major Complexity	2.516	1.785
E64B	Pulmonary Oedema and Respiratory Failure, Minor Complexity	0.930	2.403
E65A	Chronic Obstructive Airways Disease, Major Complexity	1.814	3.095
E65B	Chronic Obstructive Airways Disease, Minor Complexity	0.789	0.678
E66A	Major Chest Trauma, Major Complexity	1.906	2.219
E66B	Major Chest Trauma, Minor Complexity	0.532	0.488
E67A	Respiratory Signs and Symptoms, Major Complexity	0.965	0.881
E67B	Respiratory Signs and Symptoms, Minor Complexity	0.284	0.235
E68A	Pneumothorax, Major Complexity	1.633	2.184
E68B	Pneumothorax, Minor Complexity	0.812	0.778
E69A	Bronchitis and Asthma, Major Complexity	1.013	0.728
E69B	Bronchitis and Asthma, Minor Complexity	0.363	0.354
E70A	Whooping Cough and Acute Bronchiolitis, Major Complexity	1.210	1.607
E70B	Whooping Cough and Acute Bronchiolitis, Minor Complexity	0.616	0.533
E71A	Respiratory Neoplasms, Major Complexity	2.696	3.268
E71B	Respiratory Neoplasms, Minor Complexity	1.167	0.974
E72Z	Respiratory Problems Arising from Neonatal Period	0.830	0.689
E73A	Pleural Effusion, Major Complexity	2.831	2.094
E73B	Pleural Effusion, Intermediate Complexity	1.260	1.394
E73C	Pleural Effusion, Minor Complexity	0.827	0.569
E74A	Interstitial Lung Disease, Major Complexity	1.839	3.483
E74B	Interstitial Lung Disease, Minor Complexity	0.967	0.644
E75A	Other Respiratory System Disorders, Major Complexity	1.115	1.087
E75B	Other Respiratory System Disorders, Minor Complexity	0.569	0.505
E76A	Respiratory Tuberculosis, Major Complexity	4.896	4.592

E76B	Respiratory Tuberculosis, Minor Complexity	1.728	1.487
F01A	Implantation and Replacement of AICD, Total System, Major Complexity	10.420	6.032
F01B	Implantation and Replacement of AICD, Total System, Minor Complexity	5.209	0.897
F02Z	Other AICD Procedures	2.863	1.790
F03A	Cardiac Valve Procedures W CPB Pump W Invasive Cardiac Investigation, Major Comp	20.255	5.976
F03B	Cardiac Valve Procedures W CPB Pump W Invasive Cardiac Investigation, Minor Comp	11.984	7.781
F04A	Cardiac Valve Procedures W CPB Pump W/O Invasive Cardiac Invest, Major Comp	21.144	3.287
F04B	Cardiac Valve Procedures W CPB Pump W/O Invasive Cardiac Invest, Interm Comp	11.612	6.513
F04C	Cardiac Valve Procedures W CPB Pump W/O Invasive Cardiac Invest, Minor Comp	8.355	5.112
F05A	Coronary Bypass W Invasive Cardiac Investigation, Major Complexity	15.185	7.027
F05B	Coronary Bypass W Invasive Cardiac Investigation, Minor Complexity	10.019	15.408
F06A	Coronary Bypass W/O Invasive Cardiac Investigation, Major Complexity	11.848	2.951
F06B	Coronary Bypass W/O Invasive Cardiac Investigation, Minor Complexity	7.688	12.256
F07A	Other Cardiothoracic/Vascular Procedures W CPB Pump, Major Complexity	18.106	-
F07B	Other Cardiothoracic/Vascular Procedures W CPB Pump, Intermediate Complexity	12.382	4.870
F07C	Other Cardiothoracic/Vascular Procedures W CPB Pump, Minor Complexity	8.197	4.792
F08A	Major Reconstructive Vascular Procedures W/O CPB Pump, Major Complexity	13.083	5.332
F08B	Major Reconstructive Vascular Procedures W/O CPB Pump, Intermediate Complexity	7.155	5.287
F08C	Major Reconstructive Vascular Procedures W/O CPB Pump, Minor Complexity	4.262	2.850
F09A	Other Cardiothoracic Procedures W/O CPB Pump, Major Complexity	9.506	1.604
F09B	Other Cardiothoracic Procedures W/O CPB Pump, Intermediate Complexity	5.942	5.017
F09C	Other Cardiothoracic Procedures W/O CPB Pump, Minor Complexity	2.377	30.597
F10A	Interventional Coronary Procedures, Admitted for AMI, Major Complexity	4.152	3.716
F10B	Interventional Coronary Procedures, Admitted for AMI, Minor Complexity	2.089	1.414
F11A	Amputation, Except Upper Limb and Toe, for Circulatory Disorders, Major Comp	13.707	7.934
F11B	Amputation, Except Upper Limb and Toe, for Circulatory Disorders, Minor Comp	7.505	20.043
F12A	Implantation and Replacement of Pacemaker, Total System, Major Complexity	4.050	4.080
F12B	Implantation and Replacement of Pacemaker, Total System, Minor Complexity	2.348	0.868

F13A	Amputation, Upper Limb and Toe, for Circulatory Disorders, Major Complexity	6.832	1.885
F13B	Amputation, Upper Limb and Toe, for Circulatory Disorders, Minor Complexity	3.056	2.777
F14A	Vascular Procedures, Except Major Reconstruction, W/O CPB Pump, Major Complexity	6.619	3.019
F14B	Vascular Procedures, Except Major Reconstruction, W/O CPB Pump, Interm Comp	2.630	1.365
F14C	Vascular Procedures, Except Major Reconstruction, W/O CPB Pump, Minor Complexity	1.579	1.647
F15A	Interventional Coronary Procs, Not Adm for AMI, W Stent Implant, Major Comp	2.806	0.808
F15B	Interventional Coronary Procs, Not Adm for AMI, W Stent Implant, Minor Comp	1.720	1.208
F16A	Interventional Coronary Procs, Not Adm for AMI, W/O Stent Implant, Major Comp	5.693	2.520
F16B	Interventional Coronary Procs, Not Adm for AMI, W/O Stent Implant, Minor Comp	1.506	2.496
F17A	Insertion and Replacement of Pacemaker Generator, Major Complexity	2.733	0.881
F17B	Insertion and Replacement of Pacemaker Generator, Minor Complexity	1.378	0.558
F18A	Other Pacemaker Procedures, Major Complexity	4.050	3.312
F18B	Other Pacemaker Procedures, Minor Complexity	1.491	1.168
F19A	Trans-Vascular Percutaneous Cardiac Intervention, Major Complexity	5.288	2.507
F19B	Trans-Vascular Percutaneous Cardiac Intervention, Minor Complexity	2.448	3.103
F20Z	Vein Ligation and Stripping	1.023	0.821
F21A	Other Circulatory System OR Procedures, Major Complexity	6.874	6.499
F21B	Other Circulatory System OR Procedures, Intermediate Complexity	2.716	1.310
F21C	Other Circulatory System OR Procedures, Minor Complexity	1.606	1.486
F40A	Circulatory Disorders W Ventilator Support, Major Complexity	11.506	5.893
F40B	Circulatory Disorders W Ventilator Support, Minor Complexity	5.152	5.606
F41A	Circulatory Disorders, Adm for AMI W Invasive Cardiac Inves Proc, Major Comp	3.094	2.335
F41B	Circulatory Disorders, Adm for AMI W Invasive Cardiac Inves Proc, Minor Comp	1.699	1.413
F42A	Circulatory Dsrds, Not Adm for AMI W Invasive Cardiac Inves Proc, Major Comp	2.470	2.615
F42B	Circulatory Dsrds, Not Adm for AMI W Invasive Cardiac Inves Proc, Minor Comp	1.286	0.904
F43A	Circulatory Disorders W Non-Invasive Ventilation, Major Complexity	8.710	5.036
F43B	Circulatory Disorders W Non-Invasive Ventilation, Minor Complexity	5.407	3.093
F60A	Circulatory Dsrds, Adm for AMI W/O Invas Card Inves Proc	1.377	1.239

F60B	Circulatory Dsrds, Adm for AMI W/O Invas Card Inves Proc, Transf <5 Days	0.569	0.350
F61A	Infective Endocarditis, Major Complexity	7.145	24.808
F61B	Infective Endocarditis, Minor Complexity	2.951	1.494
F62A	Heart Failure and Shock, Major Complexity	2.438	2.554
F62B	Heart Failure and Shock, Minor Complexity	1.004	0.872
F62C	Heart Failure and Shock, Transferred <5 Days	0.389	0.271
F63A	Venous Thrombosis, Major Complexity	1.476	1.250
F63B	Venous Thrombosis, Minor Complexity	0.746	0.702
F64A	Skin Ulcers in Circulatory Disorders, Major Complexity	3.092	2.117
F64B	Skin Ulcers in Circulatory Disorders, Intermediate Complexity	1.628	1.171
F64C	Skin Ulcers in Circulatory Disorders, Minor Complexity	1.005	1.096
F65A	Peripheral Vascular Disorders, Major Complexity	2.089	2.225
F65B	Peripheral Vascular Disorders, Minor Complexity	0.868	0.658
F66A	Coronary Atherosclerosis, Major Complexity	1.105	0.921
F66B	Coronary Atherosclerosis, Minor Complexity	0.333	0.267
F67A	Hypertension, Major Complexity	1.100	0.853
F67B	Hypertension, Minor Complexity	0.487	0.479
F68A	Congenital Heart Disease, Major Complexity	1.360	1.211
F68B	Congenital Heart Disease, Minor Complexity	0.395	0.503
F69A	Valvular Disorders, Major Complexity	1.916	2.579
F69B	Valvular Disorders, Minor Complexity	0.266	0.210
F72A	Unstable Angina, Major Complexity	1.053	1.532
F72B	Unstable Angina, Minor Complexity	0.547	0.381
F73A	Syncope and Collapse, Major Complexity	1.146	1.031
F73B	Syncope and Collapse, Minor Complexity	0.456	0.393
F74A	Chest Pain, Major Complexity	0.459	0.399
F74B	Chest Pain, Minor Complexity	0.178	0.142
F75A	Other Circulatory Disorders, Major Complexity	3.956	2.080



F75B	Other Circulatory Disorders, Intermediate Complexity	1.445	0.876
F75C	Other Circulatory Disorders, Minor Complexity	0.890	0.996
F76A	Arrhythmia, Cardiac Arrest and Conduction Disorders, Major Complexity	1.226	1.667
F76B	Arrhythmia, Cardiac Arrest and Conduction Disorders, Minor Complexity	0.532	0.499
G01A	Rectal Resection, Major Complexity	14.395	5.359
G01B	Rectal Resection, Intermediate Complexity	7.507	7.325
G01C	Rectal Resection, Minor Complexity	4.839	3.894
G02A	Major Small and Large Bowel Procedures, Major Complexity	13.023	9.984
G02B	Major Small and Large Bowel Procedures, Intermediate Complexity	5.659	6.039
G02C	Major Small and Large Bowel Procedures, Minor Complexity	3.310	2.765
G03A	Stomach, Oesophageal and Duodenal Procedures, Major Complexity	12.970	6.199
G03B	Stomach, Oesophageal and Duodenal Procedures, Intermediate Complexity	5.553	8.079
G03C	Stomach, Oesophageal and Duodenal Procedures, Minor Complexity	2.483	3.773
G04A	Peritoneal Adhesiolysis, Major Complexity	6.924	3.593
G04B	Peritoneal Adhesiolysis, Intermediate Complexity	3.204	4.542
G04C	Peritoneal Adhesiolysis, Minor Complexity	1.695	1.397
G05A	Minor Small and Large Bowel Procedures, Major Complexity	4.676	4.323
G05B	Minor Small and Large Bowel Procedures, Minor Complexity	1.838	5.472
G06Z	Pyloromyotomy	1.832	1.574
G07A	Appendicectomy, Major Complexity	2.106	1.589
G07B	Appendicectomy, Minor Complexity	1.258	1.384
G10A	Hernia Procedures, Major Complexity	2.129	1.766
G10B	Hernia Procedures, Minor Complexity	1.003	0.859
G11A	Anal and Stomal Procedures, Major Complexity	1.572	1.448
G11B	Anal and Stomal Procedures, Minor Complexity	0.678	0.765
G12A	Other Digestive System OR Procedures, Major Complexity	7.905	2.468
G12B	Other Digestive System OR Procedures, Intermediate Complexity	2.795	4.313
G12C	Other Digestive System OR Procedures, Minor Complexity	1.557	1.005

G46A	Complex Endoscopy, Major Complexity	2.468	8.053
G46B	Complex Endoscopy, Minor Complexity	0.465	0.675
G47A	Gastroscopy, Major Complexity	2.099	6.432
G47B	Gastroscopy, Intermediate Complexity	0.797	0.321
G47C	Gastroscopy, Minor Complexity	0.340	0.228
G48A	Colonoscopy, Major Complexity	1.982	1.590
G48B	Colonoscopy, Minor Complexity	0.351	2.626
G60A	Digestive Malignancy, Major Complexity	2.294	3.273
G60B	Digestive Malignancy, Minor Complexity	0.781	0.410
G61A	Gastrointestinal Haemorrhage, Major Complexity	1.099	1.023
G61B	Gastrointestinal Haemorrhage, Minor Complexity	0.490	0.399
G64A	Inflammatory Bowel Disease, Major Complexity	1.408	1.334
G64B	Inflammatory Bowel Disease, Minor Complexity	0.751	0.721
G65A	Gastrointestinal Obstruction, Major Complexity	1.641	1.451
G65B	Gastrointestinal Obstruction, Minor Complexity	0.647	0.566
G66A	Abdominal Pain and Mesenteric Adenitis, Major Complexity	0.658	0.205
G66B	Abdominal Pain and Mesenteric Adenitis, Minor Complexity	0.228	0.207
G67A	Oesophagitis and Gastroenteritis, Major Complexity	0.984	1.423
G67B	Oesophagitis and Gastroenteritis, Minor Complexity	0.259	0.228
G70A	Other Digestive System Disorders, Major Complexity	1.040	0.889
G70B	Other Digestive System Disorders, Minor Complexity	0.268	0.222
H01A	Pancreas, Liver and Shunt Procedures, Major Complexity	13.451	1.617
H01B	Pancreas, Liver and Shunt Procedures, Intermediate Complexity	6.441	8.251
H01C	Pancreas, Liver and Shunt Procedures, Minor Complexity	2.382	1.905
H02A	Major Biliary Tract Procedures, Major Complexity	6.717	8.447
H02B	Major Biliary Tract Procedures, Minor Complexity	2.613	1.967
H05A	Hepatobiliary Diagnostic Procedures, Major Complexity	4.269	6.941
H05B	Hepatobiliary Diagnostic Procedures, Minor Complexity	0.865	0.450

H06A	Other Hepatobiliary and Pancreas OR Procedures, Major Complexity	8.794	5.980
H06B	Other Hepatobiliary and Pancreas OR Procedures, Intermediate Complexity	2.777	0.819
H06C	Other Hepatobiliary and Pancreas OR Procedures, Minor Complexity	1.143	0.960
H07A	Open Cholecystectomy, Major Complexity	8.019	4.939
H07B	Open Cholecystectomy, Intermediate Complexity	4.310	0.731
H07C	Open Cholecystectomy, Minor Complexity	2.666	2.446
H08A	Laparoscopic Cholecystectomy, Major Complexity	2.902	1.780
H08B	Laparoscopic Cholecystectomy, Minor Complexity	1.473	1.302
H40A	Endoscopic Procedures for Bleeding Oesophageal Varices, Major Complexity	5.071	2.177
H40B	Endoscopic Procedures for Bleeding Oesophageal Varices, Intermediate Complexity	2.192	0.929
H40C	Endoscopic Procedures for Bleeding Oesophageal Varices, Minor Complexity	1.104	1.142
H43A	ERCP Procedures, Major Complexity	4.565	1.569
H43B	ERCP Procedures, Intermediate Complexity	2.042	1.346
H43C	ERCP Procedures, Minor Complexity	1.250	15.846
H60A	Cirrhosis and Alcoholic Hepatitis, Major Complexity	3.120	2.778
H60B	Cirrhosis and Alcoholic Hepatitis, Intermediate Complexity	1.139	1.207
H60C	Cirrhosis and Alcoholic Hepatitis, Minor Complexity	0.882	0.556
H61A	Malignancy of Hepatobiliary System and Pancreas, Major Complexity	2.611	3.316
H61B	Malignancy of Hepatobiliary System and Pancreas, Minor Complexity	1.063	0.750
H62A	Disorders of Pancreas, Except Malignancy, Major Complexity	2.234	2.687
H62B	Disorders of Pancreas, Except Malignancy, Minor Complexity	0.763	0.660
H63A	Other Disorders of Liver, Major Complexity	1.997	1.907
H63B	Other Disorders of Liver, Intermediate Complexity	1.088	0.784
H63C	Other Disorders of Liver, Minor Complexity	0.727	0.887
H64A	Disorders of the Biliary Tract, Major Complexity	1.338	1.656
H64B	Disorders of the Biliary Tract, Minor Complexity	0.587	0.449
I01A	Bilateral and Multiple Major Joint Procedures of Lower Limb, Major Complexity	10.774	11.879
I01B	Bilateral and Multiple Major Joint Procedures of Lower Limb, Minor Complexity	6.555	2.320

I02A	Microvascular Tissue Transfers or Skin Grafts, Excluding Hand, Major Complexity	20.771	14.829
I02B	Microvascular Tissue Transfers or Skin Grafts, Excluding Hand, Intermediate Comp	8.449	6.792
I02C	Microvascular Tissue Transfers or Skin Grafts, Excluding Hand, Minor Complexity	2.761	2.388
I03A	Hip Replacement, Major Complexity	6.459	4.233
I03B	Hip Replacement, Minor Complexity	4.239	2.704
I04A	Knee Replacement, Major Complexity	5.281	2.887
I04B	Knee Replacement, Minor Complexity	4.096	2.803
I05A	Other Joint Replacement, Major Complexity	6.074	2.824
I05B	Other Joint Replacement, Minor Complexity	3.852	3.078
I06Z	Spinal Fusion for Deformity	11.967	7.471
I07Z	Amputation	10.665	6.691
I08A	Other Hip and Femur Procedures, Major Complexity	5.679	4.843
I08B	Other Hip and Femur Procedures, Minor Complexity	3.095	2.516
I09A	Spinal Fusion, Major Complexity	15.129	10.123
I09B	Spinal Fusion, Intermediate Complexity	7.415	5.678
I09C	Spinal Fusion, Minor Complexity	5.719	3.192
I10A	Other Back and Neck Procedures, Major Complexity	4.033	3.632
I10B	Other Back and Neck Procedures, Minor Complexity	2.119	1.494
I11Z	Limb Lengthening Procedures	5.394	3.195
I12A	Misc Musculoskeletal Procs for Infect/Inflam of Bone/Joint, Major Complexity	8.511	6.939
I12B	Misc Musculoskeletal Procs for Infect/Inflam of Bone/Joint, Intermediate Comp	3.652	5.009
I12C	Misc Musculoskeletal Procs for Infect/Inflam of Bone/Joint, Minor Complexity	1.655	1.356
I13A	Humerus, Tibia, Fibula and Ankle Procedures, Major Complexity	4.269	3.413
I13B	Humerus, Tibia, Fibula and Ankle Procedures, Minor Complexity	1.810	1.454
I15A	Cranio-Facial Surgery, Major Complexity	5.909	3.731
I15B	Cranio-Facial Surgery, Minor Complexity	2.625	2.333
I16Z	Other Shoulder Procedures	1.544	1.267
I17A	Maxillo-Facial Surgery, Major Complexity	3.008	2.898

I17B	Maxillo-Facial Surgery, Minor Complexity	1.673	1.363
I18A	Other Knee Procedures, Major Complexity	1.585	1.523
I18B	Other Knee Procedures, Minor Complexity	0.682	0.637
I19A	Other Elbow and Forearm Procedures, Major Complexity	3.001	2.911
I19B	Other Elbow and Forearm Procedures, Minor Complexity	1.458	1.096
I20A	Other Foot Procedures, Major Complexity	2.951	2.727
I20B	Other Foot Procedures, Minor Complexity	1.197	1.176
I21Z	Local Excision and Removal of Internal Fixation Devices of Hip and Femur	1.080	1.004
I23A	Local Excision & Removal of Internal Fixation Device, Except Hip & Fmr, Maj Comp	1.590	1.463
I23B	Local Excision & Removal of Internal Fixation Device, Except Hip & Fmr, Min Comp	0.537	0.680
I24A	Arthroscopy, Major Complexity	1.353	1.317
I24B	Arthroscopy, Minor Complexity	0.661	0.736
I25A	Bone and Joint Diagnostic Procedures Including Biopsy, Major Complexity	5.224	2.652
I25B	Bone and Joint Diagnostic Procedures Including Biopsy, Minor Complexity	1.603	3.007
I27A	Soft Tissue Procedures, Major Complexity	4.632	4.166
I27B	Soft Tissue Procedures, Minor Complexity	1.231	1.244
I28A	Other Musculoskeletal Procedures, Major Complexity	4.180	3.386
I28B	Other Musculoskeletal Procedures, Intermediate Complexity	1.812	1.300
I28C	Other Musculoskeletal Procedures, Minor Complexity	1.035	1.109
I29Z	Knee Reconstructions, and Revisions of Reconstructions	1.707	1.339
I30Z	Hand Procedures	0.860	0.718
I31A	Revision of Hip Replacement, Major Complexity	12.070	9.291
I31B	Revision of Hip Replacement, Intermediate Complexity	6.904	4.613
I31C	Revision of Hip Replacement, Minor Complexity	4.961	2.998
I32A	Revision of Knee Replacement, Major Complexity	8.705	8.131
I32B	Revision of Knee Replacement, Minor Complexity	5.037	3.021
I40Z	Infusions for Musculoskeletal Disorders, Sameday	0.285	0.276
I60Z	Femoral Shaft Fractures	3.525	3.251

I61A	Distal Femoral Fractures, Major Complexity	5.387	4.933
I61B	Distal Femoral Fractures, Minor Complexity	1.883	1.617
I63A	Sprains, Strains and Dislocations of Hip, Pelvis and Thigh, Major Complexity	1.732	3.918
I63B	Sprains, Strains and Dislocations of Hip, Pelvis and Thigh, Minor Complexity	0.511	0.436
I64A	Osteomyelitis, Major Complexity	4.648	3.177
I64B	Osteomyelitis, Minor Complexity	2.354	3.248
I65A	Musculoskeletal Malignant Neoplasms, Major Complexity	3.635	3.262
I65B	Musculoskeletal Malignant Neoplasms, Minor Complexity	1.706	1.483
I66A	Inflammatory Musculoskeletal Disorders, Major Complexity	4.273	2.504
I66B	Inflammatory Musculoskeletal Disorders, Intermediate Complexity	2.021	1.154
I66C	Inflammatory Musculoskeletal Disorders, Minor Complexity	1.123	1.183
I67A	Septic Arthritis, Major Complexity	4.114	14.128
I67B	Septic Arthritis, Minor Complexity	1.491	1.022
I68A	Non-surgical Spinal Disorders, Major Complexity	2.687	2.150
I68B	Non-surgical Spinal Disorders, Minor Complexity	0.635	0.738
I69A	Bone Diseases and Arthropathies, Major Complexity	1.821	2.311
I69B	Bone Diseases and Arthropathies, Minor Complexity	0.766	0.565
I71A	Other Musculotendinous Disorders, Major Complexity	1.720	1.773
I71B	Other Musculotendinous Disorders, Minor Complexity	0.520	0.484
I72A	Specific Musculotendinous Disorders, Major Complexity	2.211	2.126
I72B	Specific Musculotendinous Disorders, Minor Complexity	0.655	0.635
I73A	Aftercare of Musculoskeletal Implants or Prostheses, Major Complexity	3.323	2.994
I73B	Aftercare of Musculoskeletal Implants or Prostheses, Minor Complexity	1.309	1.241
I74A	Injuries to Forearm, Wrist, Hand and Foot, Major Complexity	1.613	1.463
I74B	Injuries to Forearm, Wrist, Hand and Foot, Minor Complexity	0.504	0.409
I75A	Injuries to Shoulder, Arm, Elbow, Knee, Leg and Ankle, Major Complexity	2.570	2.697
I75B	Injuries to Shoulder, Arm, Elbow, Knee, Leg and Ankle, Minor Complexity	0.625	0.550
I76A	Other Musculoskeletal Disorders, Major Complexity	3.469	1.933

I76B	Other Musculoskeletal Disorders, Intermediate Complexity	1.297	1.264
I76C	Other Musculoskeletal Disorders, Minor Complexity	0.609	0.665
I77A	Fractures of Pelvis, Major Complexity	3.123	3.377
I77B	Fractures of Pelvis, Minor Complexity	1.111	1.043
I78A	Fractures of Neck of Femur, Major Complexity	3.736	2.928
I78B	Fractures of Neck of Femur, Minor Complexity	1.564	1.596
I79A	Pathological Fractures, Major Complexity	3.800	4.578
I79B	Pathological Fractures, Minor Complexity	1.716	1.431
I80Z	Femoral Fractures, Transferred to Acute Facility <2 Days	0.208	0.089
I81Z	Musculoskeletal Injuries, Sameday	0.138	0.099
I82Z	Other Sameday Treatment for Musculoskeletal Disorders	0.142	0.121
J01A	Microvas Tiss Transf for Skin, Subcut Tiss & Breast Dsrds, Major Complexity	13.493	6.397
J01B	Microvas Tiss Transf for Skin, Subcut Tiss & Breast Dsrds, Minor Complexity	7.160	10.284
J06A	Major Procedures for Breast Disorders, Major Complexity	2.362	0.572
J06B	Major Procedures for Breast Disorders, Minor Complexity	1.529	7.701
J07A	Minor Procedures for Breast Disorders, Major Complexity	0.818	0.725
J07B	Minor Procedures for Breast Disorders, Minor Complexity	0.630	0.448
J08A	Other Skin Grafts and Debridement Procedures, Major Complexity	3.459	2.314
J08B	Other Skin Grafts and Debridement Procedures, Intermediate Complexity	1.536	1.627
J08C	Other Skin Grafts and Debridement Procedures, Minor Complexity	1.423	1.000
J09Z	Perianal and Pilonidal Procedures	0.805	0.707
J10A	Plastic OR Procs for Skin, Subcutaneous Tissue and Breast Disorders, Major Comp	1.843	1.585
J10B	Plastic OR Procs for Skin, Subcutaneous Tissue and Breast Disorders, Minor Comp	0.638	0.673
J11A	Other Skin, Subcutaneous Tissue and Breast Procedures, Major Complexity	1.351	1.320
J11B	Other Skin, Subcutaneous Tissue and Breast Procedures, Minor Complexity	0.415	0.531
J12A	Lower Limb Procedures W Ulcer or Cellulitis, Major Complexity	6.872	8.784
J12B	Lower Limb Procedures W Ulcer or Cellulitis, Minor Complexity	2.353	6.474
J13A	Lower Limb Procedures W/O Ulcer or Cellulitis, Major Complexity	2.749	5.927

J13B	Lower Limb Procedures W/O Ulcer or Cellulitis, Minor Complexity	1.596	1.201
J14Z	Major Breast Reconstructions	4.922	3.501
J60A	Skin Ulcers, Major Complexity	3.122	2.788
J60B	Skin Ulcers, Intermediate Complexity	1.286	1.629
J60C	Skin Ulcers, Minor Complexity	0.764	5.703
J62A	Malignant Breast Disorders, Major Complexity	2.830	1.742
J62B	Malignant Breast Disorders, Minor Complexity	1.105	1.217
J63A	Non-Malignant Breast Disorders, Major Complexity	0.783	0.712
J63B	Non-Malignant Breast Disorders, Minor Complexity	0.610	0.546
J64A	Cellulitis, Major Complexity	2.510	1.567
J64B	Cellulitis, Minor Complexity	0.691	0.667
J65A	Trauma to Skin, Subcutaneous Tissue and Breast, Major Complexity	1.217	1.180
J65B	Trauma to Skin, Subcutaneous Tissue and Breast, Minor Complexity	0.240	0.215
J67A	Minor Skin Disorders, Major Complexity	1.050	0.975
J67B	Minor Skin Disorders, Minor Complexity	0.285	0.262
J68A	Major Skin Disorders, Major Complexity	1.833	1.196
J68B	Major Skin Disorders, Minor Complexity	0.825	0.784
J69A	Skin Malignancy, Major Complexity	3.103	5.132
J69B	Skin Malignancy, Intermediate Complexity	1.291	1.052
J69C	Skin Malignancy, Minor Complexity	0.241	0.215
K01A	OR Procedures for Diabetic Complications, Major Complexity	13.252	7.566
K01B	OR Procedures for Diabetic Complications, Intermediate Complexity	6.264	2.977
K01C	OR Procedures for Diabetic Complications, Minor Complexity	3.324	3.190
K02A	Pituitary Procedures, Major Complexity	8.853	9.513
K02B	Pituitary Procedures, Minor Complexity	3.680	1.525
K03Z	Adrenal Procedures	3.803	3.282
K05A	Parathyroid Procedures, Major Complexity	3.565	5.046
K05B	Parathyroid Procedures, Minor Complexity	1.468	0.736



K06A	Thyroid Procedures, Major Complexity	2.953	1.362
K06B	Thyroid Procedures, Minor Complexity	1.868	2.962
K08Z	Thyroglossal Procedures	1.192	0.832
K09A	Other Endocrine, Nutritional and Metabolic OR Procedures, Major Complexity	6.697	8.924
K09B	Other Endocrine, Nutritional and Metabolic OR Procedures, Minor Complexity	1.984	2.778
K10A	Revisional and Open Bariatric Procedures, Major Complexity	4.875	3.625
K10B	Revisional and Open Bariatric Procedures, Minor Complexity	2.798	2.486
K11A	Major Laparoscopic Bariatric Procedures, Major Complexity	2.870	2.090
K11B	Major Laparoscopic Bariatric Procedures, Minor Complexity	1.847	1.742
K12A	Other Bariatric Procedures, Major Complexity	1.929	1.657
K12B	Other Bariatric Procedures, Minor Complexity	1.581	1.517
K13Z	Plastic OR Procedures for Endocrine, Nutritional and Metabolic Disorders	2.132	2.029
K40A	Endoscopic and Investigative Procedures for Metabolic Disorders, Major Comp	4.137	17.878
K40B	Endoscopic and Investigative Procedures for Metabolic Disorders, Minor Comp	0.482	1.468
K60A	Diabetes, Major Complexity	1.550	2.233
K60B	Diabetes, Minor Complexity	0.849	0.847
K61A	Severe Nutritional Disturbance, Major Complexity	3.878	3.641
K61B	Severe Nutritional Disturbance, Minor Complexity	1.963	1.957
K62A	Miscellaneous Metabolic Disorders, Major Complexity	2.477	1.025
K62B	Miscellaneous Metabolic Disorders, Intermediate Complexity	1.947	0.924
K62C	Miscellaneous Metabolic Disorders, Minor Complexity	0.620	1.284
K63A	Inborn Errors of Metabolism, Major Complexity	0.883	0.795
K63B	Inborn Errors of Metabolism, Minor Complexity	0.232	-
K64A	Endocrine Disorders, Major Complexity	1.670	2.754
K64B	Endocrine Disorders, Minor Complexity	0.762	0.291
L02A	Operative Insertion of Peritoneal Catheter for Dialysis, Major Complexity	4.631	4.869
L02B	Operative Insertion of Peritoneal Catheter for Dialysis, Minor Complexity	1.102	1.024
L03A	Kidney, Ureter and Major Bladder Procedures for Neoplasm, Major Complexity	10.056	8.723

L03B	Kidney, Ureter and Major Bladder Procedures for Neoplasm, Intermediate Comp	4.613	3.704
L03C	Kidney, Ureter and Major Bladder Procedures for Neoplasm, Minor Complexity	2.844	2.517
L04A	Kidney, Ureter and Major Bladder Procedures for Non-Neoplasm, Major Complexity	5.938	5.324
L04B	Kidney, Ureter and Major Bladder Procedures for Non-Neoplasm, Intermediate Comp	2.402	0.830
L04C	Kidney, Ureter and Major Bladder Procedures for Non-Neoplasm, Minor Complexity	1.466	3.822
L05A	Transurethral Prostatectomy for Urinary Disorder, Major Complexity	3.486	2.623
L05B	Transurethral Prostatectomy for Urinary Disorder, Minor Complexity	1.352	1.175
L06A	Minor Bladder Procedures, Major Complexity	4.690	1.707
L06B	Minor Bladder Procedures, Intermediate Complexity	1.750	0.619
L06C	Minor Bladder Procedures, Minor Complexity	1.097	1.084
L07A	Other Transurethral Procedures, Major Complexity	1.944	1.473
L07B	Other Transurethral Procedures, Minor Complexity	0.770	0.589
L08A	Urethral Procedures, Major Complexity	1.755	1.928
L08B	Urethral Procedures, Minor Complexity	0.788	0.607
L09A	Other Procedures for Kidney and Urinary Tract Disorders, Major Complexity	8.524	3.246
L09B	Other Procedures for Kidney and Urinary Tract Disorders, Intermediate Complexity	3.106	4.605
L09C	Other Procedures for Kidney and Urinary Tract Disorders, Minor Complexity	1.074	1.043
L40Z	Ureteroscopy	0.711	0.527
L41Z	Cystourethroscopy for Urinary Disorder, Sameday	0.225	0.176
L42Z	ESW Lithotripsy	0.914	0.429
L60A	Kidney Failure, Major Complexity	4.230	3.057
L60B	Kidney Failure, Intermediate Complexity	1.313	1.885
L60C	Kidney Failure, Minor Complexity	0.860	0.461
L61Z	Haemodialysis	0.109	0.299
L62A	Kidney and Urinary Tract Neoplasms, Major Complexity	2.659	2.499
L62B	Kidney and Urinary Tract Neoplasms, Minor Complexity	0.645	0.544
L63A	Kidney and Urinary Tract Infections, Major Complexity	1.480	1.712
L63B	Kidney and Urinary Tract Infections, Minor Complexity	0.650	0.564

L64A	Urinary Stones and Obstruction, Major Complexity	0.877	2.882
L64B	Urinary Stones and Obstruction, Minor Complexity	0.265	0.167
L65A	Kidney and Urinary Tract Signs and Symptoms, Major Complexity	1.424	1.384
L65B	Kidney and Urinary Tract Signs and Symptoms, Minor Complexity	0.536	0.462
L66Z	Urethral Stricture	0.583	0.507
L67A	Other Kidney and Urinary Tract Disorders, Major Complexity	1.414	1.558
L67B	Other Kidney and Urinary Tract Disorders, Intermediate Complexity	0.680	0.567
L67C	Other Kidney and Urinary Tract Disorders, Minor Complexity	0.165	0.147
L68Z	Peritoneal Dialysis	0.227	0.366
M01A	Major Male Pelvic Procedures, Major Complexity	4.827	-
M01B	Major Male Pelvic Procedures, Minor Complexity	3.519	5.085
M02A	Transurethral Prostatectomy for Reproductive System Disorder, Major Complexity	2.445	1.013
M02B	Transurethral Prostatectomy for Reproductive System Disorder, Minor Complexity	1.336	1.086
M03A	Penis Procedures, Major Complexity	1.615	1.529
M03B	Penis Procedures, Minor Complexity	0.872	0.909
M04Z	Testes Procedures	0.691	0.596
M05Z	Circumcision	0.591	0.532
M06A	Other Male Reproductive System OR Procedures, Major Complexity	2.575	6.531
M06B	Other Male Reproductive System OR Procedures, Minor Complexity	1.184	1.022
M40Z	Cystourethroscopy for Male Reproductive System Disorder, Sameday	0.222	0.127
M60A	Male Reproductive System Malignancy, Major Complexity	2.285	2.233
M60B	Male Reproductive System Malignancy, Minor Complexity	0.358	0.295
M61A	Benign Prostatic Hypertrophy, Major Complexity	0.837	0.458
M61B	Benign Prostatic Hypertrophy, Minor Complexity	0.379	0.594
M62A	Male Reproductive System Inflammation, Major Complexity	1.158	0.509
M62B	Male Reproductive System Inflammation, Minor Complexity	0.591	0.767
M63Z	Male Sterilisation Procedures	0.428	0.351
M64A	Other Male Reproductive System Disorders, Major Complexity	0.696	0.699

M64B	Other Male Reproductive System Disorders, Minor Complexity	0.279	0.434
N01A	Pelvic Evisceration and Radical Vulvectomy, Major Complexity	7.110	5.459
N01B	Pelvic Evisceration and Radical Vulvectomy, Minor Complexity	3.305	2.729
N04A	Hysterectomy for Non-Malignancy, Major Complexity	2.846	2.649
N04B	Hysterectomy for Non-Malignancy, Minor Complexity	2.020	1.834
N05A	Oophorectomy and Complex Fallopian Tube Procedures for Non-Malignancy, Maj Comp	2.838	11.605
N05B	Oophorectomy and Complex Fallopian Tube Procedures for Non-Malignancy, Min Comp	1.498	0.972
N06A	Female Reproductive System Reconstructive Procedures, Major Complexity	2.269	2.049
N06B	Female Reproductive System Reconstructive Procedures, Minor Complexity	1.403	1.264
N07A	Other Uterus and Adnexa Procedures for Non-Malignancy, Major Complexity	1.520	3.886
N07B	Other Uterus and Adnexa Procedures for Non-Malignancy, Minor Complexity	0.539	2.750
N08Z	Endoscopic and Laparoscopic Procedures, Female Reproductive System	1.308	1.107
N09Z	Other Vagina, Cervix and Vulva Procedures	0.555	0.490
N10Z	Diagnostic Curettage and Diagnostic Hysteroscopy	0.491	0.401
N11A	Other Female Reproductive System OR Procedures, Major Complexity	3.176	2.721
N11B	Other Female Reproductive System OR Procedures, Minor Complexity	0.352	0.512
N12A	Uterus and Adnexa Procedures for Malignancy, Major Complexity	5.905	2.244
N12B	Uterus and Adnexa Procedures for Malignancy, Intermediate Complexity	3.360	1.131
N12C	Uterus and Adnexa Procedures for Malignancy, Minor Complexity	2.300	1.973
N60A	Female Reproductive System Malignancy, Major Complexity	3.162	3.201
N60B	Female Reproductive System Malignancy, Minor Complexity	0.858	0.692
N61A	Female Reproductive System Infections, Major Complexity	0.951	0.992
N61B	Female Reproductive System Infections, Minor Complexity	0.401	0.549
N62A	Menstrual and Other Female Reproductive System Disorders, Major Complexity	0.494	0.626
N62B	Menstrual and Other Female Reproductive System Disorders, Minor Complexity	0.258	0.422
O01A	Caesarean Delivery, Major Complexity	3.454	2.952
O01B	Caesarean Delivery, Intermediate Complexity	2.240	3.848
O01C	Caesarean Delivery, Minor Complexity	1.911	1.136

O02A	Vaginal Delivery W OR Procedures, Major Complexity	2.346	2.119
O02B	Vaginal Delivery W OR Procedures, Minor Complexity	1.622	1.500
O03A	Ectopic Pregnancy, Major Complexity	1.433	1.231
O03B	Ectopic Pregnancy, Minor Complexity	0.924	0.776
O04A	Postpartum and Post Abortion W OR Procedures, Major Complexity	2.519	1.243
O04B	Postpartum and Post Abortion W OR Procedures, Minor Complexity	1.097	7.792
O05Z	Abortion W OR Procedures	0.463	0.390
O60A	Vaginal Delivery, Major Complexity	1.731	2.604
O60B	Vaginal Delivery, Intermediate Complexity	1.148	2.861
O60C	Vaginal Delivery, Minor Complexity	0.813	0.365
O61A	Postpartum and Post Abortion W/O OR Procedures, Major Complexity	1.215	1.196
O61B	Postpartum and Post Abortion W/O OR Procedures, Minor Complexity	0.592	0.746
O63A	Abortion W/O OR Procedures, Major Complexity	0.616	0.677
O63B	Abortion W/O OR Procedures, Minor Complexity	0.198	0.379
O66A	Antenatal and Other Obstetric Admissions, Major Complexity	0.730	1.412
O66B	Antenatal and Other Obstetric Admissions, Minor Complexity	0.203	0.189
P01Z	Neonate W Sig OR Proc/Vent $\geq$ 96hrs, Died or Transfer to Acute Facility <5Days	1.261	1.920
P02Z	Cardiothoracic and Vascular Procedures for Neonates	26.300	23.246
P03A	Neonate, AdmWt 1000-1499g W Significant OR Proc/Vent $\geq$ 96hrs, Major Complexity	27.894	27.340
P03B	Neonate, AdmWt 1000-1499g W Significant OR Proc/Vent $\geq$ 96hrs, Minor Complexity	15.906	12.603
P04A	Neonate, AdmWt 1500-1999g W Significant OR Proc/Vent $\geq$ 96hrs, Major Complexity	22.605	9.742
P04B	Neonate, AdmWt 1500-1999g W Significant OR Proc/Vent $\geq$ 96hrs, Minor Complexity	9.679	11.406
P05A	Neonate, AdmWt 2000-2499g W Significant OR Proc/Vent $\geq$ 96hrs, Major Complexity	29.212	-
P05B	Neonate, AdmWt 2000-2499g W Significant OR Proc/Vent $\geq$ 96hrs, Minor Complexity	14.421	13.904
P06A	Neonate, AdmWt $\geq$ 2500g W Significant OR Proc/Vent $\geq$ 96hrs, Major Complexity	31.252	17.714
P06B	Neonate, AdmWt $\geq$ 2500g W Significant OR Proc/Vent $\geq$ 96hrs, Minor Complexity	7.287	7.290
P07Z	Neonate, AdmWt <750g W Significant OR Procedures	68.137	58.073
P08Z	Neonate, AdmWt 750-999g W Significant OR Procedures	50.008	43.078

P60A	Neonate W/O Sig OR/Vent $\geq$ 96hrs, Died/Transfer Acute Facility <5 Days, MajC	1.072	0.071
P60B	Neonate W/O Sig OR/Vent $\geq$ 96hrs, Died/Transfer Acute Facility <5 Days, MinC	0.801	4.496
P61Z	Neonate, AdmWt <750g W/O Significant OR procedure	47.905	42.201
P62A	Neonate, AdmWt 750-999g W/O Significant OR Procedures, Major Complexity	39.729	35.836
P62B	Neonate, AdmWt 750-999g W/O Significant OR Procedures, Minor Complexity	22.659	20.577
P63A	Neonate, AdmWt 1000-1249g W/O Significant OR Proc/Vent $\geq$ 96hrs, Major Complexity	12.914	9.668
P63B	Neonate, AdmWt 1000-1249g W/O Significant OR Proc/Vent $\geq$ 96hrs, Minor Complexity	4.915	9.044
P64A	Neonate, AdmWt 1250-1499g W/O Significant OR Proc/Vent $\geq$ 96hrs, Major Complexity	10.780	15.548
P64B	Neonate, AdmWt 1250-1499g W/O Significant OR Proc/Vent $\geq$ 96hrs, Minor Complexity	6.989	1.586
P65A	Neonate, AdmWt 1500-1999g W/O Significant OR Proc/Vent $\geq$ 96hrs, Extreme Comp	8.587	8.100
P65B	Neonate, AdmWt 1500-1999g W/O Significant OR Proc/Vent $\geq$ 96hrs, Major Complexity	6.345	4.025
P65C	Neonate, AdmWt 1500-1999g W/O Significant OR Proc/Vent $\geq$ 96hrs, Intermediate Comp	4.970	3.266
P65D	Neonate, AdmWt 1500-1999g W/O Significant OR Proc/Vent $\geq$ 96hrs, Minor Complexity	4.064	3.693
P66A	Neonate, AdmWt 2000-2499g W/O Significant OR Proc/Vent $\geq$ 96hrs, Extreme Comp	5.206	16.226
P66B	Neonate, AdmWt 2000-2499g W/O Significant OR Proc/Vent $\geq$ 96hrs, Major Complexity	3.834	10.996
P66C	Neonate, AdmWt 2000-2499g W/O Significant OR Proc/Vent $\geq$ 96hrs, Intermediate Comp	2.572	1.360
P66D	Neonate, AdmWt 2000-2499g W/O Significant OR Proc/Vent $\geq$ 96hrs, Minor Complexity	1.245	0.766
P67A	Neonate, AdmWt $\geq$ 2500g W/O Sig OR Proc/Vent $\geq$ 96hrs, <37 Comp Wks Gest, Extr Comp	4.373	12.519
P67B	Neonate, AdmWt $\geq$ 2500g W/O Sig OR Proc/Vent $\geq$ 96hrs, <37 Comp Wks Gest, Maj Comp	2.792	3.574
P67C	Neonate, AdmWt $\geq$ 2500g W/O Sig OR Proc/Vent $\geq$ 96hrs, <37 Comp Wks Gest, Int Comp	2.182	0.709
P67D	Neonate, AdmWt $\geq$ 2500g W/O Sig OR Proc/Vent $\geq$ 96hrs, <37 Comp Wks Gest, Min Comp	1.461	3.545
P68A	Neonate, AdmWt $\geq$ 2500g W/O Sig OR Proc/Vent $\geq$ 96hrs, $\geq$ 37 Comp Wks Gest, Ext Comp	3.139	5.196
P68B	Neonate, AdmWt $\geq$ 2500g W/O Sig OR Proc/Vent $\geq$ 96hrs, $\geq$ 37 Comp Wks Gest, Maj Comp	1.436	1.160
P68C	Neonate, AdmWt $\geq$ 2500g W/O Sig OR Proc/Vent $\geq$ 96hrs, $\geq$ 37 Comp Wks Gest, Int Comp	1.047	0.483
P68D	Neonate, AdmWt $\geq$ 2500g W/O Sig OR Proc/Vent $\geq$ 96hrs, $\geq$ 37 Comp Wks Gest, Min Comp	0.708	0.820
Q01A	Splenectomy, Major Complexity	6.627	2.622
Q01B	Splenectomy, Minor Complexity	3.158	2.840
Q02A	Blood and Immune System Disorders W Other OR Procedures, Major Complexity	5.297	2.941

Q02B	Blood and Immune System Disorders W Other OR Procedures, Minor Complexity	1.647	2.295
Q60A	Reticuloendothelial and Immunity Disorders, Major Complexity	1.535	1.397
Q60B	Reticuloendothelial and Immunity Disorders, Minor Complexity	0.152	0.101
Q61A	Red Blood Cell Disorders, Major Complexity	1.178	1.507
Q61B	Red Blood Cell Disorders, Intermediate Complexity	0.503	0.420
Q61C	Red Blood Cell Disorders, Minor Complexity	0.049	-
Q62A	Coagulation Disorders, Major Complexity	1.350	1.176
Q62B	Coagulation Disorders, Minor Complexity	0.643	1.501
R01A	Lymphoma and Leukaemia W Major OR Procedures, Major Complexity	11.640	12.949
R01B	Lymphoma and Leukaemia W Major OR Procedures, Minor Complexity	2.127	0.536
R02A	Other Neoplastic Disorders W Major OR Procedures, Major Complexity	7.201	5.556
R02B	Other Neoplastic Disorders W Major OR Procedures, Intermediate Complexity	4.088	3.291
R02C	Other Neoplastic Disorders W Major OR Procedures, Minor Complexity	2.212	1.242
R03A	Lymphoma and Leukaemia W Other OR Procedures, Major Complexity	12.006	3.020
R03B	Lymphoma and Leukaemia W Other OR Procedures, Intermediate Complexity	3.745	3.784
R03C	Lymphoma and Leukaemia W Other OR Procedures, Minor Complexity	1.658	5.179
R04A	Other Neoplastic Disorders W Other OR Procedures, Major Complexity	4.130	3.173
R04B	Other Neoplastic Disorders W Other OR Procedures, Minor Complexity	1.714	1.439
R60A	Acute Leukaemia, Major Complexity	7.503	14.311
R60B	Acute Leukaemia, Minor Complexity	1.553	1.336
R61A	Lymphoma and Non-Acute Leukaemia, Major Complexity	2.994	9.126
R61B	Lymphoma and Non-Acute Leukaemia, Minor Complexity	1.197	1.797
R62A	Other Neoplastic Disorders, Major Complexity	2.600	2.795
R62B	Other Neoplastic Disorders, Intermediate Complexity	1.067	0.734
R62C	Other Neoplastic Disorders, Minor Complexity	0.886	0.941
R63Z	Chemotherapy	0.222	0.227
S65A	Human Immunodeficiency Virus, Major Complexity	11.544	9.806
S65B	Human Immunodeficiency Virus, Intermediate Complexity	2.112	2.148



S65C	Human Immunodeficiency Virus, Minor Complexity	1.280	1.176
T01A	Infectious and Parasitic Diseases W OR Procedures, Major Complexity	11.855	7.934
T01B	Infectious and Parasitic Diseases W OR Procedures, Intermediate Complexity	3.779	3.527
T01C	Infectious and Parasitic Diseases W OR Procedures, Minor Complexity	2.419	2.105
T40Z	Infectious and Parasitic Diseases W Ventilator Support	9.486	5.870
T60A	Septicaemia, Major Complexity	5.857	3.893
T60B	Septicaemia, Intermediate Complexity	2.728	2.408
T60C	Septicaemia, Minor Complexity	1.331	1.206
T61A	Postoperative and Post-Traumatic Infections, Major Complexity	1.800	1.631
T61B	Postoperative and Post-Traumatic Infections, Minor Complexity	0.679	0.667
T62A	Fever of Unknown Origin, Major Complexity	1.655	0.864
T62B	Fever of Unknown Origin, Minor Complexity	0.542	0.574
T63A	Viral Illnesses, Major Complexity	1.255	0.675
T63B	Viral Illnesses, Minor Complexity	0.353	0.332
T64A	Other Infectious and Parasitic Diseases, Major Complexity	6.713	2.883
T64B	Other Infectious and Parasitic Diseases, Intermediate Complexity	2.230	2.239
T64C	Other Infectious and Parasitic Diseases, Minor Complexity	1.134	1.891
U40Z	Mental Health Treatment W ECT, Sameday	0.166	0.355
U60A	Mental Health Treatment W/O ECT, Sameday, Major Complexity	0.105	0.295
U60B	Mental Health Treatment W/O ECT, Sameday, Minor Complexity	0.083	0.265
U61A	Schizophrenia Disorders, Major Complexity	11.510	35.992
U61B	Schizophrenia Disorders, Minor Complexity	5.372	4.721
U62A	Paranoia and Acute Psychotic Disorders, Major Complexity	7.568	5.187
U62B	Paranoia and Acute Psychotic Disorders, Minor Complexity	4.780	4.564
U63A	Major Affective Disorders, Major Complexity	9.286	10.958
U63B	Major Affective Disorders, Minor Complexity	3.767	3.824
U64A	Other Affective and Somatoform Disorders, Major Complexity	4.525	4.095
U64B	Other Affective and Somatoform Disorders, Minor Complexity	1.914	1.845



U65A	Anxiety Disorders, Major Complexity	2.624	2.334
U65B	Anxiety Disorders, Minor Complexity	1.086	1.087
U66A	Eating and Obsessive-Compulsive Disorders, Major Complexity	9.118	8.186
U66B	Eating and Obsessive-Compulsive Disorders, Minor Complexity	5.455	4.916
U67A	Personality Disorders and Acute Reactions, Major Complexity	3.630	3.205
U67B	Personality Disorders and Acute Reactions, Minor Complexity	1.462	1.502
U68A	Childhood Mental Disorders, Major Complexity	4.672	4.102
U68B	Childhood Mental Disorders, Minor Complexity	2.823	2.464
V60A	Alcohol Intoxication and Withdrawal, Major Complexity	1.491	1.751
V60B	Alcohol Intoxication and Withdrawal, Minor Complexity	0.325	0.299
V61A	Drug Intoxication and Withdrawal, Major Complexity	4.108	3.195
V61B	Drug Intoxication and Withdrawal, Minor Complexity	1.954	1.843
V62A	Alcohol Use and Dependence, Major Complexity	2.541	2.507
V62B	Alcohol Use and Dependence, Minor Complexity	1.617	1.664
V63Z	Opioid Use and Dependence	1.204	1.238
V64Z	Other Drug Use and Dependence	1.220	1.148
V65Z	Treatment for Alcohol Disorders, Sameday	0.135	0.101
V66Z	Treatment for Drug Disorders, Sameday	0.096	0.087
W01A	Vent, Trac & Cran Procs for Mult Sig Trauma, Major Complexity	60.653	52.711
W01B	Vent, Trac & Cran Procs for Mult Sig Trauma, Intermediate Complexity	29.810	27.360
W01C	Vent, Trac & Cran Procs for Mult Sig Trauma, Minor Complexity	21.272	17.759
W02A	Hip, Femur and Lower Limb Procedures for Multiple Sig Trauma, Major Complexity	10.939	11.460
W02B	Hip, Femur and Lower Limb Procedures for Multiple Sig Trauma, Minor Complexity	5.488	5.380
W03Z	Abdominal Procedures for Multiple Significant Trauma	5.229	7.874
W04A	Multiple Significant Trauma W Other OR Procedures, Major Complexity	10.896	11.389
W04B	Multiple Significant Trauma W Other OR Procedures, Minor Complexity	5.821	6.219
W60A	Multiple Sig Trauma, Died or Transferred to Acute Facility <5 Days, Major Comp	3.688	1.673
W60B	Multiple Sig Trauma, Died or Transferred to Acute Facility <5 Days, Minor Comp	1.386	1.034

W61A	Multiple Significant Trauma W/O OR Procedures, Major Complexity	4.559	5.975
W61B	Multiple Significant Trauma W/O OR Procedures, Minor Complexity	2.674	2.914
X02A	Microvascular Tissue Transfer and Skin Grafts for Injuries to Hand, Major Comp	3.930	3.341
X02B	Microvascular Tissue Transfer and Skin Grafts for Injuries to Hand, Minor Comp	0.953	0.725
X04A	Other Procedures for Injuries to Lower Limb, Major Complexity	4.089	3.680
X04B	Other Procedures for Injuries to Lower Limb, Minor Complexity	1.069	0.944
X05A	Other Procedures for Injuries to Hand, Major Complexity	1.172	1.130
X05B	Other Procedures for Injuries to Hand, Minor Complexity	0.568	0.481
X06A	Other Procedures for Other Injuries, Major Complexity	5.303	3.935
X06B	Other Procedures for Other Injuries, Intermediate Complexity	1.633	1.437
X06C	Other Procedures for Other Injuries, Minor Complexity	0.836	0.935
X07A	Skin Grafts for Injuries Excluding Hand, Major Complexity	8.274	9.162
X07B	Skin Grafts for Injuries Excluding Hand, Intermediate Complexity	3.686	3.452
X07C	Skin Grafts for Injuries Excluding Hand, Minor Complexity	1.868	1.735
X40A	Injuries, Poisoning and Toxic Effects of Drugs W Ventilator Support, Major Comp	9.617	3.470
X40B	Injuries, Poisoning and Toxic Effects of Drugs W Ventilator Support, Minor Comp	4.984	1.730
X60A	Injuries, Major Complexity	1.170	1.055
X60B	Injuries, Minor Complexity	0.253	0.236
X61A	Allergic Reactions, Major Complexity	0.511	0.577
X61B	Allergic Reactions, Minor Complexity	0.145	0.331
X62A	Poisoning/Toxic Effects of Drugs and Other Substances, Major Complexity	1.784	1.243
X62B	Poisoning/Toxic Effects of Drugs and Other Substances, Minor Complexity	1.614	0.425
X63A	Sequelae of Treatment, Major Complexity	1.433	1.417
X63B	Sequelae of Treatment, Minor Complexity	0.537	0.512
X64A	Other Injuries, Poisonings and Toxic Effects, Major Complexity	1.777	1.511
X64B	Other Injuries, Poisonings and Toxic Effects, Minor Complexity	0.240	0.218
Y01Z	Vent >=96hrs or Trach for Burns or OR Procs for Severe Full Thickness Burns	80.607	52.235
Y02A	Skin Grafts for Other Burns, Major Complexity	9.153	8.742

Y02B	Skin Grafts for Other Burns, Intermediate Complexity	3.517	3.153
Y02C	Skin Grafts for Other Burns, Minor Complexity	1.141	1.106
Y03A	Other OR Procedures for Other Burns, Major Complexity	2.077	1.794
Y03B	Other OR Procedures for Other Burns, Minor Complexity	1.043	1.131
Y60Z	Burns, Transferred to Acute Facility <5 Days	0.406	0.416
Y61Z	Severe Burns	0.982	0.855
Y62A	Other Burns, Major Complexity	1.361	1.191
Y62B	Other Burns, Minor Complexity	0.681	0.526
Z01A	Other Contacts W Health Services W OR Procedures, Major Complexity	8.130	2.281
Z01B	Other Contacts W Health Services W OR Procedures, Minor Complexity	1.190	0.769
Z40Z	Other Contacts W Health Services W Endoscopy, Sameday	0.311	0.153
Z60A	Rehabilitation, Major Complexity	-	0.207
Z60B	Rehabilitation, Minor Complexity	-	0.207
Z61A	Signs and Symptoms, Major Complexity	1.697	1.476
Z61B	Signs and Symptoms, Intermediate Complexity	0.705	0.599
Z61C	Signs and Symptoms, Minor Complexity	0.512	0.647
Z63A	Other Follow Up After Surgery or Medical Care, Major Complexity	2.644	2.520
Z63B	Other Follow Up After Surgery or Medical Care, Minor Complexity	0.685	0.627
Z64A	Other Factors Influencing Health Status, Major Complexity	2.762	2.367
Z64B	Other Factors Influencing Health Status, Minor Complexity	0.750	0.340
Z65Z	Congenital Anomalies and Problems Arising from Neonatal Period	0.733	0.629
Z66Z	Sleep Disorders	0.546	0.530

**Schedule 2— Incorporated hospitals and public hospital sites: fees for admitted patients who are not Medicare patients**

**1—Standard fee for admitted patients**

Fee for treatment, care and accommodation of an admitted patient who is not a Medicare patient — per day or part day \$1 986.00

**2—Medical or diagnostic services not included in fees for private patients**

In the case of a private patient, a fee determined in accordance with this Schedule does not include a fee for the cost of medical or diagnostic services provided by a medical practitioner selected by the patient.

**3—Retrieval fee (admitted patients)**

Where a retrieval team provided by a public hospital site or SA Ambulance Service monitors and treats a seriously ill or seriously injured admitted patient of that or any other public hospital site during the transportation of the patient to a the public hospital site or to another facility of the public hospital site, the fee to be charged by the public hospital site or SA Ambulance Service providing the retrieval team is as follows:

Provision of retrieval team—\$3 039.00

**4—Transportation fee**

- (1) Where, in addition to providing a service referred to in this Schedule, a public hospital site transports, or arranges for the transportation of, a patient to or from (or between different facilities of) the public hospital site, the public hospital site may charge an additional fee equal to the cost to the public hospital site of providing, or arranging for the provision of, that transportation.
- (2) Subclause (1) does not apply to the transportation of a patient with a retrieval team provided by the public hospital site.

**5—Other fees**

- (1) Pharmaceutical Reform arrangements

For public hospital sites participating in the pharmaceutical reform arrangements under the agreement between the South Australian and the Australian Government the following fees apply for pharmaceuticals provided to admitted patients on discharge:

- (i) For patients who are not a Medicare patient for the supply of non-Pharmaceutical Benefit Scheme and Pharmaceutical Benefit Scheme items (per item) an amount that is the cost to the public hospital (using a full cost recovery principle) for supply of that item.

**Schedule 3— Incorporated hospitals and public hospital sites: fees for non-admitted patients that are compensable patients or are not Medicare patients**

**1—Interpretation**

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

**disposition category**, in relation to a non-admitted patient of a public hospital site, means the disposition category of the patient following an occasion of service provided by an emergency department of the public hospital site, being one of the following:

- (a) *admitted*—where the patient is admitted to the public hospital site, transferred to another public hospital site or provided with outreach services;
- (b) *died*—where the patient dies in the emergency department after treatment or care has commenced (this excludes patients who are dead on arrival at the public hospital site);
- (c) *home*—where the patient (not being a patient referred to in paragraph [a] or [b]) leaves the emergency department after treatment or care has commenced (whether or not treatment or care has been completed);

**emergency department (ED)**, in relation to a public hospital site, means a designated accident and emergency department of the public hospital site that provides emergency treatment and care to non-admitted patients;

**emergency department service** means treatment or care provided by an emergency department of a public hospital site;

**emergency occasion of service** means an occasion of service in which emergency treatment or care is provided by a public hospital site;

**group occasion of service**, in relation to outpatient services provided by a public hospital site to a non-admitted patient, means each occasion on which—

- (a) the same treatment or care is provided by the outpatient clinic to two or more patients; or
- (b) treatment or care by more than one medical practitioner or other health professional is provided by the clinic to the same patient;

**occasion of service**, in relation to services provided by a public hospital site, means each occasion on which treatment or care is provided by the public hospital site to a non-admitted patient and includes any diagnostic or imaging services (other than Magnetic Resonance Imaging) performed as part of that treatment or care;

**outpatient clinic**, in relation to a public hospital site, means a designated outpatient clinic of the public hospital site that provides non-emergency treatment and care (usually by appointment) to non-admitted patients;

**outpatient service** means treatment or care provided by the outpatient clinic of a public hospital site;

**outreach occasion of service** means an occasion of service in which outreach services are provided by a public hospital site;

**prescription item** means—

- (a) a pharmaceutical or other item supplied on the prescription of a medical practitioner, dentist or other person authorised to prescribe the item; or
- (b) an ancillary item required for the administration of such pharmaceutical or other item;

**Private and public non-admitted compensable patients** - patients will be seen as a public or private non-admitted compensable patient in accordance with hospital practices in a similar way as applied to Medicare eligible patients;

**SMO** means salaried medical officer;

**specialist, teaching, other metropolitan, country Accident and Emergency SMO, large country and other country**, in relation to the emergency department or outpatient classification of a public hospital site, means a public hospital site referred to in the first column of the Table in Schedule 4 whose emergency department or outpatient classification is identified in the second or third columns of that Table as specialist, teaching, other metropolitan, country Accident and Emergency SMO, large country or other country, as the case may be;

**triage**, in relation to a non-admitted patient of a public hospital site, means an assignment by the public hospital site to the patient of a classification of the level of urgency of the treatment required by the patient on an occasion of service in an emergency department of the public hospital site, determined in accordance with the following scale:

- (a) *triage 1*—Resuscitation, where the patient requires treatment within seconds;
- (b) *triage 2*—Emergency, where the patient requires treatment within 10 minutes;
- (c) *triage 3*—Urgent, where the patient requires treatment within 30 minutes;
- (d) *triage 4*—Semi-urgent, where the patient requires treatment within 60 minutes;
- (e) *triage 5*—Non-urgent, where the patient requires treatment within 120 minutes.

- (2) A reference in this Schedule to a Table of a specified number in this Schedule is a reference to the Table of that number in clause 9.

## **2—Fee for emergency department or emergency occasion of service**

- (1) The fee to be charged by a public hospital site for an occasion of service provided by an emergency department of the public hospital site to a non-admitted patient must be calculated as follows:

$$F_{cc} = ED \text{ Price} \times ED \text{ Cost Weight}$$

where—

- (a) the ED Price is the price specified in the second or third column of Table 1 in this Schedule (according to the classification of the patient as public or private) for an emergency department service; and
- (b) the ED Cost Weight is the cost weight specified in the third, fourth, fifth, sixth or seventh column (according to the emergency department classification of the public hospital site providing the service) of Table 2 in this Schedule for the disposition category and triage of the patient specified in the first and second columns of the Table.

- (2) Where the emergency department classification of a public hospital site is **other country**, the fee to be charged by the public hospital site for an emergency occasion of service provided by the public hospital site to a non-admitted patient must be calculated as follows:

$$\text{Fee} = \text{ED Price} \times \text{Emergency Service Cost Weight}$$

where—

- (a) the ED Price is the price specified in the second or third column of Table 1 in this Schedule (according to the classification of the patient as public or private) for an emergency department service; and
- (b) the Emergency Service Cost Weight is 0.406.

### 3—Fee for outpatient of occasion of service

The fee to be charged by a public hospital site for an occasion of service provided by an outpatient clinic of the public hospital site to a non-admitted patient must be calculated as follows:

$$\text{Fee} = \text{OP Price} \times \text{OP Cost Weight}$$

where—

- (a) the OP Price is the price specified in the second or third column of Table 1 in this Schedule (according to the classification of the patient as public or private) for an outpatient service; and
- (b) the OP Cost Weight is the cost weight specified in the second, third, fourth, fifth or sixth column (according to the outpatient classification of the public hospital site providing the service) of Table 3 in this Schedule for the category of the treatment or care provided that is specified in the first column of the Table.

### 4—Fee for outpatient group occasion of service

The fee to be charged by a public hospital site for a group occasion of service provided by an outpatient clinic of the public hospital site to a non-admitted patient must be calculated as follows:

$$\text{Fee} = \text{OP Price} \times \text{OP Cost Weight}$$

where—

- (a) the OP Price is the price specified in the second or third column of Table 1 in this Schedule (according to the classification of the patient as public or private) for an outpatient service; and
- (b) the OP Cost Weight is the cost weight specified in the second, third, fourth, fifth or sixth column (according to the outpatient classification of the public hospital site providing the service) of Table 4 in this Schedule for the category of treatment or care provided that is specified in the first column of the Table.



### 5—Fee for outreach occasion of service

The fee to be charged by a public hospital site for an outreach occasion of service provided by the public hospital site to a non-admitted patient must be calculated as follows:

$$\text{Fee} = \text{Outreach Price} \times \text{Outreach Cost Weight}$$

where—

- (a) the Outreach Price is the price specified in the second or third column of Table 1 in this Schedule (according to the classification of the patient as public or private) for an outreach service; and
- (b) the Outreach Cost Weight is the cost weight specified in the second column of Table 5 in this Schedule for the category of the treatment or care provided that is specified in the first column of the Table.

### 6—Additional fees

The fees specified below (payable in addition to any other fee prescribed in this Schedule for an occasion of service) are to be charged by a public hospital site for the provision to a non-admitted patient of the services specified:

- (a) Magnetic Resonance Imaging (maximum fee per scan)—\$690.00;
- (b) for public hospital sites not participating in arrangements under the Pharmaceutical Reform Agreement the fee for the supply of a prescription item (per item)—\$30.60
- (c) for public hospital sites participating in arrangements under the Pharmaceutical Reform Agreement between South Australia and the Commonwealth of Australia, the following charges apply for the provision of pharmaceuticals if supplied on discharge from the public hospital site and/or provided as part of an outpatient consultation:
  - (i) For compensable patients:
    - (a) For the supply of Pharmaceutical Benefit Scheme items (per item) the community co-payment rate for pharmaceuticals as set under the Commonwealth *National Health Act 1953* each year on 1 January—\$38.30
    - (b) For the supply of non-Pharmaceutical Benefit Scheme items (per item) an amount that is the cost to the public hospital (using a full cost recovery principle) for supply of that item
  - (ii) For non-Medicare patients for the supply of non-Pharmaceutical Benefit Scheme and Pharmaceutical Benefit Scheme items (per item) an amount that is the cost to the public hospital (using a full cost recovery principle) for supply of that item

### 7—Retrieval fee (non-admitted patients)

Where a retrieval team provided by a public hospital site or SA Ambulance Service monitors and treats a seriously ill or seriously injured patient (who is not an admitted patient of any public hospital site) during the transportation of the patient to a public hospital site, the fee to be charged by the public hospital site or SA Ambulance Service providing the retrieval team is as follows:



Provision of retrieval team—\$3 039.00.

**8—Transportation fee**

- (1) Where, in addition to providing a service referred to in this Schedule, a public hospital site transports, or arranges for the transportation of, a non-admitted patient to or from (or between different facilities of) the public hospital site, the public hospital site may charge an additional fee equal to the cost to the public hospital site of providing, or arranging for the provision of, that transportation.
- (2) Subclause (1) does not apply to the transportation of a patient with a retrieval team provided by the public hospital site.

## 9—Tables

Table 1: Non-admitted Patient Prices

Type of Service	Price	
	Public Patient	Private Patient
Emergency Department	\$310	\$258
Outpatient	\$213	\$155
Outreach	\$227	\$165

Table 2: Emergency Department (ED) Weights

Patient Classification		Hospital or Facility ED Classification				
Disposition	Triage	Specialist	Teaching	Other Metro	Country A&E SMO	Large Country
HOME	1	2.213	2.137	1.165	1.165	0.632
HOME	2	1.481	2	1.935	1.935	1.245
HOME	3	1.361	1.735	1.877	1.877	1.044
HOME	4	1.258	1.43	1.421	1.421	0.901
HOME	5	1.166	1.152	1.217	1.217	0.75
ADMITTED	1	6.112	5.379	2.272	2.272	2.77
ADMITTED	2	2.071	2.87	1.565	1.565	1.321
ADMITTED	3	1.723	2.623	1.521	1.521	1.157
ADMITTED	4	1.638	2.247	1.282	1.282	0.953
ADMITTED	5	0.929	2.247	1.286	1.286	0.88
DIED	1	2.988	2.988	2.988	2.988	1.247
DIED	2	2.988	2.988	2.988	2.988	1.247
DIED	3	2.988	2.988	2.988	2.988	1.247
DIED	4	2.988	2.988	2.988	2.988	1.247
DIED	5	2.988	2.988	2.988	2.988	1.247

**Table 3: Outpatient (OP) Weights**

Treatment or Care	Specialist	Teaching	Other Metro	Large Country	Other Country
Adolescent health	3.77	3.77	3.77	0.168	0.168
Allergy	1.77	0.915	1.002	0.079	0.079
Asthma	1.577	1.501	1.501	1.012	1.012
Audiology	0.628	0.564	0.909	0.39	0.39
Behavioural Medicine	1.518	1.518	1.518	0.208	0.208
Bone Marrow Transplant	6.084	6.084	6.084	6.084	6.084
Breast	1.351	1.351	1.351	2.915	1.378
Burns	1.682	1.87	1.87	1.293	0.572
Cardiac	2.901	1.029	0.888	0.091	0.091
Cardiac Surgery	1.516	1.516	1.516	0.091	0.091
Chemotherapy	10.005	5.23	5.23	5.602	5.602
Colorectal	0.791	0.791	0.933	0.232	0.533
CPU	1.063	0.804	0.804	0.804	0.804
Craniofacial	1.491	0.822	0.822	0.804	0.804
Dental	0.551	1.296	1.296	0.064	0.064
Dermatology	0.999	1.208	0.52	0.464	0.464
Diabetes	1.659	0.549	1.316	0.258	0.309
Diabetes Education	0.631	0.631	0.369	0.276	0.353
Diagnostic service	0	0	0	0	0
Ear Nose Throat	0.751	0.937	0.486	0.192	0.192
Eating Disorders	0.836	0.836	0.836	0.319	0.297
Endocrine	1.259	0.6	0.568	0.53	0.53
Endoscopy Bronchoscopy	8.256	8.256	8.256	8.531	8.531
Endoscopy Colonoscopy	20.126	6.336	6.336	6.788	6.788
Endoscopy Other	13.24	7.313	7.313	7.834	7.834
Endoscopy Oesophagoscopy	6.369	6.369	6.369	6.823	6.823
Endoscopy Panendoscopy	14.674	5.755	5.755	6.165	6.165
Endoscopy Sigmoidoscopy	10.482	10.482	10.482	11.229	11.229
Family Planning	1.425	1.01	1.01	0.583	0.583
Fracture	0.916	0.821	1.033	0.83	0.83
Gastroenterology	2.828	1.731	0.78	0.667	0.424
General Medical	1.727	1.134	1.134	0.928	0.323
General Surgery	1.424	1.128	0.583	0.232	0.533
Genetic	1.008	2.27	2.27	0.928	0.323
Geriatric	1.502	1.502	2.341	0.846	0.846
Gynaecology	0.884	0.98	0.628	0.206	0.248
Gynaecology Oncology	1.621	1.621	0.575	0.206	0.248
Haematology	2.94	2.963	0.519	0.296	0.425
Hepatobiliary	1.227	1.227	1.227	0.928	0.323
HIV	6.258	6.258	6.258	6.258	6.258

Hypertension	0.877	0.877	0.877	0.091	0.091
Immunology	2.483	0.915	0.915	0.655	0.655
Infectious Disease	2.702	1.186	1.186	0.928	0.323
Liver Transplant	2.683	1.183	1.183	1.183	1.183
Metabolic	2.81	2.81	2.81	2.888	2.888
Neonatal	2.228	2.214	2.214	0.388	0.388
Nephrology	3.151	2.584	2.23	0.983	0.983
Neurology	2.631	1.514	1.402	0.949	0.949
Neurosurgery	0.942	1.584	0.377	0.064	0.064
Nutrition/Dietetic	0.824	0.876	0.319	0.319	0.297
Obstetrics	0.87	0.975	0.603	0.479	0.377
Occupational Therapy	0.719	0.893	0.337	0.693	0.602
Oncology	3.913	2.435	2.185	0.586	0.586
Ophthalmology	0.804	0.575	0.382	0.093	0.303
Optometry	0.443	0.443	0.443	0.093	0.303
Orthopaedic	0.98	0.821	0.37	0.179	0.293
Orthoptics	0.213	0.376	0.376	0.376	0.376
Orthotics	1.122	1.693	0.729	1.87	1.87
Paediatric	0.901	0.901	2.031	0.168	0.168
Paediatric - Developmental/Disabilities	4.02	0.839	0.839	0.168	0.168
Paediatric Surgery	1.323	0.866	0.866	0.168	0.168
Pain	1.872	1.872	0.698	0.493	0.493
Palliative Care	0.343	0.343	0.343	0.928	0.323
Physiotherapy	0.415	0.29	0.236	0.436	0.221
Plastic Surgery	1.095	1.024	0.235	0.078	0.078
Podiatry	0.544	0.544	0.249	0.265	0.274
Pre-admission	0.903	1.304	1.378	1.083	0.447
Pre-anaesthesia	1.359	0.91	0.661	0.252	0.252
Prosthetics	3.559	3.559	3.559	2.625	2.625
Psychiatric	0.86	0.879	1.119	0.208	0.208
Psychology	1.114	1.114	0.605	0.479	0.479
Radiation Oncology	1.453	1.453	1.375	0.241	0.241
Rehabilitation	1.034	1.551	0.57	0.928	0.323
Renal Transplant	2.372	3.929	2.524	2.524	2.524
Respiratory	3.021	1.825	1.335	1.012	1.012
Rheumatology	2.113	1.293	0.672	0.064	0.064
Social work	0.343	0.782	0.671	0.54	0.861
Speech pathology	0.583	1.214	0.938	0.981	0.332
Spinal	1.423	0.948	0.948	0.232	0.533
Staff Vaccinations	0.155	0.839	0.839	0.514	0.514
Stomal Therapy	0.715	0.836	0.823	1.494	1.494
Termination of pregnancy	1.588	1.28	1.28	0.479	0.377

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Thoracic Surgery	1.44	1.44	0.716	0.716	0.716
Treatment room	0.105	0.105	1.174	1.293	0.572
Urology	0.779	0.999	0.764	0.245	0.249
Vascular Surgery	0.931	0.931	0.988	0.546	0.546

**Table 4: Outpatient (OP) Group Weights**

Treatment or Care	Specialist	Teaching	Other Metro	Large Country	Other Country
Adolescent health	1.325	1.325	0.803	0.471	0.643
Allergy	1.325	1.325	0.803	0.471	0.643
Asthma	1.325	1.325	0.803	0.471	0.643
Audiology	1.325	1.325	0.803	0.471	0.643
Behavioural Medicine	1.325	1.325	0.803	0.471	0.643
Bone Marrow Transplant	1.325	1.325	0.803	0.471	0.643
Breast	1.325	1.325	0.803	0.471	0.643
Burns	1.325	1.325	0.803	0.471	0.643
Cardiac	0.997	0.997	0.869	0.471	0.785
Cardiac Surgery	1.325	1.325	0.803	0.471	0.643
Chemotherapy	n/a	n/a	n/a	n/a	n/a
Colorectal	1.325	1.325	0.803	0.471	0.643
CPU	1.325	1.325	0.803	0.471	0.643
Craniofacial	1.325	1.325	0.803	0.471	0.643
Dental	1.325	1.325	0.803	0.471	0.643
Dermatology	1.325	1.325	0.803	0.471	0.643
Diabetes	1.325	1.325	0.803	0.351	0.643
Diabetes Education	0.814	0.814	0.803	0.471	0.643
Diagnostic service	0	0	0	0	0
Ear Nose Throat	1.325	1.325	0.803	0.471	0.643
Eating Disorders	1.325	1.325	0.803	0.471	0.643
Endocrine	1.325	1.325	0.803	0.471	0.643
Endoscopy Bronchoscopy	n/a	n/a	n/a	n/a	n/a
Endoscopy Colonoscopy	n/a	n/a	n/a	n/a	n/a
Endoscopy Other	n/a	n/a	n/a	n/a	n/a
Endoscopy Oesophagoscopy	n/a	n/a	n/a	n/a	n/a
Endoscopy Panendoscopy	n/a	n/a	n/a	n/a	n/a
Endoscopy Sigmoidoscopy	n/a	n/a	n/a	n/a	n/a
Family Planning	1.325	1.325	0.803	0.901	0.643
Fracture	1.325	1.325	0.803	0.471	0.643
Gastroenterology	1.325	1.325	0.803	0.471	0.643
General Medical	1.325	1.325	0.803	0.471	0.643
General Surgery	1.325	1.325	0.803	0.471	0.643
Genetic	1.325	1.325	0.803	0.471	0.643
Geriatric	1.325	1.325	0.803	0.471	0.643
Gynaecology	1.325	1.325	0.803	0.471	0.643
Gynaecology Oncology	1.325	1.325	0.803	0.471	0.643
Haematology	1.325	1.325	0.803	0.471	0.643
Hepatobiliary	1.325	1.325	0.803	0.471	0.643

HIV	1.325	1.325	0.803	0.471	0.643
Hypertension	1.325	1.325	0.803	0.471	0.643
Immunology	1.325	1.325	0.803	0.471	0.643
Infectious Disease	1.325	1.325	0.803	0.471	0.643
Liver Transplant	1.325	1.325	0.803	0.471	0.643
Metabolic	1.325	1.325	0.803	0.471	0.643
Neonatal	1.325	1.325	0.803	0.471	0.643
Nephrology	1.325	1.325	0.803	0.471	0.643
Neurology	1.325	1.325	0.803	0.471	0.643
Neurosurgery	1.325	1.325	0.803	0.471	0.643
Nutrition/Dietetic	1.044	1.044	0.803	2.577	0.643
Obstetrics	1.64	1.64	0.786	0.749	0.643
Occupational Therapy	1.325	1.325	0.803	0.257	0.643
Oncology	1.325	1.325	0.803	0.471	0.643
Ophthalmology	1.325	1.325	0.803	0.471	0.643
Optometry	1.325	1.325	0.803	0.471	0.643
Orthopaedic	1.325	1.325	0.803	0.471	0.643
Orthoptics	1.325	1.325	0.803	0.471	0.643
Orthotics	1.325	1.325	0.803	0.471	0.643
Paediatric	1.325	1.325	0.803	0.471	0.643
Paediatric - Developmental/Disabilities	0.95	0.95	0.803	0.471	0.643
Paediatric Surgery	1.325	1.325	0.803	0.471	0.643
Pain	2.699	2.699	0.803	0.471	0.643
Palliative Care	1.325	1.325	0.803	0.471	0.643
Physiotherapy	0.635	0.635	0.803	0.458	0.643
Plastic Surgery	1.325	1.325	0.803	0.471	0.643
Podiatry	1.325	1.325	0.803	0.471	0.643
Pre-admission	1.234	1.234	0.803	0.471	0.643
Pre-anaesthesia	1.325	1.325	0.803	0.471	0.643
Prosthetics	1.325	1.325	0.803	0.471	0.643
Psychiatric	1.325	1.325	1.131	0.471	0.643
Psychology	1.325	1.325	0.803	0.471	0.643
Radiation Oncology	1.325	1.325	0.803	0.471	0.643
Rehabilitation	0.171	0.171	0.803	0.471	0.643
Renal Transplant	1.325	1.325	0.803	0.471	0.643
Respiratory	1.325	1.325	0.803	0.471	0.643
Rheumatology	2.224	2.224	0.803	0.471	0.643
Social work	0.935	0.935	0.803	0.471	0.643
Speech pathology	1.325	1.325	0.803	0.471	0.643
Spinal	1.325	1.325	0.803	0.471	0.643
Staff Vaccinations	1.325	1.325	0.803	0.471	0.643
Stomal Therapy	1.325	1.325	0.803	0.471	0.643

Termination of pregnancy	1.325	1.325	0.803	0.471	0.643
Thoracic Surgery	1.325	1.325	0.803	0.471	0.643
Treatment room	1.325	1.325	0.803	0.471	0.643
Urology	1.325	1.325	0.803	0.471	0.643
Vascular Surgery	1.325	1.325	0.803	0.471	0.643

**Table 5—Outreach Weights**

Treatment or Care	Outreach
Acc & Emergency	1.83
Allied Health	0.68
Dental	0.88
Groups	1.12
Medical	1.1
Obstet & Gynae	0.69
Paediatrics	0.79
Psychiatry	1.03
Radiology	1
Radiotherapy	0
Surgical	0.57



**Schedule 4 — Incorporated hospitals and public hospital sites:  
accommodation, rehabilitation, domiciliary care, transportation  
and related fees for compensable and non-Medicare patients**

**1—Glenside Hospital facility**

Fee for inpatient accommodation—per day or part day \$739.00

**2—Hampstead Rehabilitation Hospital Facility**

Head Injury Service—

(a) Inpatient—

(i) inpatient accommodation fee—per day or part day \$1 363.00  
(ii) professional service fee (not payable by private patient)—  
per day or part day \$96.00

(b) Rehabilitation service for non-admitted patients—

(i) assessment or treatment provided by a medical practitioner, per hour of attendance by the patient (maximum fee) \$295.00  
(ii) individual assessment or treatment provided by a person who is not a medical practitioner, per hour of attendance by the patient (maximum fee) \$220.00  
(iii) treatment as one of a group of patients provided by a person who is not a medical practitioner, per hour of attendance by the patient (maximum fee) \$93.50

**3—All incorporated hospitals and public hospital sites**

- (1) Where, in addition to providing a service referred to in this Schedule, a public hospital site transports, or arranges for the transportation of, a patient to or from (or between different facilities of) the public hospital site, the public hospital site may charge an additional fee equal to the cost to the public hospital site of providing, or arranging for the provision of, that transportation
- (2) Subclause (2) does not apply to the transportation of a patient with a retrieval team provided by a public hospital site where a retrieval fee for the provision of such a team by the public hospital site during transportation is applicable under Schedule 1 or 2

**Schedule 4A— Incorporated hospitals and public hospital sites: Australian Cranio Facial Unit and related fees**

**1—Interpretation**

In this Schedule, unless the contrary intention appears—

***aliquot public non-Medicare patient (aliquot patient)*** means a public patient—

- (a) who is not a compensable patient or Medicare patient; and
- (b) who the Australian Cranio Facial Unit has undertaken in writing to admit for specified treatment or care as an aliquot patient for a specified fee;

***Australian Cranio Facial Unit*** means the Australian Cranio Facial Unit of the Women's and Children's Hospital;

***occasion of service*** means an occasion on which treatment or care is provided to a non-admitted patient and includes any diagnostic or imaging services performed as part of that treatment or care;

***South Australian Government Funded public non-Medicare patient (SAG patient)*** means a public patient—

- (a) who is not a compensable or Medicare patient; and
- (b) who the Australian Cranio Facial Unit has undertaken in writing to admit for specified treatment or care as a SAG patient for no fee;

***Women's and Children's Hospital*** means the Women's and Children's Hospital facility of the Women's and Children's Local Health Network.

**2—Fee for SAG patient**

- (1) No fee is to be charged by a public hospital site for Australian Cranio Facial Unit or related treatment or care of a South Australian Government Funded public non-Medicare patient.
- (2) In this clause—

***Australian Cranio Facial Unit or related treatment or care***, in relation to a SAG patient, means the following:

- (a) a period of treatment, care and accommodation of an admitted patient by the Australian Cranio Facial Unit, or an occasion of service provided to a non-admitted patient by that Unit, where the treatment, care and accommodation, or occasion of service, forms part of the treatment or care for which the patient was admitted as a SAG patient;
- (b) a period of treatment, care and accommodation of an admitted patient by a public hospital site, or an occasion of service provided to a non-admitted patient by a public hospital site, where the treatment, care and accommodation, or occasion of service, is arranged by the Australian Cranio Facial Unit and is related to treatment or care of the patient by that Unit;
- (c) accommodation for a patient between or following admissions or occasions of service referred to above where the Australian Cranio Facial Unit determines that it is necessary for the proper treatment and care of the patient for the patient to remain in this State during that period;

- (d) accommodation for one escort of a patient while the patient is an admitted patient of a public hospital site or during a period referred to in paragraph (c);
- (e) transportation of a patient between public hospital sites or between different facilities of a public hospital site,

but does not include the following:

- (f) the provision of meals to an escort of a patient;
- (g) the provision of meals to a patient other than while he or she is an admitted patient;
- (h) transportation of a patient or escort to or from a public hospital site (other than as specified in paragraph (e)).

### 3—Fee for aliquot patient

- (1) The fee to be charged by a public hospital for Australian Cranio Facial Unit treatment or care of an aliquot public non-Medicare patient is \$47 287.
- (2) In this clause—

***Australian Cranio Facial Unit treatment or care***, in relation to an aliquot patient, means the following:

- (a) a period of treatment, care and accommodation of an admitted patient by the Australian Cranio Facial Unit, or an occasion of service provided to a non-admitted patient by that Unit, where the treatment, care and accommodation, or occasion of service, forms part of the treatment or care for which the patient was admitted as an aliquot patient;
- (b) a period of treatment, care and accommodation of an admitted patient by any other part of the Women's and Children's Hospital, or an occasion of service provided to a non-admitted patient by any other part of that Hospital, where the treatment, care and accommodation, or occasion of service, is arranged by the Australian Cranio Facial Unit and is related to treatment or care of the patient by that Unit;
- (c) accommodation for a patient between or following admissions or occasions of service referred to above where the Australian Cranio Facial Unit determines that it is necessary for the proper treatment and care of the patient for the patient to remain in this State during that period;
- (d) accommodation for one escort of a patient while the patient is an admitted patient of the Women's and Children's Hospital (whether in the Australian Cranio Facial Unit or otherwise) or during a period referred to in paragraph (c),

but does not include the following:

- (e) the provision of meals to an escort of a patient;
- (f) the provision of meals to a patient other than while he or she is an admitted patient of the Women's and Children's Hospital (whether in the Australian Cranio Facial Unit or otherwise);
- (g) any transportation of a patient or escort.

**Schedule 5—Classification of public hospital sites**

Public hospital site classifications for emergency department (ED) services and outpatient (OP) services.

<b>Incorporated hospitals and public hospital sites</b>	<b>ED type</b>	<b>OP type</b>
Northern Adelaide Local Health Network Incorporated		
• Lyell McEwin Health Service facility	Teaching	Teaching
• Modbury Hospital facility	Teaching	Teaching
Southern Adelaide Local Health Network Incorporated		
• Flinders Medical Centre Facility	Teaching	Teaching
• Repatriation General Hospital facility	Teaching	Teaching
• Noarlunga Health Service facility	Other Metro	Other Metro
Central Adelaide Local Health Network Incorporated		
• Royal Adelaide Hospital facility	Teaching	Teaching
• Hampstead Rehabilitation facility	Teaching	Teaching
• The Queen Elizabeth Hospital facility	Teaching	Teaching
• St Margaret's Rehabilitation Hospital facility	Other Metro	Other Metro
Women's and Children's Health Network Incorporated		
• Women's and Children's Hospital facility (Paediatric)	Specialist	Specialist
• Women's and Children's Hospital facility (Women's)	Other Metro	Teaching
Country Health SA Local Health Network Incorporated		
• CHSA Angaston District Hospital facility	Other Country	Other Country
• CHSA Balaklava Soldiers' Memorial District Hospital facility	Other Country	Other Country
• CHSA Baramba Hospital facility (also known as Riverland Regional Health Service, Baramba)	Other Country	Other Country

<b>Incorporated hospitals and public hospital sites</b>	<b>ED type</b>	<b>OP type</b>
• CHSA Berri Hospital facility (also known as Riverland Regional Health Service, Berri)	Other Country	Other Country
• CHSA Booleroo Centre District Hospital and Health Services facility	Other Country	Other Country
• CHSA Bordertown Memorial Hospital facility	Other Country	Other Country
• CHSA Burra Hospital facility	Other Country	Other Country
• CHSA Ceduna District Health Services facility	Other Country	Other Country
• CHSA Clare Hospital facility	Other Country	Other Country
• CHSA Cleve District Health and Aged Care facility	Other Country	Other Country
• CHSA Coober Pedy Hospital and Health Services facility	Other Country	Other Country
• CHSA Cowell Community Health and Aged Care facility	Other Country	Other Country
• CHSA Crystal Brook District Hospital facility	Other Country	Other Country
• CHSA Cummins and District Memorial Hospital facility	Other Country	Other Country
• CHSA Elliston Hospital (also known as Mid-West Health, Elliston) facility	Other Country	Other Country
• CHSA Eudunda Hospital facility	Other Country	Other Country
• CHSA Gawler Health Service facility	Other Country	Large Country
• CHSA Gumeracha District Soldiers' Memorial Hospital facility	Other Country	Other Country
• CHSA Hawker Memorial Hospital facility	Other Country	Other Country
• CHSA Jamestown Hospital and Health Services facility	Other Country	Other Country
• CHSA Kangaroo Island Health Service facility	Other Country	Other Country
• CHSA Kapunda Hospital facility	Other Country	Other Country

<b>Incorporated hospitals and public hospital sites</b>	<b>ED type</b>	<b>OP type</b>
• CHSA Karoonda and District Soldiers' Memorial Hospital facility	Other Country	Other Country
• CHSA Kimba District Health and Aged Care facility	Other Country	Other Country
• CHSA Kingston Soldiers Memorial Hospital facility	Other Country	Other Country
• CHSA Lameroo District Health Services facility	Other Country	Other Country
• CHSA Laura and Districts Hospital facility	Other Country	Other Country
• CHSA Leigh Creek Health Services facility	Other Country	Other Country
• CHSA Loxton Hospital Complex facility	Other Country	Other Country
• CHSA Maitland Hospital facility (also known as Central Yorke Peninsula Hospital)	Other Country	Other Country
• CHSA Mannum District Hospital facility	Other Country	Other Country
• CHSA Meningie & Districts Memorial Hospital and Health Service facility	Other Country	Other Country
• CHSA Millicent and District Hospital and Health Services facility	Other Country	Other Country
• CHSA Mt Barker District Soldiers' Memorial Hospital facility	Other Country	Other Country
• CHSA Mt Gambier and Districts Health Service facility	Country A&E SMO	Large Country
• CHSA Mt Pleasant District Hospital facility	Other Country	Other Country
• CHSA Murray Bridge Soldiers' Memorial Hospital facility	Other Country	Other Country
• CHSA Naracoorte Health Service facility	Other Country	Other Country
• CHSA Northern Yorke Peninsula Health Service facility (also known as Wallaroo Hospital)	Other Country	Other Country
• CHSA Oodnadatta Health Service facility	Other Country	Other Country
• CHSA Orroroo and District Health Service facility	Other Country	Other Country

<b>Incorporated hospitals and public hospital sites</b>	<b>ED type</b>	<b>OP type</b>
• CHSA Penola War Memorial Hospital facility	Other Country	Other Country
• CHSA Peterborough Soldiers' Memorial Hospital and Health Service facility	Other Country	Other Country
• CHSA Pinnaroo Soldiers' Memorial Hospital facility	Other Country	Other Country
• CHSA Pt Augusta Hospital facility	Large Country	Large Country
• CHSA Pt Broughton District Hospital & Health Services facility	Other Country	Other Country
• CHSA Pt Lincoln Health Services facility	Other Country	Other Country
• CHSA Pt Pirie Regional Health Service facility	Large Country	Large Country
• CHSA Quorn Health Services facility	Other Country	Other Country
• CHSA Renmark Paringa District Hospital facility	Other Country	Other Country
• CHSA Riverton District Soldiers' Memorial Hospital facility	Other Country	Other Country
• CHSA Roxby Downs Health Service facility	Other Country	Other Country
• CHSA Snowtown Hospital facility	Other Country	Other Country
• CHSA South Coast District Hospital facility	Other Country	Other Country
• CHSA Strathalbyn & District Health Service facility	Other Country	Other Country
• CHSA Streaky Bay Hospital facility	Other Country	Other Country
• CHSA Tailem Bend District Hospital facility	Other Country	Other Country
• CHSA Tanunda War Memorial Hospital facility	Other Country	Other Country
• CHSA Tumby Bay Hospital and Health Services facility	Other Country	Other Country
• CHSA Waikerie Health Services facility	Other Country	Other Country
• CHSA Whyalla Hospital & Health Service facility	Large Country	Large Country

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<b>Incorporated hospitals and public hospital sites</b>	<b>ED type</b>	<b>OP type</b>
<ul style="list-style-type: none"><li>• CHSA Wudinna Hospital facility (also known as Mid-West Health, Wudinna)</li></ul>	Other Country	Other Country
<ul style="list-style-type: none"><li>• CHSA Yorketown Hospital facility (also known as Southern Yorke Peninsula Health Service)</li></ul>	Other Country	Other Country

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## HOUSING IMPROVEMENT ACT 1940

NOTICE is hereby given that the South Australian Housing Trust Board delegate in the exercise of the powers conferred by the Housing Improvement Act 1940, does hereby declare the houses described in the table hereunder to be substandard for the purposes of Part 7 of the Housing Improvement Act 1940.

No. of House and Street	Locality	Allotment, Section, etc.	Certificate of Title	
			Volume	Folio
45 Hamilton Road	Woodville North, S.A. 5012	Allotment 19 in Deposited Plan 3774, Hundred of Yatala	6011	994

Dated at Adelaide, 25 August 2016.

P. REARDON, Director, Property and Contract Management, Housing SA (Delegate SAHT)

## HOUSING IMPROVEMENT ACT 1940

WHEREAS by notice published in the *Government Gazette* on the dates mentioned in the following table the South Australian Housing Trust Board Delegate did declare the houses described in the said table to be substandard for the purposes of Part 7 of the Housing Improvement Act 1940, the South Australian Housing Trust Board delegate in the exercise of the powers conferred by the said Part, does hereby fix as the maximum rental per week which shall be payable subject to Section 55 of the Residential Tenancies Act 1995, in respect of each house described in the following table the amount shown in the said table opposite the description of such house and this notice shall come into force on the date of this publication in the *Gazette*.

Address of House	Allotment, Section, etc.	Certificate of Title		Date and page of <i>Government Gazette</i> in which notice declaring house to be substandard published	Maximum rental per week payable in respect of each house \$
		Volume	Folio		
32 Chapel Street, Thebarton, S.A. 5031	Allotment 26 in Filed Plan 6527, Hundred of Adelaide	5681	819	24.1.1974, page 278	156.00
35 Winns Road, Coromandel Valley, S.A. 5051	Allotment 73 in Filed Plan 149258, Hundred of Adelaide	5792	869	30.6.2015, page 2729	251.00

Dated at Adelaide, 25 August 2016.

P. REARDON, Director, Property and Contract Management, Housing SA (Delegate SAHT)

RULES OF COURT  
Magistrates Court of South Australia  
Amendment 58 to the Magistrates Court Rules 1992

PURSUANT to Section 49 of the Magistrates Court Act 1991 and all other enabling powers, we, the undersigned, do hereby make the following amendments to the Magistrates Court Rules 1992 ('the Rules') as amended:

1. These Rules may be cited as the 'Magistrates Court Rules 1992 (Amendment 58)'.
2. The Rules as amended by the following amendments apply to and govern all actions commenced in the Criminal Division of the Court on and after the date of commencement of Part 2 of the Statutes Amendment (Home Detention) Act 2016.
3. Rule 41.00 is amended to add the following directly after r 41.08:
  - 41.09 A summons to a defendant pursuant to s 33BD (5) (a) of the Criminal Law (Sentencing) Act 1988 shall comply with Form 136.
  - 41.10 A warrant for the apprehension of a defendant pursuant to s 33BD (5) (b) or s 33BD (6) of the Criminal Law (Sentencing) Act 1988 shall comply with Form 137.
4. Form 136 is inserted.
5. Form 137 is inserted.

Dated 22 August 2016.

MARY-LOUISE HRIBAL, Chief Magistrate  
ANDREW JAMES CANNON, Deputy Chief Magistrate  
LYNETTE CATHERINE DUNCAN, Magistrate  
IAN LANSELL WHITE, Magistrate

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Form 136



**SUMMONS (Breach of Home Detention Order)**  
**Magistrates Court of South Australia**  
[www.courts.sa.gov.au](http://www.courts.sa.gov.au)  
*Criminal Law (Sentencing) Act 1988*  
 Section 33BD(5)

Court Use
Date Filed:

Registry				File No	
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	

**Complainant/Informant**

Name	Surname	Given name/s	Complainant/Informant's Reference
Address	Street		Facsimile
	City/Town/Suburb	State	Postcode

**Defendant**

Full Name				DOB	dd/mm/yyyy
Address (Registered Address, if Body Corporate)	Street		DX	Telephone	
	City/Town/Suburb	State	Postcode	Email Address	

It is alleged that you have failed to comply with a condition of your order, in that you

failed to remain throughout the period of the home detention order at the residence specified on the order by

failed to be of good behaviour by committing a further offence, namely

failed to comply with the condition that you be under the supervision of a Home Detention officer and obey the lawful directions of the officer to whom you are assigned by ;

failed to comply with the condition that by

Date Home Detention Order entered into:  
 (a copy of the Home Detention Order must be attached to this summons)

<b>Hearing details</b>	Registry	Date
	Address	Time am/pm
	Telephone	Facsimile
		Email Address

.....  
 Date

.....  
 MAGISTRATES COURT

**IMPORTANT NOTICE TO THE DEFENDANT**

If you fail to appear on the hearing date set out above or on any day to which this matter is adjourned the Court may:

- Proceed in your absence, or
- Issue a warrant for your arrest

**Proof of Service**

Name of person serving:

Address of person serving:

Name of person served:

Address at which service effected:

Date service effected:

Time of day: Between                      am/pm and                      am/pm

Method of service (tick box)

- personally;
- by leaving a copy at the last (or most usual) place of abode with a person apparently residing there and not less than 16 years of age;
- by leaving a copy at the place of business with a person apparently employed there and not less than 16 years of age;
- any other method permitted by the Rules – specify:

I certify that I served the attached document in the manner described.

Certified this                      day of                      20                      .....

Form 137



**WARRANT OF APPREHENSION**  
**Magistrates Court of South Australia**  
[www.courts.sa.gov.au](http://www.courts.sa.gov.au)  
*Criminal Law (Sentencing) Act 1988*  
 Section 33BD(5), (6)

Court Use
Date Filed:

Registry				File No	
Address	Street		Telephone		Facsimile
	City/Town/Suburb	State	Postcode	Email Address	

Originating Document Type:  
 Date substantiated on oath:  
 Complainant/Informant:

**Defendant**

Name	Surname		Given name/s		DOB
					dd/mm/yyyy
Address	Street		Telephone		Licence Number
	City/Town/Suburb	State	Postcode	Email Address	

**Particulars of Breach of Home Detention Order**

Date of breach:  
 Breach location:  
 Breach:  
 Section and Act:  
 Other charges:  
 Reason for issue of warrant:  
 Date warrant issued:

**To the Commissioner of Police for the State of South Australia and each member of the police force for the State**

You are directed to apprehend the defendant and, subject to any endorsement below, bring the defendant before the Court not later than the next working day after the day of the defendant's arrest to be dealt with according to law.

.....  
 MAGISTRATES COURT

**Endorsement** (*Pursuant to section 5(2)(b) of the Bail Act 1985*)

**Variable 1** The defendant may not be released on bail.

**Variable 2** At the discretion of a member of the police force who is of, or above, the rank of Sergeant or who is in charge of a police station, the defendant **may be released** on bail.

**Variable 3** Person or class of persons authorised/required to release the defendant on bail following arrest:

.....  
 MAGISTRATES COURT

## South Australia

### District Court Civil Rules 2006 (Amendment No. 33)

BY virtue and in pursuance of Section 51 of the District Court Act 1991 and all other enabling powers, we, Paul John Rice, Acting Chief Judge, and Rauf Soulio and Paul Vincent Slattery, Judges of the District Court of South Australia, make the following Rules of Court:

1. These Rules may be cited as the District Court Civil Rules 2006 (Amendment No. 33).

2. The amendments made by these Rules come into effect on 1 September 2016 or the date of their gazettal, whichever is later.

3. The District Court Civil Rules 2006 are amended as set out below.

4. The heading immediately before rule 39A is amended by substituting 'Division 1A—Service in New Zealand' for 'Division 2—Service out of Australia'.

5. A new heading is inserted immediately after rule 39A as follows:

'Division 2—Service out of Australia'

6. Rules 40, 41 and 41AB are deleted and the following are substituted in place of rule 40:

**'40 Division does not apply to service in New Zealand of documents for or in certain trans-Tasman proceedings'**

This Division (which contains rules on service out of Australia) does not apply to service in New Zealand of an originating process for, or of any other document to be served in or for, a proceeding an originating process for which may be served in New Zealand under Division 2 of Part 2 of the Trans-Tasman Proceedings Act 2010 (Cth).

**40A When allowed without leave**

An originating process may be served out of Australia without leave in the following cases—

- (a) when the claim is founded on a tortious act or omission—
  - (i) which was done or which occurred wholly or partly in Australia; or
  - (ii) in respect of which the damage was sustained wholly or partly in Australia;
- (b) when the claim is for the enforcement, rescission, dissolution, annulment, cancellation, rectification, interpretation or other treatment of, or for damages or other relief in respect of a breach of a contract which—
  - (i) was made or entered into in Australia; or
  - (ii) was made by or through an agent trading or residing within Australia; or
  - (iii) was to be wholly or in part performed in Australia; or
  - (iv) was by its terms or by implication to be governed by Australian law or to be enforceable or cognisable in an Australian court;

- (c) when the claim is in respect of a breach in Australia of any contract, wherever made, whether or not that breach was preceded or accompanied by a breach out of Australia that rendered impossible the performance of that part of the contract that ought to have been performed in Australia;
- (d) when the claim—
  - (i) is for an injunction to compel or restrain the performance of any act in Australia; or
  - (ii) is for interim or ancillary relief in respect of any matter or thing in or connected with Australia, where such relief is sought in relation to judicial or arbitral proceedings commenced or to be commenced, or an arbitration agreement made, in or outside Australia (including without limitation interim or ancillary relief in relation to any proceedings under the International Arbitration Act 1974 (Cth)) or the Commercial Arbitration Act 2011 ([State/Territory]); or
  - (iii) without limiting (ii), is an application for a freezing order or ancillary order under [equivalent of Victorian Order 37A] in respect of any matter or thing in or connected with Australia;
- (e) when the subject matter of the claim is land or other property situated in Australia, or any act, deed, will, instrument, or thing affecting such land or property, or the proceeding is for the perpetuation of testimony relating to such land or property;
- (f) when the claim relates to the carrying out or discharge of the trusts of any written instrument of which the person to be served is a trustee and which ought to be carried out or discharged according to Australian law;
- (g) when any relief is sought against any person domiciled or ordinarily or habitually resident in Australia (whether present in Australia or not);
- (h) when any person out of Australia is—
  - (i) a necessary or proper party to a proceeding properly brought against another person served or to be served (whether within Australia or outside Australia) under any other provision of these Rules; or
  - (ii) a defendant to a claim for contribution or indemnity in respect of a liability enforceable by a proceeding in the Court;
- (i) Note—there is no sub rule (i)—see rule 3A
- (j) when the claim arises under an Australian enactment and—
  - (i) any act or omission to which the claim relates was done or occurred in Australia; or
  - (ii) any loss or damage to which the claim relates was sustained in Australia; or
  - (iii) the enactment applies expressly or by implication to an act or omission that was done or occurred outside Australia in the circumstances alleged; or
  - (iv) the enactment expressly or by implication confers jurisdiction on the court over persons outside Australia (in which case any requirements of the enactment relating to service must be complied with);
- (k) when the person to be served has submitted to the jurisdiction of the Court;

- (l) when a claim is made for restitution or for the remedy of constructive trust and the person to be served's alleged liability arises out of an act or omission that was done or occurred wholly or partly in Australia;
- (m) Note—There is no sub rule (m)—see rule 3A
- (n) when the claim is founded on a cause of action arising in Australia;
- (o) when the claim affects the person to be served in respect of his or her membership of a corporation incorporated in Australia, or of an association formed or carrying on any part of its affairs in Australia;
- (p) when the claim concerns the construction, effect or enforcement of an Australian enactment;
- (q) when the claim—
  - (i) relates to an arbitration held in Australia or governed by Australian law; or
  - (ii) is to enforce in Australia an arbitral award wherever made; or
  - (iii) is for orders necessary or convenient for carrying into effect in Australia the whole or any part of an arbitral award wherever made;
- (r) Note—there is no sub clause (r)—see rule 3A
- (s) when the claim, so far as concerns the person to be served, falls partly within one or more of the above paragraphs and, as to the residue, within one or more of the others of the above paragraphs.

**Note—**

1. Originating process includes a document that initiates a civil proceeding as well as a cross claim or third party claim.
2. If a proceeding is instituted in the court and originating process is served out of Australia under this rule but the court later decides that it is more appropriate that the proceeding be determined by a court of another Australian jurisdiction, the Court may transfer the proceeding to that other court under the applicable Jurisdiction of Courts (Cross Vesting) Act and may make an order for costs against the party who instituted the proceeding in the Court rather than in the transferee court.

**40B When allowed with leave**

- (1) In any proceeding when service is not allowed under rule 40A, an originating process may be served out of Australia with the leave of the court.
- (2) An application for leave under this rule must be made on notice to every party other than the person intended to be served.
- (3) A sealed copy of every order made under this rule must be served with the document to which it relates.
- (4) An application for leave under this rule must be supported by an affidavit stating any facts or matters related to the desirability of the Court assuming jurisdiction, including the place or country in which the person to be served is or possibly may be found, and whether or not the person to be served is an Australian citizen.
- (5) The Court may grant an application for leave if satisfied that—
  - (a) the claim has a real and substantial connection with Australia; and
  - (b) Australia is an appropriate forum for the trial; and
  - (c) in all the circumstances the court should assume jurisdiction.



**40C Court's discretion whether to assume jurisdiction**

- (1) On application by a person on whom an originating process has been served out of Australia, the court may dismiss or stay the proceeding or set aside service of the originating process.
- (2) Without limiting subrule (1), the Court may make an order under this rule if satisfied—
  - (a) that service of the originating process is not authorised by these Rules, or
  - (b) that the Court is an inappropriate forum for the trial of the proceeding; or
  - (c) that the claim has insufficient prospects of success to warrant putting the person served outside Australia to the time, expense and trouble of defending the claim.

**40D Notice to person served outside Australia**

If a person is to be served out of Australia with an originating process, the person must also be served with a notice in an approved form informing the person of—

- (a) the scope of the jurisdiction of the Court in respect of claims against persons who are served outside Australia; and
- (b) the grounds alleged by the plaintiff to found jurisdiction; and
- (c) the person's right to challenge service of the originating process or the jurisdiction of the Court or to file a conditional appearance.

**40E Time for filing appearance**

Except when the Court otherwise orders, a defendant who has been served out of Australia must file an appearance within 42 days from the date of service.

**40F Leave to proceed where no appearance by person**

- (1) If an originating process is served on a person outside Australia and the person does not enter an appearance, the party serving the document may not proceed against the person served except by leave of the Court.
- (2) An application for leave under subrule (1) may be made without serving notice of the application on the person served with the originating process.

**40G Service of other documents outside Australia**

- (1) Any document other than an originating process may be served outside Australia with the leave of the Court, which may be given with any directions that the Court thinks fit.

**Note 1—**

The law of a foreign country may permit service through the diplomatic channel or service by a private agent—see Division 3.

**Note 2—**

Division 4 deals with service of local judicial documents in a country, other than Australia, that is a party to the Hague Convention.

- (2) An application under subrule (1) is to be accompanied by an affidavit stating—
  - (a) the name of the foreign country where the person to be served is or is likely to be; and
  - (b) the proposed method of service; and
  - (c) that the proposed method of service is permitted by—

- (i) if a convention applies—the convention; or
  - (ii) if the Hague Convention applies—the Hague Convention; or
  - (iii) in any other case—the law of the foreign country.
- (3) If a document, other than originating process, was served on a person in a foreign country without the permission of the Court, a party may apply to the Court for an order confirming the service.
- (4) For subrule (3), the party must satisfy the Court that—
- (a) the service was permitted by—
    - (i) if a convention applies—the convention; or
    - (ii) if the Hague Convention applies—the Hague Convention; or
    - (iii) in any other case—the law of the foreign country; and
  - (b) there is a sufficient explanation for the failure to apply for permission.

#### 40H Mode of service

A document to be served outside Australia need not be personally served on a person so long as it is served on the person in accordance with the law of the country in which service is effected.’

7. Rule 271 is amended by:

- (a) deleting subrule (1) and inserting the following subrules in its place:
  - ‘(1)A person (*the claimant*) who claims to be entitled to costs or the person liable for such costs (*the respondent*) may apply for directions from the Court on issues relating to the adjudication of costs notwithstanding that a formal claim has not been filed or served and the Court may make such orders or directions as it considers appropriate in the circumstances.
  - (1A) Before proceeding to an adjudication of costs, the claimant must make a genuine offer to the respondent. The offer is to be made in writing and may be in letter form, stating the amounts claimed for costs divided into costs scale periods, external disbursements, and counsel fees, and requiring a response within 28 days.’
  - (1B) If the costs cannot be agreed, the claimant is to serve on the respondent a claim for the costs prepared in an approved form.’;
- (b) deleting in subrule (2) (b) the words ‘including a statement of all counsel fees and other external disbursements’ and inserting a semi colon and then ‘and’ after ‘made up’;
- (c) inserting a new paragraph (c) immediately after paragraph (b) of subrule (2) as follows:
  - ‘(c) copies of all counsel fees and external disbursements.’
- (d) inserting a new subrule (2A) immediately after subrule (2) as follows:
  - ‘(2A) Unless there is good reason not to do so, the claimant is to provide a copy of the claim in Microsoft Excel or a similar computerised spreadsheet format.’;
- (e) deleting the full stop after ‘adjudication’ in subrule (3), and substituting the following:
  - ‘, and notice of the extent to which privilege is waived.’;
- (f) inserting the following note immediately after sub rule (4) as follows:
  - ‘**Note**—this claim for costs as edited by the respondent will serve as the basis for a detailed adjudication pursuant to rule 273.’;

- (g) substituting a semi-colon for the full stop after 'adjudication' in paragraph (d) of subrule (6) and inserting a new paragraph (e) as follows:

'(e) order that the claim proceed in whole or part to a lump sum assessment pursuant to rule 264 (5) (c).'

8. Rule 273 is deleted and replaced by the following:

**'273—Preparation of claim in cases where detailed adjudication ordered**

- (1) When the Court orders that a claim for costs proceed in whole or part to detailed adjudication, subject to any directions of the Court at the preliminary assessment or otherwise, the claimant is—
- (a) before filing the claim, to add a column headed 'amounts disallowed' and delete the column headed 'offer';
  - (b) file the claim including the responses, and adding further particulars as ordered;
  - (c) serve a copy on the respondent.
- (2) The Court may allow an undisputed item of costs without inquiry.'

Dated 4 August 2016.

P. J. RICE, Acting Chief Judge

R. SOULIO, Judge

P. V. SLATTERY, Judge

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## South Australia

# District Court Civil Supplementary Rules 2014 (Amendment No. 5)

BY virtue and in pursuance of Section 51 of the District Court Act 1991 and all other enabling powers, we, Paul John Rice, Acting Chief Judge, and Rauf Soulio and Paul Vincent Slattery, Judges of the District Court of South Australia, make the following Rules of Court:

1. These Rules may be cited as the District Court Civil Supplementary Rules 2014 (Amendment No. 5).

2. The amendments made by these Rules come into effect on 1 September 2016 or the date of their gazettal, whichever is later.

3. The District Court Civil Supplementary Rules 2014 are amended as set out below.

4. Supplementary rule 39 is amended by substituting '40D' for '40 (3)'.

5. Supplementary rule 49 is amended by inserting new subrule (5) immediately after subrule (4) as follows:

'(5)The jurat of an affidavit must—

- (a) be signed by all deponents;
- (b) be completed and signed by the person before whom the affidavit was sworn whose name and qualification must be printed beneath his or her signature;
- (c) contain the full address of the person before whom the affidavit was sworn; and
- (d) follow immediately on from the text and not be put on a separate page.'

6. Supplementary rule 220 is amended by deleting the words 'short form' and by replacing 'rule 271 (1)' with 'rule 271 (1B)'.

7. Supplementary rule 222 is replaced with the following:

**'222—Proof of service of claim for costs**

Evidence in letter form is to be lodged confirming service of the claim for costs ordered to be adjudicated.'

8. Supplementary rule 224 is repealed.

9. Supplementary rule 225 is amended:

- (1) in subrule (1) by deleting the full stop immediately after the word 'dispute' and adding immediately thereafter 'and are to report to the Court on the result of such conference at the commencement of the adjudication.';
- (2) in sub rule (2) by substituting 'the claim for' for 'the schedule of'.

10. The Second Schedule is amended as follows:

- (e) in Note M by substituting 'A Claim for costs' for 'Each Schedule of costs (other than a short form Claim for costs)';
- (f) in paragraph (e) of note M by inserting 'with a total of disbursements and counsel fees after the total of the solicitor's charges' immediately after 'order';
- (g) inserting after 'done' in paragraph (f) of note M the words:  
'(Examples att of sol X on cl, tel call by sol Y on cnsl; ltr to witnss, att of sol Z at dir hrng, perusng ltr from def's sols etc.)'

- (h) by inserting immediately after paragraph (f) of note M the following:  
‘and, where possible, use recognised abbreviations (e.g. sol for solicitor, cl for client, ltr for letter etc.)’
- (i) by re-numbering paragraph ‘N’ as ‘O’ and by inserting a new paragraph ‘N’ as follows:  
‘N Copies of the accounts for counsel fees and other external disbursements must be attached to the claim for costs.’

11. Form 10 in the Schedule is substituted for existing form 10 in Schedule 3 to the District Court Civil Supplementary Rules 2014.

12. Form 33—Affidavit in Schedule 3 to the District Court Civil Supplementary Rules 2014 is amended by adding the following at the foot of the form:

**‘Note**

The jurat must—

- (a) be signed by all deponents;
- (b) be completed and signed by the person before whom the affidavit was sworn whose name and qualification must be printed beneath his or her signature;
- (c) contain the full address of the person before whom the affidavit was sworn; and
- (d) follow immediately on from the text and not be put on a separate page.’

13. Form 49 in the Schedule is substituted for existing form 49 in Schedule 3 to the District Court Civil Supplementary Rules 2014.

14. Form 51 in Schedule 3 to the District Court Civil Supplementary Rules 2014 is deleted.

Dated 4 August 2016.

P. J. RICE, Acting Chief Judge  
R. SOULIO, Judge  
P. V. SLATTERY, Judge

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## The Schedule

### Rule 40D

Form 10

Notice to defendant served outside Australia

### NOTICE TO DEFENDANT SERVED OUTSIDE AUSTRALIA

#### TO THE DEFENDANT

1. You have been served with an originating process outside Australia under rules 40 to 40H of the *District Court Civil Rules 2006 (SA)*. A copy of those rules is enclosed for your information. They show the scope of the jurisdiction of the Court in respect of claims against persons who are served outside Australia.
2. The grounds alleged by the plaintiff to support its claim to be entitled to serve you outside of Australia are:  
[specify grounds]
3. The Court may, on application made by you in accordance with the Rules of the Court, set aside the service on you of this originating process where –
  - (a) service is not authorised by the Rules of the Court; or
  - (b) the Court is an inappropriate forum for the trial of the proceedings.
4. Alternatively you may file an unconditional notice of address for service (in the form prescribed by the Rules of the Court) within the time required under the Rules of the Court.
5. If you file a notice of address for service referred to in paragraph 4, additional procedural obligations (such as an obligation to file a defence or an affidavit) may apply to you in accordance with the Rules of the Court.
6. If you do not make an application to set aside service referred to in paragraph 3 or file a notice of address for service referred to paragraph 4, the Court may give leave to the plaintiff to proceed against you without further notice.

**Date:**

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Signed by *(name)*  
Plaintiff/Plaintiff's solicitor *(delete whichever is  
inapplicable)*

**CLAIM FOR COSTS**

CLAIM FOR COSTS OF THE *(ROLE OF PARTY)*, *(name)*  
Presented pursuant to order dated *(date)*

TO THE *(ROLE OF PARTY)*: *(name)* of *(address)*

If you wish to dispute any item in this claim you must comply with rule 271(4) of the *Supreme/District Court Civil Rules 2006* and, within 28 calendar days of service of this claim:

- (1) set out in the appropriate columns below, your response to each disputed item and your offer for each item in the claim; and
- (2) serve on the claimant a copy of the claim containing such responses and offers.

Item No	Date	Details of item	No of Pages/ Sheets/ Length of Attendance	Amount Claimed	Response (eg Agreed, Not Agreed, Agreed in Part)		Offer
					LIABILITY	QUANTUM	
	<i>Example</i> 1/1/16						
				\$			
		<b>TOTAL SOLICITORS FEES</b>		\$			
		<b>DISBURSEMENTS</b>					
		<i>Counsel fees</i> Specify total and attach scanned copy of		\$			

	accounts					
	<b>Total counsel fees</b>					
	<i>Other disbursements</i> Specify total and attach scanned copy of accounts					
	<b>Total other disbursements</b>					
	<b>TOTAL COSTS AND DISBURSEMENTS</b>		\$			

### GST

State if the costs claimant is not entitled to recover the GST component of its costs as an input tax credit. If the costs claimant is entitled to recover only a portion of the GST component, state what proportion is not recoverable.

### Note Carefully

If you do not file and serve a response to this Claim as required by Rule 271 within 28 days of its service on you, you will be taken to have admitted the Claim in full, and judgment may be entered against you for its total amount.

### Notes

- 1 The claim should be in date order, listing all claims based on scale items and including only charges claimable under the costs order.
- 2 Frequently used abbreviations: eg sol for solicitor, cl for client, ltr for letter and for scale items should be used where possible.  
The full date in a day/month/year format should be provided for each item: eg. 1/1/16.
- 3 Disbursements and counsel fees should be claimed as lump sums at the conclusion of the claim, but copies of all accounts for same must be attached and included in the overall figure claimed.
- 4 The description of each item should be as brief as possible but include enough detail to enable the respondent to make appropriate offers and abbreviated reasons for dispute. For example, names of solicitors etc should be provided, documents drawn or perused and their length should be identified, and the nature of attendances should be briefly described, eg on client, on witness, and their length.
- 5 It is expected that the completion of this Form will take account of the increases from time to time in the costs contained in the Scales comprising Schedules 1 and 2 of the *Supreme/District Court Supplementary Rules 2014* – see rule 264 of the *Supreme/District Court Civil Rules 2006*. The claim is to be divided into parts that correspond to the period over which any particular percentage increase is applicable and make provision for the amount of the percentage increase to be added at the end of each part.



South Australia  
District Court Fast Track Rules  
Adoption Rules 2014  
(Amendment No. 2)

BY virtue and in pursuance of Section 51 of the District Court Act 1991 and all other enabling powers, we, Paul John Rice, Acting Chief Judge, and Rauf Soulio and Paul Vincent Slattery, Judges of the District Court of South Australia, make the following Rules of Court:

1. These Rules may be cited as the District Court Fast Track Rules Adoption Rules 2014 (Amendment No. 2).

2. The amendments made by these Rules come into effect on 1 September 2016 or the date of their gazettal, whichever is later (*'the commencement date'*).

3. The Fast Track Rules 2014 being the Schedule to the District Court Fast Track Rules Adoption Rules 2014 are amended as set out below.

4. Rule 31 is amended by inserting the following subrules immediately after subrule (2):

‘(3)If all parties agree in writing that Parts 1 and 2 of Chapter 12 of the Supreme Court Civil Rules 2006 or of the District Court Civil Rules 2006 (as applicable) are to apply to a proceeding in the Fast Track Stream, those rules apply to that proceeding in lieu of rules 33 to 35.

(4) The Court may if it thinks fit order that Parts 1 and 2 of Chapter 12 of the Supreme Court Civil Rules 2006 or of the District Court Civil Rules 2006 (as applicable) are to apply to a proceeding in the Fast Track Stream in lieu of rules 33 to 35.’

Dated 4 August 2016.

P. J. RICE, Acting Chief Judge

R. SOULIO, Judge

P. V. SLATTERY, Judge

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South Australia  
District Court Fast Track Supplementary Rules  
Adoption Rules 2014  
(Amendment No. 2)

BY virtue and in pursuance of Section 51 of the District Court Act 1991 and all other enabling powers, we, Paul John Rice, Acting Chief Judge, and Rauf Soulio and Paul Vincent Slattery, Judges of the District Court of South Australia, make the following Rules of Court:

1. These Rules may be cited as the District Court Fast Track Supplementary Rules Adoption Rules 2014 (Amendment No. 2).

2. The amendments made by these Rules come into effect on 1 September 2016 or the date of their gazettal, whichever is later (*‘the commencement date’*).

3. The Fast Track Supplementary Rules 2014 being the Schedule to the District Court Fast Track Supplementary Rules Adoption Rules 2014 are amended as set out below.

4. Supplementary rule 10 (4) is amended by inserting a new paragraph (*ha*) immediately after paragraph (*h*) as follows:

‘(ha) whether an order should be made under rule 31 (4) that the costs of the action be determined in accordance with Parts 1 and 2 of Chapter 12 of the Supreme Court Civil Rules 2006 or of the District Court Civil Rules 2006 (as applicable).

Dated 4 August 2016.

P. J. RICE, Acting Chief Judge

R. SOULIO, Judge

P. V. SLATTERY, Judge

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## SOUTH AUSTRALIAN HOUSING TRUST ACT 1995

*Transfer of Assets of the South Australian Housing Trust*

PURSUANT to the provisions of Section 23 of the South Australian Housing Trust Act 1995, Stephen Mullighan, Minister for Housing and Urban Development with the concurrence of Tom Koutsantonis, Treasurer, gives notice of the transfer of properties listed in Schedule 1 from the South Australian Housing Trust to the Urban Renewal Authority on 25 August 2016.

## SCHEDULE 1

Address	Certificate of Title		Certificate of Title Description	
	Volume	Folio	Plan	Parcel
20 Elizabeth Street, Woodville West	6100	228	D4377	A94
4 Henderson Avenue, Woodville West	6133	923	F35699	A1

Dated 5 August 2016.

STEPHEN MULLIGHAN, Minister for Housing and Urban Development

Dated 24 August 2016.

JOHN RAU, Acting Treasurer

South Australia

## **Health Care (Administration) Amendment Act (Commencement) Proclamation 2016**

### **1—Short title**

This proclamation may be cited as the *Health Care (Administration) Amendment Act (Commencement) Proclamation 2016*.

### **2—Commencement of Act**

The *Health Care (Administration) Amendment Act 2015* (No 20 of 2015) will come into operation on 1 September 2016.

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

with the advice and consent of the Executive Council  
on 25 August 2016

HEAC-2016-00031

South Australia

## **Health Care (Administration) Amendment Act (Cancellation of Incorporation and Transfer of Assets) Proclamation 2016**

under Schedule 1 clause 2 of the *Health Care (Administration) Amendment Act 2015*

### **1—Short title**

This proclamation may be cited as the *Health Care (Administration) Amendment Act (Cancellation of Incorporation and Transfer of Assets) Proclamation 2016*.

### **2—Commencement**

This proclamation will come into operation on 1 September 2016.

### **3—Cancellation of incorporation and transfer of assets**

- (1) Pursuant to Schedule 1 clause 2 of the *Health Care (Administration) Amendment Act 2015*, the incorporation of an association to which that clause applies is cancelled.
- (2) The assets of—
  - (a) Lumeah Homes Inc immediately before the cancellation of its incorporation are transferred to the Lower North Health Advisory Council Inc; and
  - (b) Miroma Place Hostel Inc immediately before the cancellation of its incorporation are transferred to the Lower Eyre Health Advisory Council Inc; and
  - (c) Peterborough Aged and Disabled Accommodation Inc immediately before the cancellation of its incorporation are transferred to the Mid North Health Advisory Council Inc.
- (3) Subclause (2) will have effect despite the terms of any contract, agreement, understanding or undertaking and without the need for any other act or consent.

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

with the advice and consent of the Executive Council  
on 25 August 2016

HEAC-2016-00031

South Australia

## **Oaths (Appointments) Proclamation 2016**

under section 33 of the *Oaths Act 1936*

### **1—Short title**

This proclamation may be cited as the *Oaths (Appointments) Proclamation 2016*.

### **2—Commencement**

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

### **3—Appointment of persons to take declarations and attest instruments**

The following police officers are appointed to take declarations and attest the execution of instruments:

Mark William Aldridge  
Rebecca Lee Archer  
Callum Edward Armstrong-Woodland  
Jake Craig Austin  
Holly Alene Batty  
Sharon Lee Black  
Anthony Buccella  
Jeremy David Byers  
Susan Marion Cabot  
Ashlee Renee Carlaw  
Alex Cameron Chuykrom  
Scot-William Frederick Clarkson  
David Andrew Cleary  
Tracey Michelle Clee  
Aidan Brad Clifford  
Nicholas Jacob Collins  
Veronica Elizabeth Cook  
Adrian Peter Cox  
David James Daniells  
Jake Michael Denny  
Patrick Alan Desmond  
Thomas Lyndon Doak  
Nicholas Victor Dobbin

Clare Julia Doherty  
Ian James Oliver Doherty  
Kelly Michelle Donoghue  
Pavlos Economou  
Adam Christopher Ellershaw  
Daniel Edward Emmerton  
Richard Anthony Eston  
Cara Leigh Ettridge  
Stephen Jay Faull  
Peter Robert Finlay  
Carly Jane Formosa  
Julianne Lea Fowler  
Victoria Grace French  
Jack Hamilton James Gale  
Nicholas John Gamtcheff  
Daniel Garlik  
Jodie Rose Gaskin  
Dean William Griffiths  
Debra Anne Gurney  
Max James Haddow  
Kristian Art Hanley  
James Ian Hazel  
Benjamin Craig Higgins  
David Westbury Hills  
Raegan Kim Hodgeman  
Dominic Ashleigh Hodges  
Neil Hogg  
Caitlin Lee Holmes  
Alan Patrick Isemonger  
Daniel Peter Jackson  
Laura Mary Jakubowski  
Monika Natalie Klus  
Adam James Knight  
Martina Kurtin  
Scott Richard Lambert  
Holly Jade Lance

Lukas Jonathan Lane-Geldmacher

Christopher James Little

Simon Jack Lloyd

Andrew Brydon Lothian

Benjamin John Lucy

Steven Robert McCarthy

Alyssa Kate McDougall

James Howard Mansfield

Sophie Ann Matthews

Carl Llewelyn Maynard

Ashwin Kamaladasan Menon

Bradley James Middleton

Hayley Lee Milligan

James Ross Mixon

Joshua Paul Morris

Daniel James Nicholson

Steven John Robert Nimmo

Leslie Olivier

Matthew John Overy

Simon William Panes

Donna Louise Patterson

Barry Phillips

Christopher David Pickard

Kaytlyn Grace Pillen

Michael Gregory Plunkett

Brandon Gregory Poynter

Sarah Elizabeth Price

Renaldo Roesch

Tricia Catherine Rossiter

Janomie Nardene Saunders

Tyson Leslie Schrapel

Barry John Shedden

Rhys Sinclair

Jamie Alexander Smith

David Paul Somers

Brenton James Spratt



Samuel Thomas Starling  
Kirsten Jade Sterrey  
Robert William Swift  
Matthew Charles Telfer  
Nikki Jade Tiplady  
John Leslie Tonkin  
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James Patrick Webb  
Randy John Will  
Grant Peter Williams  
Brien Kalon Wilson  
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**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 25 August 2016

JP16/012CS

South Australia

## **Tobacco Products (Smoking Bans in Public Areas—Longer Term) Variation Regulations 2016**

under the *Tobacco Products Regulation Act 1997*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Tobacco Products (Smoking Bans in Public Areas—Longer Term) Regulations 2012***

- 4 Insertion of regulation 5A  
5A Smoking ban—Henley Square
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Tobacco Products (Smoking Bans in Public Areas—Longer Term) Variation Regulations 2016*.

#### **2—Commencement**

These regulations will come into operation on 12 September 2016.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### **Part 2—Variation of *Tobacco Products (Smoking Bans in Public Areas—Longer Term) Regulations 2012***

#### **4—Insertion of regulation 5A**

After regulation 5 insert:

##### **5A—Smoking ban—Henley Square**

- (1) For the purposes of section 52 of the Act, smoking is banned in all public areas in Henley Square.

(2) In this regulation—

***Henley Square*** means the following areas (being the area commonly referred to as Henley Square):

- (a) the whole of Allotment 101 Deposited Plan 45601 (excluding any area used as a car park by members of the public and any premises);
- (b) the area bounded as follows:
  - (i) on the north by Allotment 101 Deposited Plan 45601;
  - (ii) on the east by the western boundaries of the properties adjacent to the Esplanade, Henley Beach;
  - (iii) on the south by a line extending generally east from the south east corner of the Henley Surf Life Saving Club;
  - (iv) on the west by the sea wall.

**Note—**

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

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 25 August 2016

No 198 of 2016

HEAC-2016-00044

South Australia

## **Corporations (Ancillary Provisions) Regulations 2016**

under the *Corporations (Ancillary Provisions) Act 2001*

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### **Contents**

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Preservation of references to old Corporations legislation

### **Schedule 1—Revocation of *Corporations (Ancillary Provisions) Regulations 2001***

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#### **1—Short title**

These regulations may be cited as the *Corporations (Ancillary Provisions) Regulations 2016*.

#### **2—Commencement**

These regulations will come into operation on 1 September 2016.

#### **3—Interpretation**

In these regulations—

*Act* means the *Corporations (Ancillary Provisions) Act 2001*.

#### **4—Preservation of references to old Corporations legislation**

In accordance with section 11(2)(a) of the Act, section 11(1) of the Act does not apply in relation to a reference to the *Corporations Law* in section 21(5), 27(3)(b), 28(3)(b) or (c), 29(3)(b) or 32(4) of the *Financial Sector Reform (South Australia) Act 1999*.

### **Schedule 1—Revocation of *Corporations (Ancillary Provisions) Regulations 2001***

The *Corporations (Ancillary Provisions) Regulations 2001* are revoked.

#### **Note—**

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

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

with the advice and consent of the Executive Council  
on 25 August 2016

No 199 of 2016

AGO0094/16CS

South Australia

## Strata Titles (Fees) Regulations 2016

under the *Strata Titles Act 1988*

### Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Fees

Schedule 1—Fees payable to Registrar-General

Schedule 2—Revocation of *Strata Titles (Fees) Regulations 2001*

#### 1—Short title

These regulations may be cited as the *Strata Titles (Fees) Regulations 2016*.

#### 2—Commencement

These regulations will come into operation on 1 September 2016.

#### 3—Interpretation

In these regulations—

*Act* means the *Strata Titles Act 1988*.

#### 4—Fees

The fees set out in Schedule 1 are payable to the Registrar-General in respect of the matters referred to in Schedule 1.

### Schedule 1—Fees payable to Registrar-General

1	For lodgement of an application for—	
	(a) amendment of a strata plan	\$294.00
	(b) amalgamation of 2 or more strata plans	\$294.00
2	For the examination of—	
	(a) an amendment to a strata plan	\$462.00
	(b) an amalgamation of 2 or more strata plans	\$462.00
3	For the deposit of a strata plan	\$142.00
4	For the issue of a certificate of title—	
	(a) for each unit added to a strata plan or amended by a strata plan	\$83.50
	(b) for each unit comprised in an amalgamated plan	\$83.50

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5	For the amendment of a schedule of unit entitlements	\$157.00
6	Application for cancellation of a strata plan—	
	(a) for examination of application (including fees for entering necessary memorials in the Register Book)	\$294.00
	(b) for each certificate of title issued	\$83.50
7	On lodging a certified copy of a special resolution of a strata corporation amending the articles of the corporation	\$157.00
8	On lodging any other document with the Registrar-General under the Act	\$157.00
9	On giving written notice—	
	(a) of the appointment of an administrator of a strata corporation	\$157.00
	(b) of the removal or replacement of an administrator of a strata corporation	\$157.00

## **Schedule 2—Revocation of *Strata Titles (Fees) Regulations 2001***

The *Strata Titles (Fees) Regulations 2001* are revoked.

### **Note—**

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

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

with the advice and consent of the Executive Council  
on 25 August 2016

No 200 of 2016

AGO0092/16CS

South Australia

## **Superannuation Regulations 2016**

under the *Superannuation Act 1988*

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### **Contents**

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- 5 Election of members
- 6 Timetable for elections
- 7 Persons eligible to vote
- 8 Nominations
- 9 Election without ballot
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- 55 Notification to Board on change in working hours

## Schedule 1—Factors for determination of associate pension

## Schedule 2—Revocation of *Superannuation Regulations 2001*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Superannuation Regulations 2016*.

### 2—Commencement

These regulations will come into operation on 1 September 2016.



### 3—Interpretation

In these regulations, unless the contrary intention appears—

*1988 revoked regulations* means the revoked *Superannuation Regulations 1988*;

*2001 revoked regulations* means the revoked *Superannuation Regulations 2001*;

*Act* means the *Superannuation Act 1988*;

*South Australian Superannuation Scheme* or *Scheme* means the scheme of superannuation established by the Act and (if the context requires) includes the scheme of superannuation established by a corresponding previous enactment.

## Part 2—Election of members of Board

### 4—Interpretation

In this Part, unless the contrary intention appears—

*Electoral Commissioner* means the Electoral Commissioner under the *Electoral Act 1985*;

*hour of nomination* means the hour by which nominations must be received by the Electoral Commissioner;

*voter* means a person who is, by virtue of regulation 7, eligible to vote at an election.

### 5—Election of members

The election of members of the Board must be conducted by the Electoral Commissioner in accordance with this Part.

### 6—Timetable for elections

- (1) The Electoral Commissioner must publish in a daily newspaper circulating throughout the State a notice setting out the timetable for each election held under this Part.
- (2) The notice must—
  - (a) fix the date (not being less than 14 days from publication of the notice) and the hour by which nominations must be received by the Electoral Commissioner; and
  - (b) fix the date on or before which the Electoral Commissioner will post ballot papers to voters or give ballot papers to employers for distribution to voters; and
  - (c) fix the date (not being less than 21 days nor more than 28 days after the date fixed under paragraph (b)) and the hour by which completed ballot papers must be returned to the Electoral Commissioner.
- (3) The Electoral Commissioner must determine the timetable in consultation with the Board.

### 7—Persons eligible to vote

- (1) Persons who were—
  - (a) contributors as defined in section 4(1) of the Act; or
  - (b) members or spouse members of the Triple S scheme; or
  - (c) persons provided with investment services or other products or services pursuant to regulations under section 30(2)(g) of the *Southern State Superannuation Act 2009*,

on the last business day before the 7 day period immediately preceding the day on which notice was published under regulation 6 are eligible to vote at the election.

- (2) The Board must within 7 days after the notice was published give the Electoral Commissioner a list of the voters who are eligible to vote at the election.
- (3) In this regulation—

*business day* means any day other than a Saturday, Sunday or other public holiday.

## 8—Nominations

A nomination for election must be—

- (a) in a form approved by the Electoral Commissioner; and
- (b) signed by at least 3 voters; and
- (c) received by the Electoral Commissioner at or before the hour of nomination.

## 9—Election without ballot

- (1) If the number of persons nominated is the same as or less than the number of vacancies to be filled by election, the Electoral Commissioner must, by notice in a daily newspaper circulating throughout the State and in the Gazette—
  - (a) declare that the vacancy or vacancies has or have been filled by the person or persons nominated; and
  - (b) in relation to each elected person—specify the day on which the person's term of office commences and the length of the term for which the person has been elected.
- (2) If the number of persons nominated is greater than the number of vacancies to be filled the following regulations apply.

## 10—Ballot papers

- (1) The Electoral Commissioner must provide each voter (other than a voter who is a lost member for the purposes of the *Superannuation (Unclaimed Money and Lost Members) Act 1999* of the Commonwealth) with a ballot paper and an envelope addressed to the Commissioner for the purpose of returning the ballot paper after completion.
- (2) The names of the candidates must appear on the ballot papers in a vertical list in an order determined by the Electoral Commissioner by lot.
- (3) If ballot papers are not printed on watermarked paper they must be initialled by the Electoral Commissioner or by a person authorised for that purpose by the Commissioner.
- (4) The Electoral Commissioner may provide a voter with a ballot paper and envelope—
  - (a) by posting the ballot paper and envelope to the voter at the voter's last known address; or
  - (b) by giving the ballot paper and envelope to the voter's employer to give to the voter.

## 11—Electoral material to be provided with ballot papers

- (1) Subject to this regulation, the Electoral Commissioner must, at the request of a candidate, include with ballot papers provided to voters material provided by the candidate promoting the candidate's election.
- (2) The material—
  - (a) must be provided to the Electoral Commissioner at or before the hour of nomination; and
  - (b) must not include more than 200 words or more than 1 photograph; and

- (c) may be printed by the Electoral Commissioner in a form as the Commissioner thinks fit for the purpose of posting or distributing to voters.

## **12—Voting**

- (1) A voter who wishes to vote must—
  - (a) indicate on the ballot paper the candidate to whom the voter gives first preference and the voter may indicate the order of preferences for the other candidates; and
  - (b) place the ballot paper in the envelope provided, seal the envelope and sign it; and
  - (c) return the envelope to the Electoral Commissioner.
- (2) A voter's preference for candidates must be indicated by consecutive numbers (commencing with the number 1) placed in the squares opposite the names of the candidates on the ballot paper.
- (3) For the purposes of this regulation, if a voter places a tick or a cross on a ballot paper, the tick or cross will be taken to be equivalent to the number 1.

## **13—Duplication and late return of ballot papers**

- (1) If more than 1 ballot paper is returned under the name of the same voter all ballot papers, except the first to be returned, will be rejected or, if the Electoral Commissioner does not know which was returned first, all ballot papers, except the first to be recorded against the name of the voter, will be rejected.
- (2) If more than 1 ballot paper is returned in an envelope, none of the ballot papers returned in that envelope will be counted.
- (3) A ballot paper returned to the Electoral Commissioner after the date and the hour by which completed ballot papers must be returned to the Electoral Commissioner will not be counted.

## **14—Counting of votes**

The following provisions apply to the counting of votes:

- (a) after counting first preferences, the candidate with the fewest first preferences must be excluded, and if more candidates remain than the number of vacancies to be filled, each ballot paper counted to the excluded candidate must be counted to the candidate (if any) next in order of the voter's preference;
- (b) this process must be continued until the number of candidates remaining is equal to the number of vacancies to be filled;
- (c) if 2 candidates have an equal number of votes and 1 of them must be excluded, the Electoral Commissioner must determine the question by lot.

## **15—Scrutineers**

- (1) Subject to subregulation (2), the Electoral Commissioner may permit such scrutineers as the Commissioner thinks fit to be present at the counting of votes.
- (2) A candidate in the election cannot be a scrutineer.

## 16—Declaration of election

If the number of candidates remaining is equal to the number of vacancies to be filled, the Electoral Commissioner must, by notice in a daily newspaper circulating throughout the State and in the Gazette—

- (a) declare that the candidate or candidates has or have been elected to fill the vacancy or vacancies; and
- (b) in relation to each elected person—specify the day on which the person's term of office commences and the length of the term for which the person has been elected.

## Part 3—Commutation of pensions

### Division 1—Preliminary

#### 17—Interpretation

For the purposes of this Part, a pensioner's annual pension is the pensioner's fortnightly pension multiplied by 313 and divided by 12.

### Division 2—Commutation of pensions

#### 18—Right to apply for commutation

- (1) A pensioner referred to in the left column of the following table may apply to the Board for commutation of the whole or a part of a pension in accordance with this Division during the period set out in the right column of the table:

<u>Pensioner who may commute</u>	<u>Period for application</u>
A pensioner who is entitled to a retirement pension	within 3 months after the pension first becomes payable.
A pensioner in receipt of an invalidity pension (subject to subregulation (3))	within 3 months after reaching the age of retirement.
A pensioner in receipt of a retrenchment pension	within 3 months after the pensioner reaches the age of 55 years or the pension first becomes payable, whichever is later.
A contributor who resigns before reaching 55 years of age pursuant to a voluntary separation package and is entitled to a pension under section 39A(3g) of the Act	within 3 months after the pension first becomes payable.
A non-member spouse who is entitled under section 43AO(2)(b) of the Act to have the whole of a share in a superannuation interest commuted to a lump sum	within 3 months of the operative time.

- (2) Despite subregulation (1), a contributor who—

- (a) is in receipt of a draw down benefit under section 33A of the Act; and
- (b) has retired from employment,

may apply to the Board for the commutation of the draw down benefit within 6 months after the benefit first becomes payable.

- (3) A pensioner in receipt of an invalidity pension may apply to the Board to commute up to 20% of the pension in accordance with this Division at any time before the pensioner reaches the age of retirement.
- (4) The spouse of a deceased contributor who is entitled to a pension may apply to the Board for commutation of the whole or part of the pension in accordance with this Division—
- (a) within 6 months after the death of the contributor; or
  - (b) if the pension has been suspended under section 45 of the Act—within 3 months after the spouse first becomes entitled to the pension.
- (5) For the purposes of section 43AO(7) of the Act, if a non-member spouse dies while entitled to, or in receipt of, a pension under that section (other than an associate pension), an election by the non-member spouse's legal representative for the pension to be commuted to a lump sum must be made within 6 months of the non-member spouse's death.
- (6) If a pension payable to a spouse is reduced (but not suspended) under section 45 of the Act, an application for commutation of the part of the pension previously denied to the spouse may be made within 3 months after the spouse first becomes entitled to it (but only if a part or the whole of the other part of the pension has already been commuted).
- (7) If—
- (a) part only of a retrenchment pension is available to a pensioner because the pension is reduced under section 45 of the Act; and
  - (b) the pensioner has commuted the whole, or a part, of that part of the pension,
- the pensioner may, in accordance with this Division within 3 months after the pensioner reaches the age of retirement, commute the whole or a part of the part of the pension previously denied to the pensioner because of the reduction.
- (8) The Board must commute the pension within 1 month after receiving the application and must pay the lump sum within 14 days after commutation.
- (9) The Board may extend the time within which a person may apply for commutation of a pension if, in the Board's opinion, the person was not at fault in failing to apply within the time prescribed by this regulation.
- (10) A person who has applied successfully to the Board for commutation of part of a pension under a preceding subregulation may not apply to the Board for a further commutation in relation to the pension under that subregulation.

## 19—Commutation factors

The following tables set out commutation factors:

- (a) in the case of a pension payable to a contributor—

Age at time of commutation	Amount of lump sum for each dollar of annual pension commuted
less than 55	\$11.50
55 – 56	\$11.50 – \$11.30
56 – 57	\$11.30 – \$11.10
57 – 58	\$11.10 – \$10.90
58 – 59	\$10.90 – \$10.70
59 – 60	\$10.70 – \$10.50

<b>Age at time of commutation</b>	<b>Amount of lump sum for each dollar of annual pension commuted</b>
60 – 61	\$10.50 – \$10.30
61 – 62	\$10.30 – \$10.10
62 – 63	\$10.10 – \$9.90
63 – 64	\$9.90 – \$9.70
64 – 65	\$9.70 – \$9.50
65 – 66	\$9.50 – \$9.30
66 – 67	\$9.30 – \$9.10
67 – 68	\$9.10 – \$8.80
68 – 69	\$8.80 – \$8.50
69 – 70	\$8.50 – \$8.20
70 – 71	\$8.20 – \$7.90
71 – 72	\$7.90 – \$7.60
72 – 73	\$7.60 – \$7.30
73 – 74	\$7.30 – \$7.00
74 – 75	\$7.00 – \$6.70

(b) in the case of a spouse of a deceased contributor—

<b>Age of spouse at time of commutation</b>	<b>Amount of lump sum for each dollar of annual pension commuted</b>
less than 50	\$11.50
50 – 55	\$11.50 – \$11.00
55 – 60	\$11.00 – \$9.75
60 – 65	\$9.75 – \$8.50
65 – 70	\$8.50 – \$7.25
70 – 80	\$7.25 – \$4.75
80 – 90	\$4.75 – \$2.25
90 – 100	\$2.25 – \$0.00

(c) in the case of—

- (i) a non-member spouse who elects under section 43AO(2)(b) of the Act to have a share of a superannuation interest commuted to a lump sum; or
- (ii) the legal representative of a deceased non-member spouse who elects under section 43AO(7) of the Act to have a pension that the non-member spouse was receiving, or was entitled to receive, commuted to a lump sum—

<b>Age of member spouse at time of commutation</b>	<b>Amount of lump sum for each dollar of annual pension commuted</b>
less than 55	\$11.50
55 – 60	\$11.50 – \$10.50
60 – 65	\$10.50 – \$ 9.50
65 – 70	\$ 9.50 – \$ 8.20

<u>Age of member spouse at time of commutation</u>	<u>Amount of lump sum for each dollar of annual pension commuted</u>
70 – 75	\$ 8.20 – \$ 6.70
75 – 80	\$ 6.70 – \$ 5.30
80 – 85	\$ 5.30 – \$ 3.90
85 – 90	\$ 3.90 – \$ 2.80
90 – 95	\$ 2.80 – \$ 2.10
95 – 100	\$ 2.10 – \$ 0.00

(d) in the case of an invalid pensioner who elects under regulation 18(3) to commute up to 20% of a pension to a lump sum prior to reaching the age of retirement—

<u>Age at date of commutation</u>	<u>Amount of lump sum for each dollar of annual pension commuted</u>
less than 50	\$7.70
50 – 55	\$7.70 – \$7.30
55 – 60	\$7.30 – \$6.50

### **Division 3—General**

#### **20—Commutation under section 40B of Act**

Pursuant to section 40B(6) of the Act, the commutation factors set out in regulation 19 are to be applied in making a commutation under that section.

#### **21—Restriction on commutation**

- (1) The Board must not pay a lump sum to the spouse of a contributor unless it is satisfied that no other spouse of the contributor is entitled to part of the pension commuted by the Board.
- (2) The Board is not liable to any person in respect of a payment made by the Board in accordance with subregulation (1).

#### **22—Adjustment of commutation factors**

When determining the amount of the lump sum payable on commutation, the commutation factor must be adjusted proportionately to the age of the applicant expressed in years and completed months.

#### **23—Rounding off lump sums**

When determining the amount of a lump sum payable on commutation, the Board may round the amount to the nearest dollar.

### **Part 4—Transition to retirement**

#### **24—Adjustments under section 26A of Act**

- (1) Pursuant to section 26A(9) of the Act, when a contributor for whom a draw down benefit has been determined under that section retires, the contributor's entitlement under section 27 of the Act will be subject to a reduction that takes effect by reducing—
  - (a) the number of the contributor's contribution points; and
  - (b) the factor "M" in the formulae under section 27(2) of the Act,

to the extent necessary to take into account, to its full extent, the employer funded component of the value of the draw down benefit determined for the contributor.

- (2) Pursuant to section 26A(10) of the Act, when the employment of a contributor for whom a draw down benefit has been determined under that section is terminated by the contributor's death, an entitlement under section 32 of the Act will be subject to a reduction that takes effect by reducing—
  - (a) the number of the contributor's contribution points; and
  - (b) the factor "M" in the formula under section 32 of the Act relevant to the determination of the entitlement,

to the extent necessary to take into account, to its full extent, the employer funded component of the value of the draw down benefit determined for the contributor.

- (3) If 2 or more reductions are to be made under subregulation (1) or (2) in respect of a contributor's entitlement because the Board has determined 2 or more draw down benefits for the contributor, the Board may determine to apply the reductions to the entitlement separately or in aggregate.

## **25—Modification of section 26A(5) of Act**

Pursuant to section 26A(15) of the Act, subsection (5) of that section is modified so as to allow a contributor who has—

- (a) retired from employment; or
- (b) reached the age of 65 years,

to commute an entitlement to a draw down payment so that investment of the draw down benefit on account of which the payment is made is brought to an end and the balance paid to the member.

## **26—Adjustments under section 33A of Act**

- (1) Pursuant to section 33A(9)(b) of the Act, if the employment arrangements of a contributor who is receiving a draw down benefit under that section alter so that there is an increase in salary, the contributions payable by the contributor under section 23 of the Act will, despite section 33A(8) of the Act and any provision of section 23 of the Act to the contrary, be fixed for a particular financial year on the basis of the contributor's salary as on 31 March of the year in which that financial year commences.
- (2) Pursuant to section 33A(10) of the Act, when a contributor to whom a draw down benefit has been paid under that section retires, the contributor's entitlement under section 34 of the Act will be subject to a reduction that takes effect by reducing—
  - (a) the number of the contributor's contribution points; and
  - (b) the factors "n", "n<sub>1</sub>" and "n<sub>2</sub>" in the formula under section 34 of the Act relevant to the determination of the entitlement (or such of those factors as appear in the relevant formula),

to the extent necessary to take into account, to its full extent, the value of the draw down benefit paid to the contributor.



- (3) Pursuant to section 33A(11) of the Act, if the employment of a contributor to whom a draw down benefit has been paid under that section terminates on account of invalidity, the contributor's entitlement under section 37 of the Act (if any) will be adjusted in the following manner:
- (a) in the case of an entitlement under section 37(1) of the Act—the entitlement will be subject to a reduction that takes effect by reducing—
    - (i) the number of the contributor's contribution points; and
    - (ii) the factor "n" in the formula under subsection (2) of that section,to the extent necessary to take into account, to its full extent, the value of the draw down benefit paid to the contributor;
  - (b) in the case of an entitlement under paragraph (a) of section 37(3a) of the Act—the entitlement will be reduced by an amount determined by applying to the balance that would, but for this subregulation, have been payable to the contributor under that paragraph the aggregate of the proportions of the contributor's notional retirement benefit that have been paid to the contributor as 1 or more draw down benefits;
  - (c) in the case of an entitlement under paragraph (b) of section 37(3a) of the Act—
    - (i) the employee component payable under subparagraph (i) of that paragraph will be reduced by an amount determined by applying to the balance that would, but for this subregulation, have been payable to the contributor under that subparagraph the aggregate of the proportions of the contributor's notional retirement benefit that have been paid to the contributor as 1 or more draw down benefits; and
    - (ii) the employer component payable under subparagraph (ii) of that paragraph will be subject to a reduction that takes effect by reducing—
      - (A) the number of the contributor's contribution points; and
      - (B) the factor "M" in the formula under subparagraph (ii),to the extent necessary to take into account the aggregate of the proportions of the contributor's notional retirement benefit that have been paid to the contributor as 1 or more draw down benefits.
- (4) If 2 or more reductions are to be made under subregulation (2) or (3)(a) in respect of a contributor's entitlement because the Board has determined 2 or more draw down benefits for the contributor, the Board may determine to apply the reductions to the entitlement separately or in aggregate.
- (5) Pursuant to section 33A(12) of the Act, if the employment of a contributor to whom a draw down benefit has been paid under that section terminates on account of the contributor's death, an entitlement under section 38 of the Act will be adjusted in accordance with the following:
- (a) for the purposes of subsection (4) of section 38 of the Act, in calculating the amount of a pension to which a contributor would have been entitled if circumstances specified in paragraph (b) or (c) of that subsection applied, the amount of each draw down benefit paid to the contributor as an indexed pension (if any) is to be added to the amount that would, but for this paragraph, have been determined under the relevant provision to be the amount of the pension;

- (b) in the case of an entitlement under section 38(6)(a) or (b) of the Act—the entitlement will be reduced by an amount determined by applying to the balance that would, but for this subregulation, have been payable to the contributor under the relevant paragraph the aggregate of the proportions of the contributor's notional retirement benefit that have been paid to the contributor as 1 or more draw down benefits;
  - (c) in the case of an entitlement under subsection (7) of section 38 of the Act—
    - (i) the employee component payable under paragraph (a) of that subsection will be reduced by an amount determined by applying to the balance that would, but for this subregulation, have been payable to the contributor under that paragraph the aggregate of the proportions of the contributor's notional retirement benefit that have been paid to the contributor as 1 or more draw down benefits; and
    - (ii) the employer component payable under paragraph (b) of that subsection will be subject to a reduction that takes effect by reducing—
      - (A) the number of the contributor's contribution points; and
      - (B) the factor "M" in the formulae under paragraph (b),to the extent necessary to take into account the aggregate of the proportions of the contributor's notional retirement benefit that have been paid to the contributor as 1 or more draw down benefits.
- (6) In this regulation—
- notional retirement benefit**—a contributor's notional retirement benefit is the amount that would be payable to the contributor under section 34 of the Act if the contributor had retired from employment immediately before the date on which the Board determined that the contributor was entitled to a draw down benefit (expressed as an amount per fortnight).

## 27—Application for benefit in respect of rollover account

- (1) Pursuant to section 33A(15) of the Act, a contributor who has a rollover account by virtue of the operation of section 47B of the Act may, in conjunction with an application under section 33A(1) of the Act, apply for a benefit with respect to the rollover account (after taking into account the operation of subregulation (2)).
- (2) The following provisions apply in relation to an application by a contributor for a benefit in respect of a rollover account:
  - (a) the Board will determine a benefit (a **rollover draw down benefit**) on the basis of the contributor's application and on the basis that the maximum rollover draw down benefit to which the contributor is entitled will be a percentage of the balance of the contributor's rollover account equal to the percentage that the draw down benefit determined by the Board in respect of the contributor's associated application under section 33A(1) of the Act bears to the total benefit that would have been payable had the contributor retired from employment;
  - (b) the Board will then, according to an election made by the contributor as part of the application, invest (on behalf of and in the name of the contributor) the rollover draw down benefit—
    - (i) with the Superannuation Funds Management Corporation of South Australia; or

- (ii) with another entity that will provide a non-commutable income stream for the contributor while the contributor continues to be employed in the workforce,

so that the contributor receives (and only receives) a payment in the form of a pension or an annuity (a *rollover draw down payment*) on account of the benefit;

- (c) the investment of a rollover draw down benefit under paragraph (b)(i) will be on terms and conditions determined by the Board;
- (d) an entitlement to a rollover draw down payment is not commutable until the contributor retires from employment or reaches the age of 65 years;
- (e) the determination of a benefit under this regulation must take into account the operation of a provision under Part 5A of the Act.

## **28—Certain provisions do not apply**

Pursuant to section 59 of the Act, sections 28A, 28B, 35, 39A and 39B of the Act do not apply in respect of a contributor for whom a draw down benefit has been determined under section 26A or 33A of the Act.

## **Part 5—Salary**

### **Division 1—Non TEC salary**

#### **29—Interpretation**

In this Division, unless the contrary intention appears—

*salary* means salary as defined by the second definition of *salary* in section 4(1) of the Act.

#### **30—Exclusion of certain remuneration from salary**

- (1) Subject to this regulation, the following allowances and payments are excluded from the definition of *salary* in the Act:
  - (a) district and locality allowances;
  - (b) construction or industry allowances not being those paid on an annual basis;
  - (c) remote call or on call allowances not being those paid on an annual basis;
  - (d) travelling allowances;
  - (e) meal allowances;
  - (f) living away from home allowances;
  - (g) shift work allowances;
  - (h) allowances for work on public holidays or weekends not being those paid on an annual basis;
  - (i) special justices allowances;
  - (j) underground allowances;
  - (k) payments for overtime at penalty rates;
  - (l) allowances for rent, house allowed rent free, light and fuel;
  - (m) the Dental Services Officer Country Incentive Allowance;

- (n) performance allowances that are payable only if it is determined that specified criteria have been met;
  - (o) attraction and retention allowances not being any of the following:
    - (i) those paid on an annual basis and not subject to an annual review;
    - (ii) those paid without any requirement for a determination that specified criteria have been met;
    - (iii) those to which regulation 31 applies;
  - (p) payments made in lieu of a period of long service leave to which an employee has accrued an entitlement;
  - (q) a monetary amount to which an accrued entitlement to skills and experience retention leave has been converted;
  - (r) a one-off payment paid under clause 7 of the *South Australian Public Sector Wages Parity Enterprise Agreement: Salaried 2012*.
- (2) A higher duties allowance is excluded from the definition of *salary* in the Act for the purpose of calculating contributions and if such an allowance has been paid for a continuous period of less than 12 months it is excluded from the definition of *salary* for the purposes of calculating benefits as well but if such an allowance has been paid for a continuous period of 12 months or more, it will, subject to subregulation (3), be included as a component of salary for the purpose of calculating benefits.
- (3) If the amount of the allowances has changed during the period of 12 months immediately preceding termination of the contributor's employment, the allowance will be included as a component of salary for the purpose of calculating benefits at the lowest level paid during that period.
- (4) In subregulation (2)—  
**higher duties allowance** does not include remuneration received by a contributor pursuant to a fixed term appointment within the meaning of regulation 35.
- (5) Allowances or other payments in respect of membership of a statutory body are excluded from the definition of *salary*.
- (6) The following allowances and payments are excluded from the definition of *salary*:
  - (a) an allowance to compensate an employee for being denied a right of private practice or for being unable to exercise a right of private practice because of the nature of the employment;
  - (b) an allowance or payment to compensate an employee in respect of money that was earned by the employee in the exercise of a right of private practice but was paid to the employer.
- (7) Expense allowances paid to the Agent-General are a component of the Agent-General's salary for the purposes of the definition of *salary*.
- (8) The annual overtime allowance payable under the *South Australian Government Wages Parity (Weekly Paid) Enterprise Agreement 2004* (or its successor) and the *Chauffeurs (Ministerial) Public Service Award* is, for the purposes of the definition of *salary*, a component of the salary paid to a person under the agreement or award.

- (9) This regulation does not exclude an allowance or payment from the definition of *salary* in the Act that was paid to an employee and treated as salary at the commencement of the Act unless the employee has elected, by notice in writing to the Board, to exclude the allowance or payment for the purpose of determining the employee's salary.

### 31—Inclusion of certain allowances as component of salary

- (1) This regulation applies to the following allowances:
- (a) an Attraction and Retention Allowance payable under the *Department of Health Salaried Medical Officers Enterprise Agreement 2008* (or its successor) or otherwise payable to a person registered as a medical practitioner under the law of this State;
  - (b) an Attraction and Retention Allowance payable to a person in connection with the person's employment on the APY lands;
  - (c) the Dental Services Officer Attraction and Retention Allowance;
  - (d) the Dental Services Officer Clinical Leader Management/Leadership Allowance;
  - (e) the Dental Services Officer Regional Director/Evaluation Director Management/Leadership Allowance;
  - (f) the Dental Services Officer Registered Dental Specialists Management/Leadership Allowance;
  - (g) the Dental Services Officer Policy and Program Director Management/Leadership Allowance;
  - (h) the Dental Therapist Rural Attraction and Retention Allowance;
  - (i) the Child Protection Unit - Forensic Child Protection Consultant Allowance.
- (2) Despite any other regulation (and despite any provision to the contrary in the Act), but subject to subregulation (4), an allowance to which this regulation applies will be included as a component of salary for the purposes of determining benefits payable to a contributor who has received the allowance during the contributor's membership of the scheme in accordance with the following formula:

$$FS = S_1 \left[ \frac{CM - X}{CM} \right] + \frac{S_2 \times X}{CM}$$

where—

***FS*** is the salary

***S<sub>1</sub>*** is the contributor's actual or attributed salary, excluding the allowance, immediately before the cessation of the contributor's employment

***S<sub>2</sub>*** is the contributor's actual or attributed salary, including the allowance, immediately before the cessation of the contributor's employment

***CM*** is the number of contribution months in the contributor's contribution period

***X*** is the number of contribution months in that part of the contributor's contribution period during which the contributor was in receipt of the allowance (with any part of a contribution month being taken to be a full contribution month).

- (3) If a contributor was, immediately before the commencement of the *Department of Health Salaried Medical Officers Enterprise Agreement 2008*, in receipt of an Intensive Care Unit Consultant Allowance or a Psychiatrist Attraction and Retention Loading, the period of time during which the contributor was in receipt of that allowance or loading is to be taken into account for the purposes of determining *X* in subregulation (2).
- (4) If the amount determined to be *FS* in subregulation (2) for a contributor who is a Consultant (other than an Intensive Care Unit Consultant or a Consultant Psychiatrist) is less than the amount of the contributor's notional salary, the contributor's salary for the purposes of determining benefits will be taken to be the contributor's notional salary.
- (5) Pursuant to section 59(1a)(d) of the Act, if an allowance to which this regulation applies absorbs, or is paid in lieu of, some other allowance (a *prior allowance*), section 4(4) of the Act does not apply in respect of any reduction of salary resulting from the discontinuation of the prior allowance.
- (6) In this regulation—

*APY lands* means the lands vested in Anangu Pitjantjatjara Yankunytjatjara under the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*;

*Consultant* has the same meaning as in the *South Australian Medical Officers Award* (as in force on the day on which this regulation comes into operation);

*notional salary* of a contributor means the contributor's actual or attributed salary immediately before the cessation of the contributor's employment—

- (a) excluding any allowance referred to in subregulation (1); but
- (b) incorporating any loading or allowance to which the contributor was entitled under an award or enterprise agreement immediately before the commencement of the *Department of Health Salaried Medical Officers Enterprise Agreement 2008*.

### 32—Exclusion of non-monetary remuneration

If a non-monetary component of a contributor's remuneration that is excluded from the definition of *salary* is changed—

- (a) to a monetary amount that is included as salary under the Act and these regulations for the purpose of determining both contributions and benefits; or
- (b) to another form of non-monetary remuneration that is included as salary under section 4(2c) of the Act for the purpose of determining both contributions and benefits,

the amount of the contributor's salary will be taken not to include that component for the purpose of determining benefits unless at least 5 years has elapsed since the change occurred and the value of the component has been included as a component of salary for the purpose of calculating contributions continuously since the change occurred.

### Division 2—TEC salary

#### 33—Proportion of remuneration package that is salary

- (1) Subject to this regulation and to Division 3, the proportion of the value of the total remuneration package specified in a TEC contract for the purposes of the first definition of *salary* in section 4(1) of the Act is—
  - (a) in respect of a new scheme contributor—82.5%;
  - (b) in respect of an old scheme contributor—78.5%.

- (2) If a component of the total remuneration package specified in a TEC contract is—
- (a) a higher duties allowance; or
  - (b) a bonus; or
  - (c) an allowance to compensate an employee for being denied a right of private practice or for being unable to exercise a right of private practice because of the nature of the employment; or
  - (d) an allowance or payment to compensate an employee in respect of money that was earned by the employee in the exercise of a right of private practice but was paid to the employer,

the amount of the contributor's salary for the purpose of determining both contributions and benefits will be taken to be an amount equivalent to the relevant proportion prescribed by subregulation (1) of the value of the total remuneration package excluding the value of that component.

- (3) If, on the commencement of regulation 24AC of the 1988 revoked regulations, the salary of a contributor whose salary is to be determined under the first definition of *salary* in section 4(1) of the Act would have been less than it would be if determined under the second definition of *salary* in the Act, the proportion of the value of the total remuneration package specified in the contributor's TEC contract is the proportion that ensures that the value of the contributor's salary under both definitions of *salary* in the Act was the same at the commencement of that regulation.
- (4) The proportion determined under subregulation (3) as at the commencement of regulation 24AC of the 1988 revoked regulations will continue to apply in relation to the contributor during the contributor's membership of the Scheme.

## Division 3—Related provisions

### 34—Interpretation

In this Division—

*relevant entity* means an entity that has entered into an arrangement with the Board under section 5 of the Act;

*salary* means the salary defined by the first or second definitions of *salary* in the Act as modified by the provisions of Division 1 or 2 applicable from time to time in relation to a contributor.

### 35—Salary in relation to fixed term appointments

- (1) This regulation applies to, and in relation to, a contributor whether the contributor is employed pursuant to a TEC contract or not.
- (2) Subject to subregulations (4) and (6), if a contributor has, during the contributor's membership of the Scheme, been appointed to a higher position for a limited term of less than 5 years, the contributor's salary for the purpose of determining contributions and benefits will, during the term of the appointment, be taken to be the contributor's basic salary.
- (3) Subject to subregulation (8), if a contributor has, during the contributor's membership of the Scheme, been appointed to a higher position for a limited term of 5 years or more, the contributor's salary for the purpose of determining contributions and benefits will thereafter be taken to be the highest level of salary achieved by the contributor during the contributor's membership of the Scheme.

- (4) A contributor who has been appointed to a higher position for a limited term of less than 5 years will be taken, for the purposes of subregulations (2) and (3), to have been appointed for a term of 5 years or more if the term of that appointment when aggregated with the term of a previous appointment or appointments to higher positions during the contributor's membership of the scheme is 5 years or more.
- (5) A contributor who is an officer of the teaching service within the meaning of the *Education Act 1972* will be taken, for the purposes of subregulations (2) and (3), to have been appointed to a higher position for a limited term of 5 years or more if the contributor is appointed to a higher position for a term that falls short of 5 years only because it expires before the beginning of the first school term within a calendar year.
- (6) A contributor who has been appointed to a higher position for a limited term of less than 5 years will, if the term is extended to 5 years or more, be taken, for the purposes of subregulations (2) and (3) to have been appointed for a term of 5 years or more on the day on which the term is extended.
- (7) The highest level of salary achieved by the contributor will be determined by comparing the salary levels for the time being of all positions held by the contributor during the contributor's membership of the Scheme and the following provisions will apply for the purpose of the comparison:
  - (a) if the salary applicable to the position that the contributor holds or to a position previously held by the contributor has been reduced (except for disciplinary reasons) or the position has ceased to exist, the salary of the position will be taken to be—
    - (i) if the salary has been reduced—the salary of that position on the last day on which the contributor was employed in the position before the reduction;
    - (ii) if the position has ceased to exist and subparagraph (i) does not apply—the salary of that position on the last day on which the contributor was employed in the position,  
adjusted to reflect changes in the Consumer Price Index between that day and the day on which the comparison is made;
  - (b) if the contributor holds, or held, a position pursuant to special conditions as to salary negotiated with the contributor's employer, the salary of the position will be taken to be the salary for the time being of the position (or the notional salary of the position determined under paragraph (a) if applicable) increased in accordance with the special conditions.
- (8) The contributor's salary for the purposes of determining contributions and benefits will be taken to be the contributor's basic salary if the contributor has, by notice in writing to the Board within 2 months of the commencement of the fixed term appointment referred to in subregulation (3), made an election to that effect.
- (9) An election referred to in subregulation (8) cannot be revoked and, as well as applying in relation to the fixed term appointment in relation to which it was made, applies also in relation to all subsequent periods served by the contributor pursuant to fixed term appointments.
- (10) An election made by an officer of the teaching service—
  - (a) before regulation 24B of the 1988 revoked regulations came into force under the corresponding regulation in force at that time; or
  - (b) under regulation 29(8) of the 2001 revoked regulations,



will be taken to be an election referred to in subregulation (8) of this regulation.

- (11) A person who is employed pursuant to a fixed term appointment when the person becomes a member of the Scheme will be taken, for the purposes of this regulation, to have been appointed to the higher position on the day on which the person became a member of the Scheme.
- (12) Subregulations (3) and (4) do not apply to, or in relation to, the appointment of a contributor to a higher position for a limited term of 2 years or less if that term commences during the limited term of an existing appointment and expires on or before the end of the longer term.
- (13) A determination of salary under this regulation must, if relevant, take into account, and operate subject to, the provisions of regulation 36.
- (14) In this regulation, unless the contrary intention appears—

*basic salary*, in relation to a contributor on a particular day, means—

- (a) if the contributor was not employed pursuant to a fixed term appointment on that day—the contributor's salary on that day;
- (b) if the contributor was employed pursuant to a fixed term appointment on that day—the salary for the time being payable in respect of the position (or an equivalent position) held by the contributor immediately before the commencement of the fixed term appointment or, if the contributor has held 2 or more consecutive fixed term appointments, immediately before the commencement of the first of those appointments;

*fixed term appointment*, in relation to a contributor, means the appointment of the contributor to a higher position for a limited term;

*higher position*, in relation to a contributor, means a position in which the salary, or the aggregate of the various components of the salary, received by the contributor exceeds the salary, or the aggregate of the various components of the salary, received by the contributor in the same or some other position held by the contributor immediately before appointment to the higher position.

### **36—Special provision relating to certain TEC contracts without tenure**

- (1) Despite any other regulation (and despite any provision to the contrary in the Act), but subject to subregulation (3), if a contributor employed pursuant to a TEC contract without tenure has, at any time before entering into that contract, been employed pursuant to a TEC contract with tenure (including such a contract at a lower position and including such a contract entered into before the commencement of this regulation), then, during the first 12 months of employment pursuant to the TEC contract without tenure, 86.9565% of the proportion of the value of the total remuneration package specified in the contract that applies under regulation 33 will be taken to be the contributor's salary for the purpose of determining contributions and benefits with respect to the contributor's membership of the Scheme.
- (2) If the contributor's term of appointment under the TEC contract without tenure commenced before the day on which that contract was entered into, the contributor's employment under the contract will nevertheless be taken, for the purposes of subregulation (1), to have commenced on the day on which the contract was entered into.

- (3) Subregulation (1) does not apply—
- (a) in respect of a contributor who has been previously employed pursuant to another TEC contract without tenure, other than where the contributor, at any time after the end of that TEC contract without tenure, was employed pursuant to a TEC contract with tenure or was employed in a position with permanency; or
  - (b) for the purpose of determining benefits with respect to a contributor's membership of the Scheme in a case involving—
    - (i) the invalidity of the contributor (irrespective of the age of the contributor); or
    - (ii) the termination of the relevant contract by an act of the employer (including a retrenchment); or
    - (iii) the termination of the contributor's employment on the expiry of the relevant contract because the position occupied by the contributor under the contract has ceased to exist; or
    - (iv) the death of the contributor; or
  - (c) in respect of a contributor if—
    - (i) the contributor has, during the contributor's membership of the Scheme, been appointed to a position with permanency, or for a limited term of 5 years or more (or is taken for the purposes of regulation 35 to have been so appointed); and
    - (ii) the contributor has not, or has not been taken to have, made an election under regulation 35(8) or 41(2) (or any such election made by the contributor has been revoked); and
    - (iii) the highest level of salary received by the contributor during the contributor's membership of the scheme before the contributor entered into the TEC contract without tenure is higher than the amount that would, but for this paragraph, be taken under subregulation (1) to be the contributor's salary for the purpose of determining contributions and benefits with respect to the contributor's membership of the Scheme.
- (4) In this regulation—

***TEC contract with tenure***, in relation to a contributor, means a TEC contract—

- (a) that provides that the contributor will be entitled to some other specified appointment as an employee (without any requirement for selection processes to be conducted) in the event that the employee is not reappointed to the position held under the contract at the end of a term of appointment or employment or in other circumstances specified in the contract (whether or not the contract is under Part 7 of the *Public Sector Act 2009*); or
- (b) that is a contract of a kind referred to in Schedule 3 clause 3(3)(c) of the *Public Sector Act 2009*;

***TEC contract without tenure***, in relation to a contributor, means a TEC contract that is not a TEC contract with tenure.

### **37—Special provision relating to certain transferred contributors**

- (1) Subregulation (2) applies to a contributor who—
- (a) is employed by a relevant entity; and

- (b) is, while retaining the contributor's position with the entity (the *substantive position*), occupying an alternative position whereby the contributor is working in the Public Service (an *alternative position*).
- (2) Despite any other regulation (and despite any provision to the contrary in the Act), the salary of a contributor to whom this subregulation applies will, for the purpose of determining contributions and benefits, be determined in accordance with the following:
- (a) if the contributor has occupied an alternative position for less than 12 months, the contributor's salary for the purpose of determining contributions and benefits will be taken to be the salary received by the contributor in respect of the substantive position immediately before beginning to occupy an alternative position;
- (b) if—
- (i) the contributor has occupied an alternative position for 12 months or more; and
- (ii) the contributor's remuneration in respect of such a position is the same as, or less than 25% higher than, the contributor's remuneration in respect of the substantive position immediately before beginning to occupy an alternative position,
- the contributor's salary for the purpose of determining contributions and benefits will be taken to be the highest level of salary received by the contributor in respect of an alternative position occupied by the contributor;
- (c) if—
- (i) the contributor has occupied an alternative position for 12 months or more; and
- (ii) the contributor's occupation of such a position commenced before the relevant day; and
- (iii) the contributor's remuneration in respect of such a position is at least 25% higher than the contributor's remuneration in respect of the substantive position immediately before beginning to occupy an alternative position,
- the contributor's salary for the purpose of determining contributions and benefits will be taken to be salary determined in accordance with subregulation (4);
- (d) if—
- (i) the contributor has occupied an alternative position for 12 months or more; and
- (ii) the contributor's occupation of such a position commenced on or after the relevant day; and
- (iii) the contributor's remuneration in respect of such a position is at least 25% higher than the contributor's remuneration in respect of the substantive position immediately before beginning to occupy an alternative position,
- the following provisions apply:
- (iv) the contributor's salary for the purpose of determining contributions while the contributor is occupying an alternative position will be taken to be the highest level of salary received by the contributor in respect of any such position;

- (v) the contributor's salary for the purpose of determining benefits will be taken to be salary determined in accordance with subregulation (5).
- (3) Despite any other regulation (and despite any provision to the contrary in the Act), the salary of a contributor who transfers from employment with a relevant entity to employment with the Public Service, and whose employment with the entity ceases on or following the transfer, will, for the purpose of determining contributions and benefits, be determined in accordance with the following:
- (a) if the contributor's remuneration in respect of employment with the Public Service is the same as, or less than 25% higher than, the contributor's remuneration in respect of employment with the entity immediately before the contributor's transfer to the Public Service, the contributor's salary for the purpose of determining contributions and benefits will be taken to be the highest level of salary received by the contributor in respect of the contributor's employment with the Public Service;
- (b) if—
- (i) the contributor's remuneration in respect of employment with the Public Service is at least 25% higher than the contributor's remuneration in respect of employment with the entity immediately before the contributor's transfer to the Public Service; and
- (ii) the contributor's employment with the Public Service commenced before the relevant day,
- the contributor's salary for the purpose of determining contributions and benefits will be taken to be salary determined in accordance with subregulation (4);
- (c) if—
- (i) the contributor's remuneration in respect of employment with the Public Service is at least 25% higher than the contributor's remuneration in respect of employment with the entity immediately before the contributor's transfer to the Public Service; and
- (ii) the contributor's employment with the Public Service commenced on or after the relevant day,
- the following provisions apply:
- (iii) the contributor's salary for the purpose of determining contributions during the period of the contributor's employment in the Public Service will be taken to be the highest level of salary received by the contributor in respect of that employment;
- (iv) the contributor's salary for the purpose of determining benefits will be taken to be salary determined in accordance with subregulation (5).
- (4) Salary for the purposes of determining contributions and benefits under subregulation (2)(c) and subregulation (3)(b) is to be determined in accordance with the following formula:

$$S = S_1 + ((S_2 - S_1) \times 25\%)$$

where—

$S$  is the salary

$S_1$  is the highest level of salary received by the contributor while employed by, and undertaking duties for, the relevant entity, adjusted to reflect any movement in salaries for the same classification with that employer

$S_2$  is the highest level of salary received by the contributor in respect of the contributor's employment with the Public Service, adjusted to reflect any movement in salaries for the same classification with that employer.

- (5) Salary for the purposes of determining benefits under subregulation (2)(d)(v) and subregulation (3)(c)(iv) is to be determined in accordance with the following formula:

$$S = S_1 \left[ \frac{CM - X}{CM} \right] + \frac{S_2 \times X}{CM}$$

where—

$S$  is the salary

$S_1$  is the highest level of salary received by the contributor while employed by, and undertaking duties for, the relevant entity, adjusted to reflect any movement in salaries for the same classification with that employer

$S_2$  is the highest level of salary received by the contributor in respect of the contributor's employment with the Public Service, adjusted to reflect any movement in salaries for the same classification with that employer

$CM$  is the number of contribution months in the contributor's contribution period

$X$  is the number of contribution months in that part of the contributor's contribution period during which the contributor was employed with the Public Service (with any part of a contribution month being taken to be a full contribution month).

- (6) For the purposes of the definitions of  $S_1$  and  $S_2$  in subregulations (4) and (5), if the classification level of the position occupied by a contributor no longer exists when the contributor's salary is to be determined, adjustments will then be made according to changes in the Consumer Price Index from the day on which the classification level ceased to exist.
- (7) In this regulation—

*relevant day* means the day on which the *Superannuation (Salary) Variation Regulations 2008* came into operation.

### **38—Determination of salary for contributor transferred to entity outside of Public Service**

- (1) This subregulation applies to a contributor who—
- (a) is employed in the Public Service; and
  - (b) is, while retaining a position in the Public Service (a *substantive position*), occupying a position with a host employer (the *alternative position*).
- (2) Despite any other regulation (and despite any provision to the contrary in the Act), the salary of a contributor to whom subregulation (1) applies will, for the purposes of determining contributions and benefits, be determined in accordance with the following:
- (a) if—
    - (i) the contributor has occupied the alternative position for 12 months or more; and
    - (ii) the contributor's host employer has entered into an arrangement with the Board under which the employer agrees to pay to the Treasurer an amount sufficient to meet the cost of the employer financed share of benefits payable to the contributor that is attributable to the contributor's employment with the host employer,

the following provisions apply:

- (iii) if the contributor's remuneration in respect of the alternative position is the same as, or less than 25% higher than, the contributor's remuneration in respect of a substantive position occupied by the contributor immediately before beginning to occupy the alternative position, the contributor's salary for the purpose of determining contributions and benefits will be taken to be the contributor's salary in respect of the alternative position;
- (iv) if the contributor's remuneration in respect of the alternative position is at least 25% higher than the contributor's remuneration in respect of a substantive position occupied by the contributor immediately before beginning to occupy the alternative position, the contributor's salary for the purpose of determining contributions and benefits will be taken to be salary determined in accordance with the following formula:

$$S = S_1 + ((S_2 - S_1) \times 25\%)$$

where—

*S* is the salary

*S*<sub>1</sub> is the highest level of salary received by the contributor in employment in the Public Service, adjusted to reflect any movement in salaries for the same classification with that employer

*S*<sub>2</sub> is the highest level of salary received by the contributor in respect of employment in the alternative position, adjusted to reflect any movement in salaries for the same classification with that employer;

- (b) if paragraph (a) does not apply to the determination of the contributor's salary, the contributor's salary for the purpose of determining contributions and benefits will be taken to be the contributor's salary in respect of the substantive position occupied by the contributor immediately before beginning to occupy the alternative position.
- (3) If—
- (a) subregulation (1) ceases to apply to a contributor because the contributor is no longer occupying a position with a host employer and has returned to a substantive position; and
  - (b) the contributor's remuneration in respect of such a substantive position is lower than the contributor's remuneration in respect of the alternative position immediately before the contributor ceased to occupy that position,

the contributor's salary for the purpose of determining benefits is, subject to subregulation (4), to be determined in accordance with the following formula:

$$S = S_1 \left[ \frac{CM - X}{CM} \right] + \frac{S_2 \times X}{CM}$$

where—

*S* is the salary

*S*<sub>1</sub> is the highest level of salary received by the contributor in employment in the Public Service, adjusted to reflect any movement in salaries for the same classification with that employer

$S_2$  is the highest level of salary received by the contributor in the contributor's employment with the host employer, adjusted to reflect any movement in salaries for the same position with that employer

$CM$  is the number of contribution months in the contributor's contribution period

$X$  is the number of contribution months in that part of the contributor's contribution period during which the contributor was employed by the host employer (with any part of a contribution month being taken to be a full contribution month).

- (4) If the contributor's salary for the purpose of determining benefits would, but for subregulation (3), exceed the salary determined in accordance with that subregulation, subregulation (3) does not apply.
- (5) For the purposes of the definitions of  $S_1$  and  $S_2$  in subregulations (2)(a)(iv) and (3), if the position, or the classification level of the position, occupied by a contributor no longer exists when the contributor's salary is to be determined, adjustments will then be made according to changes in the Consumer Price Index from the day on which the position or classification level ceased to exist.
- (6) In this regulation—

*host employer* means—

  - (a) a body owned, or substantially or wholly funded, by the Government of the State; or
  - (b) a body owned, or substantially or wholly funded, by the Government of the Commonwealth; or
  - (c) a body owned, or substantially or wholly funded, by—
    - (i) the Government of the State; and
    - (ii) the Government of the Commonwealth or the Government of another State.

### **39—Determination of salary for contributor returning to Public Service after employment with relevant entity**

- (1) This regulation applies to a contributor employed in the Public Service after having occupied a position with a relevant entity if—
  - (a) the contributor was employed by the entity pursuant to an arrangement under which the definition of salary in the Act was modified in its application to, or in relation to, employees to which the arrangement related; and
  - (b) a purpose of the modification was to ensure that the salary received by employees in their employment with the relevant entity was recognised for the purposes of the definition of salary only in respect of the period of the employee's service with the entity.
- (2) Despite any other regulation (and despite any provision to the contrary in the Act), if the highest level of salary received by a contributor to whom this regulation applies in the contributor's position with the relevant entity was higher than the salary received by the contributor in the contributor's employment with the Public Service, the contributor's salary will, for the purposes of determining contributions and benefits, be determined in accordance with the method for determining salary specified under the arrangement.

### **40—Determination of salary if contributor employed by more than 1 employer**

- (1) This regulation applies to contributors who occupy more than 1 position or office by virtue of which they are contributors to the Scheme.

- (2) Subject to this regulation, the salary of a contributor to whom this regulation applies will, for the purpose of determining contributions and benefits, be taken to be the aggregate of the salaries paid or payable to the contributor in respect of each position or office occupied by the contributor.
- (3) Subject to subregulations (4) and (5), if there is, by reason of an act of an employer, a reduction in the rate, or discontinuance, of the salary payable in respect of 1 or more of the positions or offices occupied by a contributor to whom this regulation applies, the contributor's salary will, for the purpose of determining contributions and benefits, be taken to be the aggregate of the salaries paid or payable to the contributor in respect of each such position or office immediately before the reduction or discontinuance occurred, adjusted from time to time to reflect changes in salary for each relevant position or office.
- (4) If a position or office by reference to which the amount taken to be salary is determined under subregulation (3) ceases to exist, or the classification of the position or office is changed, the contributor's salary in respect of that position or office will, for the purpose of determining contributions and benefits under that subregulation, be taken to be the salary payable in respect of that position or office immediately before it ceased to exist or its classification was changed, adjusted to reflect changes in the Consumer Price Index from that time.
- (5) If, following a reduction or discontinuance referred to in subregulation (3), there is an increase in the time worked by a contributor to whom this regulation applies, the following provisions apply:
  - (a) the contributor's salary in respect of the position or office in relation to which the reduction or discontinuance occurred will, for the purpose of determining contributions and benefits, be determined in accordance with subregulation (3) as if any increase in salary associated with the increase in time worked had not occurred;
  - (b) however, if the contributor elects, in a manner approved by the Board, to have the increase in salary taken into account, subregulation (3) will cease to apply in relation to the contributor and, instead, the contributor's salary will, for the purpose of determining contributions and benefits, be determined in accordance with subregulation (2).

#### **41—Election to reduce salary**

- (1) A contributor's salary will not be taken under regulation 35 to be the highest level of salary achieved by the contributor if the contributor has made an election under this regulation which has not been revoked.
- (2) If—
  - (a) the highest level of salary achieved by a contributor was achieved, pursuant to a TEC contract; and
  - (b) the contributor is now receiving a reduced salary (except where the reduction is due to a reduction in hours of employment or for disciplinary reasons),the contributor may, by written notice to the Board, elect that regulation 35 will not apply to the contributor.
- (3) An election made or taken to have been made under subregulation (2) that has not been revoked remains in force despite the fact that the requirements of subregulation (2)(a) or (b) are no longer satisfied.



- (4) If an election made or taken to have been made under subregulation (2) is in force, the contributor's salary for the purposes of calculating benefits will be determined in accordance with the following formula:

$$S = S_1 \left[ \frac{CM - X}{CM} \right] + \frac{S_2 \times X}{CM}$$

where—

$S$  is the salary

$S_1$  is the highest level of salary (as determined in accordance with regulation 35) achieved by the contributor before the contributor's election under subregulation (1) adjusted to reflect changes in the level of remuneration under TEC contracts since the time of that election

$CM$  is the number of contribution months in the contributor's contribution period

$X$  is the number of contribution months in that part of the contributor's contribution period occurring after the election

$S_2$  is the amount that would, but for this subregulation, have been the contributor's salary for the purpose of determining benefits.

- (5) Subject to subregulation (6), an election made or taken to have been made under subregulation (2) cannot be revoked.
- (6) An election made or taken to have been made under subregulation (2) may be revoked by the contributor by written notice to the Board if the value in relation to the contributor of  $S_2$  in the formula in subregulation (4) exceeds the value of  $S_1$  in the formula.
- (7) An election made by a contributor under regulation 30(2) of the 2001 revoked regulations that regulation 29 of those regulations will not apply to the contributor will, if in force when this regulation commences, be taken to be an election by the contributor under subregulation (2) that regulation 35 will not apply to the contributor.

## Part 6—Non-member spouse entitlements

### 42—Procedure for payment of lump sum

- (1) For the purposes of sections 43AJ(5) and 43AP(3) of the Act, notice given by the Board to a non-member spouse of the non-member spouse's right to make an election in respect of a non-member spouse interest must—
- (a) be in writing; and
  - (b) advise the non-member spouse of—
    - (i) the option to make an election and the consequences of a failure to do so within 28 days; and
    - (ii) the value of the interest; and
    - (iii) the basis of any adjustments that have been, or will be, applied to the interest; and
  - (c) notify the non-member spouse that the interest cannot be retained in the Scheme.

- (2) If a non-member spouse interest is rolled over to the credit of the non-member spouse in the Southern State Superannuation Fund because an election has not been made, the Board must, within 14 days of the interest being rolled over—
- (a) advise the non-member spouse that the interest has been rolled over to the Southern State Superannuation Fund; and
  - (b) provide the non-member spouse with a membership identification number, a copy of the most recent annual report prepared in respect of the Southern State Superannuation Fund and any other information that, according to a determination of the Board, may be of assistance to the non-member spouse.

### 43—Procedure for payment of pension

For the purposes of section 43AP(4) of the Act, if the interest of a non-member spouse following service of a splitting instrument is a pension, and the non-member spouse has not directed that the pension be commuted to a lump sum, the following provisions apply:

- (a) the Board must—
  - (i) split the relevant pension within 14 days of receipt of the splitting instrument; and
  - (ii) advise the non-member spouse of the value of the interest and the basis of any adjustments that have been, or will be, applied to the interest;
- (b) the non-member spouse must, before the Board can commence payment of the pension—
  - (i) advise the Board of their name, address, date of birth and bank account details; and
  - (ii) provide any other relevant information at the request of the Board (including documents verifying the non-member spouse's personal details).

### 44—Associate pension

- (1) For the purposes of section 43AO(2)(a)(ii) of the Act, notice of an election by a non-member spouse to have the whole of a share of a superannuation interest converted to, and taken as, an associate pension must be given in writing within 3 months of the date on which notification of the non-member spouse's right to make the election is given by the Board.
- (2) For the purposes of section 43AO(3) of the Act, the amount of an associate pension will be determined by applying the following method:

$$AP = \frac{P(Mx + m)}{Ny + n}$$

where—

**AP** is the amount of the associate pension payable for the life of the non-member spouse

**P** is the amount of the non-member spouse's share of the pension determined under section 43AO(1) of the Act

***Mx + m*** is the conversion factor relating to the member spouse at age *x* completed years and *m* completed months and is derived by interpolating between age *x* and *x*+1, the factors from the table in Schedule 1 for the relevant type of pension interest and gender of the member spouse

$N_{y+n}$  is the conversion factor relating to the non-member spouse at age  $y$  completed years and  $n$  completed months and is derived by interpolating between age  $y$  and  $y+1$ , the factors from the table in Schedule 1 for the relevant type of pension interest and gender of the non-member spouse.

## Part 7—General

### 45—Prescribed authorities etc

The following are prescribed for the purposes of section 5(1)(b) of the Act:

- (a) Aboriginal Lands Trust;
- (b) AIDS Council of South Australia Incorporated;
- (c) Australian Education Union, South Australian Branch;
- (d) Australian Prudential Regulation Authority;
- (e) Australian Quarantine and Inspection Service;
- (f) Foundation for Multi-Disciplinary Education in Community Health;
- (g) Murray-Darling Basin Authority (established under the *Water Act 2007* of the Commonwealth);
- (h) National Measurement Institute (established under the *National Measurement Act 1960* of the Commonwealth);
- (i) Office of the National Rail Safety Regulator;
- (j) The Ombudsman;
- (k) Public Service Association of South Australia Incorporated;
- (l) South Australian Health and Medical Research Institute Limited;
- (m) The South Australian Primary Principals Association Incorporated;
- (n) South Australian Secondary Principals Association Incorporated.

### 46—Fund's share of administration costs

For the purposes of section 17(7)(b) of the Act, the prescribed percentage is 30.

### 47—Removal or variation of conditions on benefits

If the benefits payable to or in relation to a contributor are subject to a condition because the contributor's health at the time of acceptance as a contributor appeared to the Board to create a risk of invalidity or premature death, the Board may, on the basis of medical evidence submitted to it—

- (a) remove the condition; or
- (b) vary the condition (but only if the variation is for the benefit of the contributor or of another person in respect of the contributor).

#### **48—Classification of contributors as old scheme contributors**

A person who applies for acceptance as a contributor after 31 May 1986 cannot be classified by the Board as an old scheme contributor unless—

- (a) immediately before becoming an employee within the meaning of the Act, the applicant was an employee of an instrumentality or agency of the Crown and was a contributor to a superannuation fund or scheme that provided pension benefits to employees of that instrumentality or agency; and
- (b) the applicant had been a contributor to that superannuation fund or scheme since 31 May 1986; and
- (c) the application was made immediately after the applicant became an employee within the meaning of the Act.

#### **49—Contributions by employee on leave without pay**

A contributor who is on leave without pay for a period of more than 12 months may, with the Board's approval, elect to make contributions during the period of leave after the first 12 months of leave in the following circumstances:

- (a) the contributor is participating in an overseas aid programme;
- (b) the contributor is on secondment to another employer.

#### **50—Notice to the Board on retrenchment**

A notice given to the Board by an employing authority under section 29(5) of the Act must inform the Board of any inquiries made by the employing authority or by the Commissioner for Public Sector Employment as to other suitable employment available to the contributor with that or any other employing authority and the result of those inquiries.

#### **51—Notice to the Board on invalidity**

- (1) The period of notice of termination of employment or resignation pursuant to sections 31(3)(b)(iii) and 37(4)(b)(iii) of the Act is 1 month.
- (2) A notice must—
  - (a) be accompanied by a certificate in a form approved by the Board from a medical practitioner stating the nature of the invalidity; and
  - (b) inform the Board of any inquiries made by the employer or by the Commissioner for Public Sector Employment as to other suitable employment, carrying a salary of at least 80% of the salary applicable to the contributor's present position, available to the contributor with that or any other employer and the result of those inquiries; and
  - (c) inform the Board of the contributor's existing or future entitlement (if any) to weekly payments of workers compensation.

#### **52—Minimum pension payable to eligible children**

For the purposes of section 38(3) of the Act the prescribed amount of the fortnightly pension is—

- (a) \$8 if a benefit is payable or has been paid to a spouse of the contributor; or
- (b) \$12 if no such benefit is or was payable.

**53—Payment in case of pensioner who is incompetent**

- (1) If the Board is satisfied that a person who is entitled to a pension under the Act is not mentally or physically competent to give the Board directions as to payment of the pension the Board may—
  - (a) continue to make payments in a manner authorised by the pensioner when competent; or
  - (b) pay the pension into an account with a financial institution in the name of the pensioner; or
  - (c) pay the pension to a person who is caring for the pensioner on condition that it is applied for the maintenance and benefit of the pensioner.
- (2) Subregulation (1) is subject to the right of a manager appointed under the *Aged and Infirm Persons' Property Act 1940*, or an administrator appointed under the *Guardianship and Administration Act 1993*, to payment of the pension.
- (3) In this regulation—

*financial institution* has the same meaning as in the *Financial Institutions Duty Act 1983*.

**54—Employment of medical practitioner**

The Board must employ a medical practitioner to advise it on matters relating to the state of health of contributors.

**55—Notification to Board on change in working hours**

If there is a reduction in the time worked by a contributor in full-time employment or a reduction or increase in the time worked by a contributor in part-time employment, the employer must, by notice in writing given to the Board within 14 days of the change, inform the Board of—

- (a) the date of the change; and
- (b) the contributor's salary after the change and the salary that the contributor would receive if in full-time employment; and
- (c) the period during which the changed time is likely to apply; and
- (d) any illness or disability known to the employer that has caused or contributed to the change.

## Schedule 1—Factors for determination of associate pension

Conversion Factors for Determination of Associate Pension						
Superannuation Act 1988						
Type of Interest:-	Age Pension		Invalidity Pension		Spouse Pension	
Gender:-	Male	Female	Male	Female	Male	Female
Age						
18	23.906	24.178	21.456	20.718	23.906	24.178
19	23.825	24.107	21.384	20.660	23.825	24.107
20	23.740	24.033	21.309	20.599	23.740	24.033
21	23.651	23.954	21.229	20.534	23.651	23.954
22	23.558	23.870	21.146	20.466	23.558	23.870
23	23.460	23.782	21.058	20.394	23.460	23.782
24	23.357	23.689	20.965	20.318	23.357	23.689
25	23.250	23.591	20.869	20.239	23.250	23.591
26	23.137	23.489	20.767	20.155	23.137	23.489
27	23.020	23.381	20.661	20.068	23.020	23.381
28	22.897	23.270	20.550	19.976	22.897	23.270
29	22.769	23.154	20.434	19.881	22.769	23.154
30	22.635	23.034	20.312	19.780	22.635	23.034
31	22.496	22.909	20.186	19.676	22.496	22.909
32	22.351	22.779	20.053	19.566	22.351	22.779
33	22.199	22.643	19.914	19.452	22.199	22.643
34	22.042	22.503	19.769	19.332	22.042	22.503
35	21.877	22.357	19.617	19.206	21.877	22.357
36	21.706	22.205	19.458	19.075	21.706	22.205
37	21.528	22.047	19.292	18.938	21.528	22.047
38	21.343	21.882	19.118	18.794	21.343	21.882
39	21.150	21.712	18.936	18.643	21.150	21.712
40	20.949	21.535	18.746	18.486	20.949	21.535
41	20.741	21.351	18.547	18.321	20.741	21.351
42	20.524	21.160	18.339	18.149	20.524	21.160
43	20.298	20.962	18.121	17.968	20.298	20.962
44	20.064	20.756	17.893	17.779	20.064	20.756
45	19.821	20.544	17.654	17.581	19.821	20.544
46	19.569	20.323	17.404	17.374	19.569	20.323
47	19.308	20.095	17.142	17.156	19.308	20.095
48	19.037	19.859	16.868	16.929	19.037	19.859
49	18.758	19.615	16.580	16.690	18.758	19.615
50	18.469	19.362	16.279	16.440	18.469	19.362
51	18.171	19.101	15.963	16.177	18.171	19.101
52	17.863	18.832	15.643	15.911	17.863	18.832
53	17.546	18.554	15.318	15.642	17.546	18.554
54	17.220	18.267	14.988	15.370	17.220	18.267
55	16.884	17.971	14.655	15.094	16.884	17.971
56	16.540	17.666	14.318	14.816	16.540	17.666

57	16.186	17.352	13.978	14.535	16.186	17.352
58	15.823	17.028	13.635	14.252	15.823	17.028
59	15.452	16.694	13.289	13.966	15.452	16.694
60	15.072	16.350	12.942	13.677	15.072	16.350
61	14.683	15.996	12.592	13.386	14.683	15.996
62	14.287	15.632	12.242	13.093	14.287	15.632
63	13.883	15.257	11.890	12.798	13.883	15.257
64	13.472	14.872	11.539	12.501	13.472	14.872
65	13.054	14.476	11.187	12.202	13.054	14.476
66	12.629	14.071	10.836	11.902	12.629	14.071
67	12.200	13.657	10.486	11.599	12.200	13.657
68	11.770	13.235	10.137	11.295	11.770	13.235
69	11.338	12.806	9.790	10.989	11.338	12.806
70	10.905	12.371	9.446	10.681	10.905	12.371
71	10.472	11.929	9.105	10.371	10.472	11.929
72	10.039	11.482	8.767	10.059	10.039	11.482
73	9.606	11.030	8.432	9.745	9.606	11.030
74	9.174	10.574	8.103	9.429	9.174	10.574
75	8.745	10.115	7.777	9.109	8.745	10.115
76	8.319	9.656	7.457	8.786	8.319	9.656
77	7.898	9.198	7.143	8.459	7.898	9.198
78	7.487	8.744	6.835	8.128	7.487	8.744
79	7.085	8.297	6.533	7.791	7.085	8.297
80	6.696	7.858	6.238	7.447	6.696	7.858
81	6.321	7.428	5.951	7.095	6.321	7.428
82	5.962	7.007	5.671	6.733	5.962	7.007
83	5.618	6.596	5.399	6.358	5.618	6.596
84	5.292	6.197	5.137	5.995	5.292	6.197
85	4.985	5.811	4.883	5.644	4.985	5.811
86	4.697	5.441	4.640	5.307	4.697	5.441
87	4.430	5.091	4.407	4.988	4.430	5.091
88	4.185	4.763	4.187	4.690	4.185	4.763
89	3.965	4.462	3.981	4.414	3.965	4.462
90	3.771	4.187	3.790	4.161	3.771	4.187
91	3.608	3.941	3.619	3.931	3.608	3.941
92	3.472	3.722	3.472	3.722	3.472	3.722
93	3.356	3.530	3.356	3.530	3.356	3.530
94	3.242	3.351	3.242	3.351	3.242	3.351
95	3.125	3.181	3.125	3.181	3.125	3.181
96	3.007	3.019	3.007	3.019	3.007	3.019
97	2.882	2.861	2.882	2.861	2.882	2.861
98	2.748	2.704	2.748	2.704	2.748	2.704
99	2.599	2.542	2.599	2.542	2.599	2.542

## Schedule 2—Revocation of *Superannuation Regulations 2001*

The *Superannuation Regulations 2001* are revoked.

### Note—

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

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 25 August 2016

No 201 of 2016

T&F16/018CS



South Australia

# Superannuation (Electricity Industry Pensioners) Regulations 2016

under the *Superannuation Act 1988*

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## Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Notional pension when determining spouse pension

Schedule 1—Revocation of *Superannuation (Electricity Industry Pensioners) Regulations 2001*

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### 1—Short title

These regulations may be cited as the *Superannuation (Electricity Industry Pensioners) Regulations 2016*.

### 2—Commencement

These regulations will come into operation on 1 September 2016.

### 3—Interpretation

In these regulations—

*Act* means the *Superannuation Act 1988*;

*electricity industry pensioner* or *pensioner* means a person who has been transferred from the Electricity Industry Superannuation Scheme to the State Scheme under clause 2(1) or 3(3) of Schedule 1B of the Act.

### 4—Notional pension when determining spouse pension

If—

- (a) before the transfer of an electricity industry pensioner to the State Scheme the pensioner had commuted part of the pensioner's pension on the basis that the commutation would not be taken into account when determining the amount of the pension payable to the pensioner's spouse; and
- (b) the pensioner dies and is survived by a spouse who is entitled to a spouse pension under the Act,

the notional pension for the purpose of determining the spouse's pension will be the pension that the electricity industry pensioner would have been receiving immediately before the pensioner's death if the commutation referred to in paragraph (a) had not occurred.

## **Schedule 1—Revocation of *Superannuation (Electricity Industry Pensioners) Regulations 2001***

The *Superannuation (Electricity Industry Pensioners) Regulations 2001* are revoked.

**Note—**

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

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

with the advice and consent of the Executive Council  
on 25 August 2016

No 202 of 2016

T&F16/018CS

South Australia

## Authorised Betting Operations Regulations 2016

under the *Authorised Betting Operations Act 2000*

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### Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Meaning of fixed-odds betting
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- 8 Unclaimed winnings on bets made with licensed bookmaker
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Schedule 1—Fees and default penalties

Schedule 2—Revocation of *Authorised Betting Operations Regulations 2001*

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### 1—Short title

These regulations may be cited as the *Authorised Betting Operations Regulations 2016*.

### 2—Commencement

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

### 3—Interpretation

In these regulations—

*Act* means the *Authorised Betting Operations Act 2000*;

*GST* means the tax payable under the GST law;

*GST law* means—

- (a) *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth; and
- (b) the related legislation of the Commonwealth dealing with the imposition of a tax on the supply of goods, services and other things.

### 4—Meaning of fixed-odds betting

- (1) Pursuant to section 91(2)(ab) of the Act, the following forms of betting on races held by licensed racing clubs, or races that are the subject of approved contingencies, are declared to be fixed-odds betting for the purposes of the Act:
  - (a) the form of betting where a person makes a bet on a race result at starting price odds;

- (b) the form of betting where a person makes a bet on a race result at best price odds;
- (c) the form of betting where a person makes a bet on a race result on the basis that the amount payable on a winning bet is the amount that would be payable if the bet had been made as a totalisator bet with—
  - (i) the holder of the major betting operations licence; or
  - (ii) if the holder of the major betting operations licence is not conducting off-course totalisator betting in respect of the race, the body authorised to conduct off-course totalisator betting on the race in the jurisdiction in which the race is held,

(ignoring any adjustment to the totalisator dividend that would have resulted if the bet had actually been made as a totalisator bet).

- (2) In this regulation—

**best price odds** means the odds determined—

- (a) in the case of a race held by a licensed racing club—by the betting price information service in attendance at the race or, in the absence of that service, by the club; or
- (b) in the case of any other race—by the body holding the race,

to be the best price for the race result (the most favourable odds available on the race result at any time);

**betting price information service** means a body holding an approval under section 61(3) of the Act to communicate betting price information for races held by licensed racing clubs;

**starting price odds** means the odds determined—

- (a) in the case of a race held by a licensed racing club—by the betting price information service in attendance at the race or, in the absence of that service, by the club; or
- (b) in the case of any other race—by the body holding the race,

to be the starting price for the race result (the odds available on the race result immediately before the start of the race).

### **5—Prescribed races for classes of licence under Part 3**

For the purposes of section 34(1)(a), (b) and (d) of the Act, a race conducted in the course of a business for which a licence is required under the *Racing (Proprietary Business Licensing) Act 2000* is a race of a prescribed kind.

### **6—Renewal of licences under Part 3**

- (1) An application for renewal of a licence granted under Part 3 of the Act must be made before the date on which the licence would expire in the absence of an application for renewal but may not be made earlier than 6 months before that date.
- (2) If the licensing authority grants an application for renewal of a licence under Part 3 of the Act, the licence will continue to have effect for a period specified by the licensing authority in granting the application.

### **7—Liability of licensed bookmaker to pay duty (section 39 of Act)**

- (1) A bookmaker must, not later than 3.00 p.m. on each Thursday, pay to the Treasurer for the credit of the Consolidated Account in respect of bets made with the bookmaker by persons outside Australia on events other than prescribed races during the week that ended at midnight on the Saturday next preceding that Thursday an amount of duty equal to 0.25% of the amount paid or payable to the bookmaker in respect of those bets.
- (2) The Treasurer must, on application by a bookmaker in writing and on being satisfied that the bookmaker has paid an amount to the Treasurer under subregulation (1) in respect of a bet on an event other than a prescribed race that has been abandoned or a bet that has been declared off, refund to the bookmaker from the Consolidated Account (which is appropriated to the necessary extent) the amount paid to the Treasurer in respect of that bet.
- (3) For the purposes of this regulation, a bet made with a group of bookmakers will be taken to have been made with a single bookmaker and the amount of the bet will be taken to have been paid, or to be payable, to a single bookmaker.
- (4) In this regulation—

*prescribed race* means a race other than a race conducted in the course of a business for which a licence is required under the *Racing (Proprietary Business Licensing) Act 2000*.

### **8—Unclaimed winnings on bets made with licensed bookmaker**

- (1) A licensed bookmaker must, on or before 30 September in every year, pay to the Treasurer to be credited to the Consolidated Account the amount of any unclaimed winnings on bets the outcome of which was determined during the preceding financial year.
- (2) If a payment has been made under subregulation (1) in respect of unclaimed winnings on a bet, the Treasurer may pay the amount of the winnings from the Consolidated Account (which is appropriated to the necessary extent) to the licensed bookmaker with whom the bet was made or the person entitled to be paid the winnings if—
  - (a) in the case of payment to the licensed bookmaker—the Treasurer is satisfied that the bookmaker has, since the payment to the Treasurer in respect of the bet, paid the amount of the winnings to the person entitled to be paid the winnings on the bet; and
  - (b) in the case of payment to the person entitled to be paid the winnings—the Treasurer is satisfied that the person is so entitled and has not made a claim to the licensed bookmaker for payment of the winnings or has made such a claim but payment has been refused; and
  - (c) in any case—
    - (i) the Treasurer has not made payment of the amount of the winnings to any other person; and
    - (ii) the Treasurer is satisfied that no other person has a valid claim to be paid the winnings.

- (3) In this regulation—

*licensed bookmaker* includes a person who was formerly a licensed bookmaker.

### **9—Unclaimed dividends on bets made with licensed racing club**

A licensed racing club must, on or before 30 September in every year, pay to the Treasurer for the credit of the Consolidated Account an amount being the sum of the amounts accruing to the club as unclaimed dividends during the preceding financial year.

## 10—Contributions payable under section 62E of Act

- (1) For the purposes of section 62E(12) of the Act, the amount that may be recovered as a debt due to the relevant racing controlling authority by an operator who conducts SA race betting operations when a contribution agreement is not in force is 20% of the gross proceeds of those betting operations.
- (2) For the purposes of subregulation (1)—
  - (a) subject to paragraph (b), the following amounts are to be included in the calculation of gross proceeds of betting operations:
    - (i) any amount (excluding GST) paid to the betting operator as a bet on an SA race;
    - (ii) any amount (excluding GST) paid to the betting operator in respect of a relevant lay-off bet made by the operator;
    - (iii) any amount (excluding GST) paid to the betting operator as a fee or commission relating to a bet or an offer to make a bet on an SA race on a betting exchange operated by the operator; and
  - (b) the following amounts are not to be included in the calculation of gross proceeds of betting operations:
    - (i) any amount (excluding GST) paid out by the betting operator in respect of a bet on an SA race made with the operator;
    - (ii) any amount (excluding GST) paid out by the betting operator as a relevant lay-off bet.

### Note—

In summary, gross proceeds are calculated as the total amount received as bets, dividends on relevant lay-off bets and commission less amounts paid out in respect of bets and relevant lay-off bets.

- (3) For the purposes of this regulation—
  - (a) a bet is a **lay-off bet** if—
    - (i) it is a bet made by a betting operator with a person authorised under the law of this State, another State or a Territory of Australia to conduct betting; and
    - (ii) the bet is made by the betting operator to off-set the operator's liability in respect of amounts paid to the betting operator as fixed-odds bets on SA races; and
    - (iii) the bet relates to the same contingencies as the fixed-odds bets referred to in subparagraph (ii); and
  - (b) a lay-off bet is a **relevant lay-off bet** if the amount that the betting operator stands to win on the lay-off bet and any other lay-off bets relating to the same contingencies does not exceed the amount the betting operator stands to lose on the fixed-odds bets in respect of which the operator's liability is off-set.
- (4) In this regulation—

**SA race** means a race held in this State by a racing club.

## 11—Prescribed agreements, arrangements or instruments

For the purposes of the definition of *prescribed agreement, arrangement or instrument* in section 81(2) of the Act, the following agreements, arrangements or instruments are prescribed:

- (a) the Intercode Agreement, within the meaning of the Government Agreement, entered into between Racing SA Pty Limited (ACN 095 660 058), Thoroughbred Racing SA Limited (ACN 094 475 939), Harness Racing SA Limited (ACN 094 559 930) and Greyhound Racing SA Limited (ACN 094 569 525) as amended by amending deed dated 15 August 2001;
- (b) the constitution of Racing SA Pty Limited (ACN 095 660 058) as at the commencement of this regulation;
- (c) the constitution of Thoroughbred Racing SA Limited (ACN 094 475 939) as at the commencement of this regulation;
- (d) the constitution of Harness Racing SA Limited (ACN 094 559 930) as at the commencement of this regulation;
- (e) the constitution of Greyhound Racing SA Limited (ACN 094 569 525) as at the commencement of this regulation.

## 12—Fees and default penalties

- (1) The fees and default penalties fixed by Schedule 1 are payable to the licensing authority for the purposes set out in Schedule 1.
- (2) The licensee must pay to the Commissioner, before the Commissioner grants an approval of systems, procedures or equipment that the Authority has determined under section 41(1)(c) of the Act to be subject to that section, a fee of the amount determined by the Commissioner to be the costs incurred in respect of examination of the systems, procedures or equipment for the purpose of determining whether or not such an approval should be granted.
- (3) The Commissioner may waive the whole or a part of a fee payable to the Commissioner under subregulation (2).

## Schedule 1—Fees and default penalties

1	Application for grant of bookmaker's licence	\$247.00
2	Application for renewal of bookmaker's licence	\$161.00
3	Application for grant or renewal of agent's licence	\$47.50
4	Application for variation of a condition of a licence under Part 3	\$80.50
5	Application for renewal of betting shop licence	\$161.00
6	Penalty for default in lodging annual return or payment of annual fee by authorised interstate betting operator (section 40B)	\$5 000.00

## Schedule 2—Revocation of *Authorised Betting Operations Regulations 2001*

The *Authorised Betting Operations Regulations 2001* are revoked.

**Note—**

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

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 25 August 2016

No 203 of 2016

CBS0008/16CS



South Australia

## **National Parks and Wildlife (National Parks) Regulations 2016**

under the *National Parks and Wildlife Act 1972*

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### 1—Short title

These regulations may be cited as the *National Parks and Wildlife (National Parks) Regulations 2016*.

### 2—Commencement

These regulations will come into operation on 1 September 2016.

### 3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

*Act* means the *National Parks and Wildlife Act 1972*;

*cave* means a cave in a reserve and includes any natural cavity in the earth's surface;

*drive* includes ride;

*exotic plant* means a plant that is not a native plant;

*filming* means taking moving or still pictures by any means;

*permit* means a permit or other written permission granted by the relevant authority under these regulations;

*relevant authority* means—

- (a) in relation to a co-managed park for which there is a co-management board—the co-management board for the park; or
- (b) in any other case—the Director;

*unprotected animal* means an animal (including fish and invertebrates) that is not a protected animal;

*vessel* means a boat, jet-ski, sailboard, raft, pontoon or any other man-made object capable of floating on water and includes a hovercraft.

- (2) If the co-management board for a co-managed park is suspended under section 43I of the Act, a reference in these regulations to the relevant authority will be taken to be a reference to the Director.

### 4—Application of regulations

- (1) These regulations do not apply to a co-managed park constituted of Aboriginal-owned land.
- (2) A warden is not subject to these regulations in relation to the performance of his or her functions or the exercise of his or her powers as a warden and an employee of the Department is not subject to these regulations in relation to the performance of the duties of his or her employment.

## 5—Qualifications of wardens

For the purposes of section 20(1) of the Act, a person has prescribed qualifications if the person:

- (a) has completed satisfactorily the training necessary for appointment as a police officer of the Commonwealth or a State or a Territory of the Commonwealth; or
- (b) is an employee of the Australian Border Force of the Commonwealth; or
- (c) is a customs officer of the Commonwealth Department of Immigration and Border Protection; or
- (d) is an employee or has, within the 2 years preceding the appointment, been an employee in an administrative unit or department of the government of another State or a Territory of the Commonwealth if the unit or department is responsible for wildlife conservation; or
- (e) holds any other qualification approved by the Minister.

## 6—Entrance to reserves and parts of reserves where fee payable

- (1) Where a fee is prescribed or fixed by the relevant authority for entrance to a reserve or part of a reserve, a person may not enter or remain in the reserve or part of the reserve unless the appropriate fee has been paid.
- (2) Where a fee is prescribed or fixed by the relevant authority for the hire of a tennis court, pavilion, accommodation block or cottage in a reserve, a person must not enter or remain within the boundaries of the facility unless that person has hired the facility or has been permitted by the hirer to enter or remain within the boundaries of the facility.
- (3) Where an oval or open space recreation area in a reserve has been hired, no person, except the hirer or a person given permission by the hirer, may enter or remain on that oval or area.

## 7—Opening and closing of reserves

- (1) The relevant authority may, by causing a notice to be published in the Gazette, give notice of the hours during which a reserve is open to the public.
- (2) The relevant authority may vary or revoke a notice under this regulation at any time by subsequent notice published in the Gazette.
- (3) The relevant authority may close a reserve or any part of a reserve—
  - (a) if, in the relevant authority's opinion, the closure is necessary or desirable for the proper management of the reserve; or
  - (b) if a total fire ban is in force in an area that includes all or part of the reserve, or the risk of uncontrolled fire in the reserve is, in the relevant authority's opinion, extreme; or
  - (c) if the staff necessary to patrol the reserve are unavailable; or
  - (d) if it is, in the relevant authority's opinion, in the interest of public safety to close the reserve.
- (4) A person must not, without the permission of the relevant authority, enter or remain in a reserve when it is closed to the public.

## **8—Access to Seal Bay beach**

A person must not, without the permission of the relevant authority, enter or remain in that part of Seal Bay Conservation Park shown as Seal Bay Beach User Fee Zone on the plan in Schedule 2 except in the company of a warden or a person assisting a warden.

## **9—Setting aside a reserve or part of a reserve for a particular use**

- (1) The relevant authority may set aside a reserve, or part of a reserve, as an area in which a particular activity may be undertaken by visitors to the reserve.
- (2) One method by which the relevant authority may set aside the whole or part of a reserve under subregulation (1) is to cause a notice to be published in the Gazette setting aside the reserve, or part of the reserve, for that purpose.
- (3) A notice may impose conditions in relation to the activity and the relevant authority may vary or revoke a notice at any time by subsequent notice published in the Gazette.
- (4) A person must not contravene or fail to comply with a condition.

## **10—Use of vehicles**

- (1) A person must not, without the permission of the relevant authority, drive or tow a vehicle in a reserve except on a road or track set aside for that purpose by the relevant authority or in any other area of the reserve set aside for that purpose by the relevant authority.
- (2) A person must not, without the permission of the relevant authority, drive a vehicle in a reserve at a speed that exceeds the speed limit fixed by the relevant authority or, if no limit has been fixed by the relevant authority, at a speed that exceeds 40 kilometres per hour.
- (3) A person must not drive a vehicle in a reserve without due care, recklessly or at a speed or in a manner dangerous to the public.
- (4) A person must not leave a vehicle in a position that obstructs other vehicles from entering, leaving or proceeding along a road or track in a reserve.
- (5) A warden may remove, or cause to be removed, a vehicle left in contravention of subregulation (4) and the relevant authority may recover the costs of removal from the owner of the vehicle as a debt.
- (6) A person must not drive a vehicle that is propelled by an internal combustion engine on land in a reserve unless it is registered and insured.
- (7) A person who drives a vehicle in a reserve must comply with all traffic signs and signals in the reserve that are applicable to him or her.

## **11—Display of certain receipts and permits in vehicles**

- (1) Where the payment of a fee or the issue of a permit is required for entry to a reserve, a person who enters the reserve in a vehicle must ensure that the receipt for the entrance fee in respect of, or the permit authorising, his or her entry into the reserve is displayed in the vehicle in accordance with subregulation (3) continuously until he or she or the vehicle leaves the reserve.
- (2) Where the issue of a permit is required for camping in a reserve, a person who camps in the reserve in or near a vehicle that he or she has travelled in to get to the camping site must ensure that the permit authorising him or her to camp in the reserve is displayed in the vehicle in accordance with subregulation (3) continuously while he or she is camping in or near the vehicle.

- (3) For the purposes of these regulations a receipt for an entrance fee or a permit is displayed in a vehicle only if—
  - (a) the receipt or permit is displayed on the inside of the windscreen on the side of the vehicle opposite to the driver's position; or
  - (b) where, because of the design of the vehicle, it is not possible to comply with paragraph (a)—the receipt or permit is displayed in a prominent position in or on the vehicle,so that the receipt or permit is facing outwards from the vehicle and can be easily seen and read by a person standing beside the vehicle.
- (4) This regulation does not apply to a person who enters, or camps in, a reserve as the client of a person conducting a tour for fee or reward if the vehicle concerned is owned by, or is under the control of, the tour operator.

## 12—Use of aircraft

- (1) A person must not, without the permission of the relevant authority, use an aircraft on land or water in a reserve except in an area set aside by the relevant authority for that purpose.
- (2) A person must not, without the permission of the relevant authority, jump into a reserve from an aircraft or drop an object into a reserve from an aircraft.
- (3) A person must not, without the permission of the relevant authority, fly a drone or other remotely piloted aircraft over a reserve.

## 13—Use of boats

A person must not, without the permission of the relevant authority, launch, or use, a vessel on a dam, reservoir, lake, river or other body of water in a reserve unless the water has been set aside by the relevant authority for the use of vessels of that kind.

## 14—Camping

A person must not, without the permission of the relevant authority, camp in a reserve either in an area set aside for that purpose or in any other part of the reserve.

## 15—Fires

- (1) A person must not, without the permission of the relevant authority, light, maintain or use a fire in a reserve in contravention of a ban or restriction imposed by the relevant authority.
- (2) A person must not light or maintain a fire in a reserve in contravention of the *Fire and Emergency Services Act 2005*.
- (3) Subject to subregulation (4), a person must not, without the permission of the relevant authority, light, maintain or use a fire in a reserve except in a fire place constructed at the direction of the relevant authority for that purpose.
- (4) Subregulation (3) does not apply in relation to an area excluded from the operation of that subregulation by the relevant authority by notice published in the Gazette.
- (5) An exclusion under subregulation (4) may apply in relation to all fires or a class or classes of fire.
- (6) The relevant authority may vary or revoke a notice under this regulation at any time by subsequent notice published in the Gazette.
- (7) A person who has lit, maintained or used a fire in a reserve must not leave the fire unattended.

- (8) In this regulation—

*fire* includes a solid fuel fire, gas fire and liquid fuel fire.

### **16—Possession and use of chainsaws**

- (1) Subject to subregulation (2), a person must not, without the permission of the relevant authority, have control of, carry or use a chainsaw in a reserve.
- (2) A person may have control of, carry or use a chainsaw in a reserve—
- (a) in the course of exercising rights or performing obligations pursuant to a lease, licence or agreement entered into by the Minister or the relevant authority in relation to the reserve; or
  - (b) in the course of exercising powers or performing obligations under an Act or statutory instrument; or
  - (c) for the purpose of fighting a bushfire or dealing with any other emergency.

### **17—Use of generators and alternators**

- (1) Subject to subregulation (2), a person must not, without the permission of the relevant authority, operate a generator or alternator in a reserve except in an area set aside by the relevant authority for that purpose.
- (2) Subregulation (1) does not apply in relation to the use of a motor vehicle of a kind that is normally equipped with a generator or alternator.

### **18—Use of metal or mineral detectors**

A person must not, without the permission of the relevant authority, use a device for detecting metal or minerals in a reserve.

### **19—Possession and use of firearms etc**

- (1) Subject to this regulation, a person must not, without the permission of the relevant authority—
- (a) have control of, carry or use a firearm or other weapon; or
  - (b) have control of, carry or use explosives or fireworks,
- in a reserve.
- (2) Subregulation (1)(a) does not apply to an Aborigine in relation to a firearm that he or she has control of, carries or uses for the purpose of taking animals in accordance with a proclamation referred to in section 68D(4) of the Act.
- (3) A person may, if he or she complies with the Act and these regulations, have control of, carry or use a firearm in a game reserve if the firearm has a smooth bore not exceeding 19 millimetres in diameter.

### **20—Swimming and diving**

A person must not swim or dive in any water in a reserve except—

- (a) in the case of Piccaninnie Ponds Conservation Park, in pursuance of a diving or snorkelling permit issued by the relevant authority;
- (b) in the case of any other reserve—
  - (i) in an area set aside by the relevant authority for that purpose; or
  - (ii) with the permission of the relevant authority.

## **21—Use of caves**

A person must not, without the permission of the relevant authority—

- (a) enter a cave (except in the company of a warden or person assisting a warden); or
- (b) remove or displace any rock, mineral or fossil in a cave; or
- (c) disturb or interfere with any plant or animal (whether dead or alive) in a cave; or
- (d) touch or interfere with any karstcalcite formation (speleothem) in a cave; or
- (e) urinate or defecate in a cave; or
- (f) deposit any organic or inorganic matter in a cave; or
- (g) disturb, touch or interfere with any Aboriginal art or artefact in a cave; or
- (h) use any paint, dye or marker in a cave, or release any substance into the waters of a cave; or
- (i) light a fire or burn any material in a cave; or
- (j) smoke any tobacco product in a cave; or
- (k) dive in the waters of a cave or sink hole.

## **22—Regulation of certain recreational activities**

(1) A person must not, without the permission of the relevant authority—

- (a) engage in the sport of climbing rock faces; or
- (b) engage in the sport of abseiling; or
- (c) use a hang glider or any other kind of glider; or
- (d) launch a hot air balloon; or
- (e) fly model planes or gliders; or
- (f) engage in the sport of sand boarding (sliding down a sandhill on a board),

in a reserve except in an area set aside by the relevant authority for that purpose.

(2) A person must not, without the permission of the relevant authority, engage in any sport other than golf on any part of a reserve designated as a golf course.

## **23—Protection of animals**

- (1) A person must not, without the permission of the relevant authority or other lawful authority, take or molest an unprotected animal in a reserve.
- (2) A person must not, without the permission of the relevant authority, intentionally damage the nest or burrow of an animal in a reserve.

## **24—Removal of carcasses**

A person must not, without the permission of the relevant authority, remove the carcass, or any part of the carcass, of a protected animal from a reserve.

## **25—Possession and use of devices for taking animals**

- (1) Subject to this regulation, a person must not, without the permission of the relevant authority, while in a reserve, have control of, carry or use a device designed for the purpose of taking an animal.

- (2) Subregulation (1) does not apply to a person in relation to a device that he or she has control of, carries or uses solely for the purpose of taking fish or crustaceans in waters adjoining the reserve.
- (3) Subregulation (1) does not apply to an Aborigine in relation to a device that he or she has control of, carries or uses for the purpose of taking animals in accordance with a proclamation referred to in section 68D(4) of the Act.

## **26—Bringing animals into reserve**

- (1) Subject to this regulation, a person who has control of an animal must not, without the permission of the relevant authority, bring it into a reserve or permit it to enter a reserve.
- (2) A person who is entitled to use a reserve pursuant to a lease, licence or agreement entered into by the Minister or the relevant authority may, subject to the terms of the lease, licence or agreement, bring animals into the reserve in the course of using the reserve pursuant to the lease, licence or agreement.
- (3) A person may ride or lead a horse in a reserve on a road or track set aside for that purpose by the relevant authority or in any other area of the reserve set aside for that purpose by the relevant authority.
- (4) A person who needs the assistance of a guide dog, hearing dog, or disability dog, within the meaning of the *Dog and Cat Management Act 1995* may bring the dog into a reserve if it is restrained on a lead while in the reserve.
- (5) A person who is entitled to enter a game reserve to hunt may bring a dog into the reserve for the purposes of assisting him or her when hunting if the dog is restrained on a lead when not assisting that person in hunting.
- (6) A lead referred to in subregulations (4) and (5) must not exceed 3 metres in length.

## **27—Straying and grazing of animals**

A person must not, without the permission of the relevant authority, permit an animal to stray into, or graze in, a reserve unless he or she is authorised to do so by a lease, licence or agreement entered into by the Minister or the relevant authority.

## **28—Seizure of animals etc**

- (1) Where an unprotected animal is in a reserve and—
  - (a) is not under the control of any person; and
  - (b) is not in the reserve with the written permission of the relevant authority or pursuant to a lease, licence or agreement entered into by the Minister or the relevant authority,  
a warden or any other person authorised by the relevant authority may subject to subregulation (2)—
    - (c) capture and dispose of the animal by sale or in any other manner; or
    - (d) destroy the animal.
- (2) Where a warden or other person authorised by the relevant authority knows, or has reason to believe, that a person claims ownership of an animal in a reserve, the warden or other person must, before disposing of or destroying the animal, serve notice on the person claiming ownership requiring him or her to remove the animal from the reserve within 7 days.
- (3) The notice may be served—
  - (a) personally or by post; or



- (b) if the whereabouts of the person on whom the notice is to be served are unknown—  
by publication of the notice in a newspaper circulating generally throughout the State.
- (4) The costs of capturing and disposing of an animal or destroying an animal under subregulation (1) are a debt due by the owner of the animal to the Crown.
- (5) An animal or the carcass of an animal that has been captured or destroyed must not be surrendered to its owner until those costs have been paid.

### **29—Plants**

- (1) A person must not, without the permission of the relevant authority, take an exotic plant that is growing in a reserve.
- (2) A person must not, without the permission of the relevant authority, bring a plant into a reserve unless the plant is dead and is brought into the reserve as food for human consumption.

### **30—Interference with earth etc**

A person must not, without the permission of the relevant authority—

- (a) remove from a reserve any—
  - (i) soil, rock, mineral or similar material; or
  - (ii) wood, mulch or other dead vegetation; or
  - (iii) fossil or archaeological remains; or
- (b) dig or otherwise intentionally disturb any soil or similar material in a reserve; or
- (c) intentionally disturb any—
  - (i) wood, mulch or other dead vegetation in a reserve; or
  - (ii) fossil or archaeological remains in a reserve.

### **31—Scientific research**

A person must not, without the permission of the relevant authority, enter a reserve for the purpose of carrying out scientific research in the reserve.

### **32—Littering**

A person must not, in a reserve—

- (a) deposit or leave any litter, bottle, broken glass, china, pottery, plastic article, rubbish, refuse or other waste material, except in an area or receptacle provided for that purpose; or
- (b) deposit, discharge or leave any noxious, smelly, offensive or polluting substance, matter or thing; or
- (c) deposit or leave any offal, dead animal or dung; or
- (d) deposit in any receptacle provided for litter any domestic garbage; or
- (e) wilfully break any article of glass, china, pottery, plastic or other brittle material; or
- (f) deposit, discharge or leave any mineral, mineral waste or other industrial waste or by-product.

### **33—Pollution of waters**

A person must not foul or pollute any water in a creek, river, well, dam, reservoir or lake in a reserve.

### **34—Abandoned property**

- (1) A person must not, without the permission of the relevant authority, abandon or leave unattended for more than 24 hours any vehicle or other personal property in a reserve.
- (2) Any vehicle or personal property abandoned or left unattended for more than 24 hours in a reserve may be seized and impounded by a warden.
- (3) The relevant authority may require the owner of any vehicle or personal property seized and impounded under this regulation to pay the cost of seizing, impounding and keeping such vehicle or personal property before returning the vehicle or personal property to the owner.
- (4) If, at the expiration of 1 month after the owner of a vehicle or personal property has been notified of its seizure or impounding, the owner has not paid to the relevant authority the cost of seizing, impounding and keeping the vehicle or personal property, the relevant authority may sell or otherwise dispose of the vehicle or personal property.
- (5) If the owner of any vehicle or personal property seized or impounded under this regulation is unknown or cannot be contacted, the relevant authority may, after the expiration of 1 month after the vehicle or personal property has been seized or impounded, sell or otherwise dispose of the vehicle or personal property.

### **35—Disorderly behaviour etc**

- (1) A person must not behave in a reserve in a disorderly, offensive or indecent manner or use any offensive or indecent language or create any disturbance.
- (2) A person must not, in a reserve, wilfully obstruct, disturb, interrupt or annoy any other person engaged in the proper use of such reserve.
- (3) A person must not, in a reserve, throw, roll or discharge any stone, substance or missile to the danger of any person or animal in the reserve.
- (4) A person must not deface, paint, write on, cut names or letters in or otherwise make marks or affix bills on trees, rocks, gates, fences, buildings, signs or other property in a reserve.

### **36—Activities that must be authorised by a lease, licence or agreement**

A person must not undertake any of the following activities in a reserve except pursuant to a lease, licence or agreement between that person, or some other person, and the Minister or the relevant authority:

- (a) filming, videotaping or taking photographs for commercial purposes;
- (b) conducting tours for fee or reward;
- (c) conducting surfing, fishing or any other kind of competition;
- (d) selling or hiring goods or offering goods for sale or hire;
- (e) providing, or offering to provide, any service for fee or reward;
- (f) conducting speed trials;
- (g) conducting scientific experiments;
- (h) keeping bees;

- (i) an activity of any kind for the purpose of fund raising or making a profit.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **37—Other activities subject to relevant authority's permission**

- (1) A person must not, without the permission of the relevant authority, use or cause to be used, any loud speaker or similar device or other noisy equipment in a reserve.
- (2) A person must not, without the permission of the relevant authority, construct or erect any booth, marquee or other structure in a reserve.
- (3) A person must not, without the permission of the relevant authority, organise or cause to be organised or attend or participate in any public meeting, demonstration or gathering in a reserve.

### **38—Compliance with notices and signs**

A person in a reserve must not, without the permission of the relevant authority, contravene or fail to comply with a direction given by the relevant authority in the form of a notice or sign displayed in the reserve.

### **39—Compliance with directions of warden**

A person must not fail to comply with any reasonable direction or request given by a warden relating to—

- (a) use of a reserve; or
- (b) conduct and behaviour in a reserve; or
- (c) safety in a reserve.

### **40—Permission of relevant authority**

- (1) A permission granted by the relevant authority pursuant to these regulations must be in writing and may be included in a lease, licence or agreement with the applicant or (unless it is published in the Gazette) be in the form of a permit and may—
  - (a) be conditional; and
  - (b) be varied or revoked by the relevant authority at any time.
- (2) A permission may apply to a particular person or persons or may, if published in the Gazette, apply generally or to a particular class of persons.
- (3) Where the relevant authority grants permission subject to a condition, a person must not contravene or fail to comply with the condition.

### **41—Prescription of offences—section 73A**

An offence against regulation 42 that arises from a contravention of or failure to comply with a regulation set out in Schedule 1 is prescribed for the purposes of the definition of *prescribed offence* in section 73A of the Act.

### **42—General offence**

- (1) Subject to an express provision to the contrary, a person who contravenes or fails to comply with a provision of these regulations is guilty of an offence.

Maximum penalty: \$1 000.

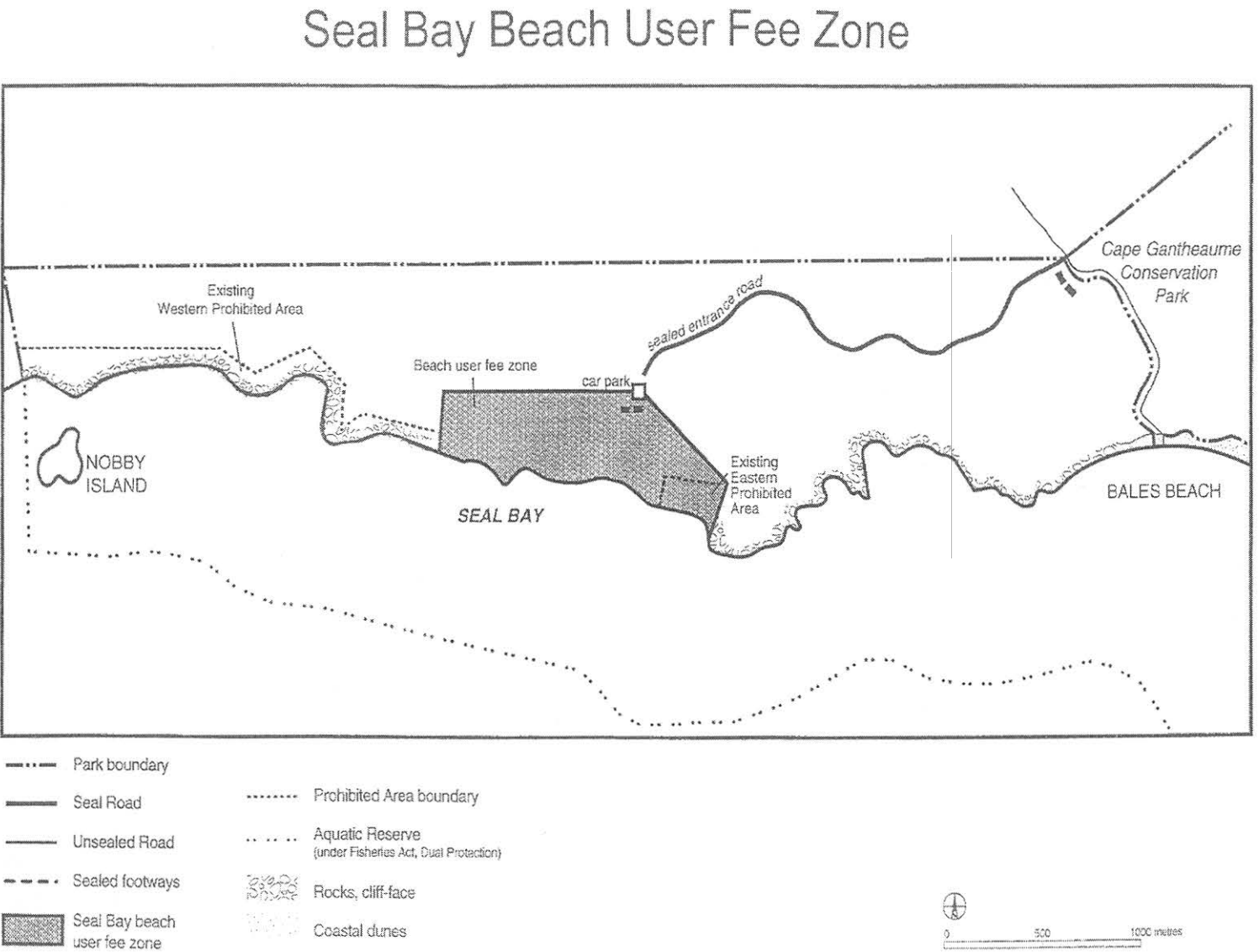
Expiation fee:

- (a) in the case of an alleged contravention of, or failure to comply with, regulation 6(1), 10, 15, 19(1)(a), 35(1) or (2) or 39—\$150;
  - (b) in any other case—\$75.
- (2) It is a defence to a charge of an offence against these regulations if—
- (a) the defendant proves that he or she acted in response to an emergency; and
  - (b) the court finds that the action was reasonable in the circumstances.

## **Schedule 1—Regulations referred to in regulation 42**

Regulation 6(1)  
Regulation 7(4)  
Regulation 10(1)  
Regulation 10(2)  
Regulation 10(3)  
Regulation 10(4)  
Regulation 10(6)  
Regulation 11(1)  
Regulation 11(2)  
Regulation 14

**Schedule 2—Seal Bay Beach User Fee Zone**



**Schedule 3—Revocation of National Parks and Wildlife (National Parks) Regulations 2001**

The National Parks and Wildlife (National Parks) Regulations 2001 are revoked.

**Note—**

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

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 25 August 2016

No 204 of 2016

16MSECCS016

South Australia

# Primary Industry Funding Schemes (Langhorne Creek Wine Industry Fund) Regulations 2016

under the *Primary Industry Funding Schemes Act 1998*

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## Contents

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9	False or misleading statements

## Schedule 1—Revocation of *Primary Industry Funding Schemes (Langhorne Creek Wine Industry Fund) Regulations 2001*

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### 1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (Langhorne Creek Wine Industry Fund) Regulations 2016*.

### 2—Commencement

These regulations will come into operation on 1 September 2016.

### 3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

*Act* means the *Primary Industry Funding Schemes Act 1998*;

*default* in relation to contributions to the Fund—see subregulation (2);

*delivered*—see subregulation (3);

*Fund*—see regulation 4;

*Langhorne Creek* means—

- (a) the Hundred of Bremer;
- (b) the Hundred of Brinkley;
- (c) the Hundred of Freeling;
- (d) the Hundred of Strathalbyn;

*Langhorne Creek grapes* means any variety of grapes grown in Langhorne Creek and used or intended to be used for wine;

**Langhorne Creek grapes winemaker** means a person who carries on a business of making wine and who processes Langhorne Creek grapes for that purpose;

**prescribed period** means a period of 12 months ending on 31 May in any year up to and including the period of 12 months ending on 31 May 2018.

- (2) A person is in default in relation to contributions to the Fund if, within the immediately preceding 2 prescribed periods—
  - (a) all or some of the contributions payable to the Fund by the person have not been paid; or
  - (b) the person has been refunded contributions from the Fund.
- (3) For the purposes of these regulations—
  - (a) grapes will be taken to be **delivered** to a Langhorne Creek grapes winemaker by a grower of Langhorne Creek grapes when the winemaker takes possession of the grapes; and
  - (b) if a Langhorne Creek grapes winemaker processes Langhorne Creek grapes grown by the winemaker, grapes will be taken to be **delivered** to the winemaker when the grapes are placed in a container for the purposes of commencing processing of the grapes (including placing the grapes in a container for fermentation or in preparation for crushing or pressing).

#### 4—Langhorne Creek Wine Industry Fund

- (1) The *Langhorne Creek Wine Industry Fund* (the **Fund**) established under the revoked regulations continues in existence.
- (2) The Fund is administered by the Minister.
- (3) The Fund consists of—
  - (a) contributions paid or collected in accordance with these regulations; and
  - (b) contributions paid or collected in accordance with the revoked regulations; and
  - (c) income of the Fund from investment; and
  - (d) any other sums received by the Minister for payment into the Fund.
- (4) In this regulation—

**revoked regulations** means the *Primary Industry Funding Schemes (Langhorne Creek Wine Industry Fund) Regulations 2001*.

#### 5—Contributions to Fund

- (1) The following contributions are payable to the Minister for payment into the Fund for each tonne of Langhorne Creek grapes processed by a Langhorne Creek grapes winemaker:
  - (a) during the prescribed period ending on 31 May 2015—
    - (i) in the case of grapes grown by a person other than the winemaker—
      - (A) \$5.15 is payable by the grower of the grapes; and
      - (B) \$3.60 is payable by the winemaker; and
    - (ii) in the case of grapes grown by the winemaker—\$8.75 is payable by the winemaker;
  - (b) during the prescribed period ending on 31 May 2016—



- (i) in the case of grapes grown by a person other than the winemaker—
    - (A) \$5.30 is payable by the grower of the grapes; and
    - (B) \$3.70 is payable by the winemaker; and
  - (ii) in the case of grapes grown by the winemaker—\$9.00 is payable by the winemaker;
- (c) during the prescribed periods ending on 31 May 2017 and 31 May 2018—
  - (i) in the case of grapes grown by a person other than the winemaker—
    - (A) \$5.45 is payable by the grower of the grapes; and
    - (B) \$3.80 is payable by the winemaker; and
  - (ii) in the case of grapes grown by the winemaker—\$9.25 is payable by the winemaker.
- (2) However—
  - (a) no more than \$30 000 is payable by each grower in respect of grapes delivered to winemakers during a prescribed period; and
  - (b) no more than \$30 000 is payable by each winemaker on the winemaker's own behalf in respect of grapes delivered to the winemaker during a prescribed period.
- (3) The contributions are payable on or before the last day of the month that immediately follows the prescribed period.
- (4) Contributions payable by a grower under subregulation (1)(a)(i)(A), (1)(b)(i)(A) or (1)(c)(i)(A) must be paid on behalf of the grower by the Langhorne Creek grapes winemaker who purchases the grapes out of the amount payable by the winemaker to the grower for the grapes.
- (5) A Langhorne Creek grapes winemaker must—
  - (a) keep proper records relating to the growers and tonnage of Langhorne Creek grapes processed by the winemaker and the contributions required to be made (on the winemaker's own behalf and on behalf of growers) in respect of those grapes; and
  - (b) make those records available for inspection at any reasonable time by a person authorised by the Minister for the purpose.
- (6) A Langhorne Creek grapes winemaker must—
  - (a) within 30 days after the end of each prescribed period, furnish the Minister with a financial statement relating to the contributions (on the winemaker's own behalf and on behalf of growers) for Langhorne Creek grapes processed during that prescribed period that—
    - (i) is in the form, and contains the information, required by the Minister; and
    - (ii) is, if the person has the necessary equipment, in an electronic form acceptable to the Minister; and
  - (b) forward to the Minister, with the annual financial statement required by paragraph (a), the required contributions (on the winemaker's own behalf and on behalf of growers) for Langhorne Creek grapes processed during the prescribed period to which the financial statement relates.

- (7) Refunds of contributions paid in respect of Langhorne Creek grapes processed during a prescribed period may be claimed by notice in writing to the Minister within the 12 months following that prescribed period as follows:
- (a) a grower of Langhorne Creek grapes may claim a refund in respect of contributions paid by a Langhorne Creek grapes winemaker on behalf of the grower;
  - (b) a Langhorne Creek grapes winemaker may claim a refund in respect of contributions paid on the winemaker's own behalf.
- (8) A person claiming a refund under subregulation (7) must supply the Minister with—
- (a) evidence acceptable to the Minister of the contributions made by the claimant in respect of which the claim for refund is made; and
  - (b) verification of that evidence in the form of a statutory declaration.
- (9) If the person satisfies the Minister that the person is entitled to a refund, the Minister must refund to the person the amount of the contributions paid by or on behalf of the person, together with interest (at the official cash rate) on that amount for the period commencing on the date of payment of the contributions to the Minister and ending on the date of lodgment of the claim for the refund.
- (10) In subregulation (9)—
- official cash rate* means the cash rate fixed by the Reserve Bank of Australia and prevailing on the date of lodgment of the claim for the refund.

## 6—Application of Fund

The Fund may be applied by the Minister for any of the following purposes:

- (a) payments to a body that, in the opinion of the Minister, represents both Langhorne Creek grapes winemakers and growers of Langhorne Creek grapes for one or more of the following purposes:
  - (i) the reasonable operating and management expenses of the body;
  - (ii) promoting the Langhorne Creek wine industry;
  - (iii) undertaking or facilitating research and development, or the collection and dissemination to Langhorne Creek grapes winemakers and growers of Langhorne Creek grapes of information, relevant to the Langhorne Creek wine industry and, in particular, to the improvement of practices in the industry;
  - (iv) programs designed to encourage communication and cooperation between Langhorne Creek grapes winemakers and growers of Langhorne Creek grapes;
  - (v) other purposes of the body;
- (b) payments for other purposes for the benefit of the Langhorne Creek wine industry;
- (c) payment of the expenses of administering the Fund;
- (d) repayment of contributions to the Fund under regulation 5.

**7—Exchange of information**

The Minister may provide a body to which payments are made out of the Fund under regulation 6(a) with information identifying growers of Langhorne Creek grapes and Langhorne Creek grapes winemakers who have paid or been refunded contributions under these regulations.

**8—Exclusion from benefits of person in default in relation to contributions**

A person who is in default in relation to contributions to the Fund is not entitled to receive direct benefits or services funded by payments from the Fund.

**9—False or misleading statements**

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided, or record kept, for the purposes of these regulations.

Maximum penalty: \$5 000.

**Schedule 1—Revocation of *Primary Industry Funding Schemes (Langhorne Creek Wine Industry Fund) Regulations 2001***

The *Primary Industry Funding Schemes (Langhorne Creek Wine Industry Fund) Regulations 2001* are revoked.

**Note—**

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

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 25 August 2016

No 205 of 2016

16MAFF0061

South Australia

# Primary Industry Funding Schemes (Riverland Wine Industry Fund) Regulations 2016

under the *Primary Industry Funding Schemes Act 1998*

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9	Exclusion from benefits of person in default in relation to contributions
10	False or misleading statements

## Schedule 1—Revocation of *Primary Industry Funding Schemes (Riverland Wine Industry Fund) Regulations 2001*

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### 1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (Riverland Wine Industry Fund) Regulations 2016*.

### 2—Commencement

These regulations will come into operation on 1 September 2016.

### 3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

*Act* means the *Primary Industry Funding Schemes Act 1998*;

*default* in relation to contributions to the Fund—see subregulation (2);

*delivered*—see subregulation (3);

*Fund*—see regulation 4;

*grower association*—see regulation 7(1)(b);

*industry development association*—see regulation 7(1)(a);

*industry development contribution*—see regulation 5(1)(a)(ii) and 5(1)(b)(ii);

*prescribed period* means a period of 12 months commencing on 1 June in any year up to and including the period of 12 months commencing on 1 June 2017;

*Riverland* means—

- (a) the areas (from time to time) of the following councils:

- (i) Berri Barmera Council;
- (ii) District Council of Loxton Waikerie;
- (iii) Renmark Paringa Council;
- (iv) Mid Murray Council (excluding the Hundred of Jellicoe);
- (v) Rural City of Murray Bridge (excluding the Hundred of Brinkley);
- (b) the Hundred of Katarapko;
- (c) the County of Young;
- (d) the County of Hamley;

**Riverland grapes** means any variety of grapes grown in the Riverland and used or intended to be used for wine;

**Riverland grapes winemaker** means a person who carries on a business of making wine and who processes Riverland grapes for that purpose (whether directly or through contracting another to do so and whether in or outside the State);

**winemaker association**—see regulation 7(1)(c);

**winemaker contribution**—see regulation 5(1)(b)(i).

- (2) A person is in default in relation to contributions to the Fund if, within the immediately preceding 2 prescribed periods—
  - (a) all or some of the contributions payable to the Fund by the person have not been paid; or
  - (b) the person has been refunded contributions from the Fund.
- (3) For the purposes of these regulations—
  - (a) grapes will be taken to be **delivered** to a Riverland grapes winemaker by a grower of Riverland grapes when the winemaker takes possession of the grapes; and
  - (b) if a Riverland grapes winemaker processes Riverland grapes grown by the winemaker, grapes will be taken to be **delivered** to the winemaker when the grapes are placed in a container for the purposes of commencing processing of the grapes (including placing the grapes in a container for fermentation or in preparation for crushing or pressing).

#### 4—Riverland Wine Industry Fund

- (1) The *Riverland Wine Industry Fund* (the **Fund**) established under the revoked regulations continues in existence.
- (2) The Fund is administered by the Minister.
- (3) The Fund consists of—
  - (a) contributions paid or collected in accordance with these regulations; and
  - (b) contributions paid or collected in accordance with the revoked regulations; and
  - (c) income of the Fund from investment; and
  - (d) any other sums received by the Minister for payment into the Fund.
- (4) In this regulation—

**revoked regulations** means the *Primary Industry Funding Schemes (Riverland Wine Industry Fund) Regulations 2001*.

## 5—Contributions to Fund

- (1) The following contributions are payable to the Minister for payment into the Fund for each tonne of Riverland grapes delivered to a Riverland grapes winemaker during a prescribed period:
  - (a) in the case of grapes grown by a person other than the winemaker—
    - (i) 0.5% of the amount payable to the grower by the winemaker for the grapes is payable by the grower of the grapes;
    - (ii) 35 cents is payable by the winemaker as an industry development contribution; and
  - (b) in the case of grapes grown by the winemaker—
    - (i) \$1 is payable by the winemaker as a winemaker contribution; and
    - (ii) 35 cents is payable by the winemaker as an industry development contribution.
- (2) The contributions are payable on or before the last day of the month that immediately follows the end of each prescribed period.
- (3) Contributions payable by a grower under subregulation (1)(a)(i) must be paid on behalf of the grower by the Riverland grapes winemaker who purchases the grapes out of the amount payable by the winemaker to the grower for the grapes.
- (4) A Riverland grapes winemaker must—
  - (a) keep proper records enabling—
    - (i) the growers on whose behalf the winemaker must pay contributions to be identified; and
    - (ii) the tonnage of grapes delivered to the winemaker by each grower to be determined; and
    - (iii) the tonnage of grapes grown and processed by the winemaker to be determined; and
  - (b) make those records available for inspection at any reasonable time by a person authorised by the Minister for the purpose.

Maximum penalty: \$500.

- (5) A Riverland grapes winemaker must—
  - (a) within 30 days after the end of each prescribed period, furnish the Minister with a financial statement relating to the contributions (on the winemaker's own behalf and on behalf of growers) for Riverland grapes delivered during that prescribed period that—
    - (i) is in the form, and contains the information, required by the Minister; and
    - (ii) is, if the person has the necessary equipment, in an electronic form acceptable to the Minister; and
  - (b) forward to the Minister, with the annual financial statement required by paragraph (a), the required contributions (on the winemaker's own behalf and on behalf of growers) for Riverland grapes delivered during the prescribed period to which the financial statement relates.

## 6—Refunds

- (1) Refunds of contributions paid in respect of Riverland grapes delivered during a prescribed period may be claimed by notice in writing to the Minister within the 12 months following that prescribed period as follows:
  - (a) a grower of Riverland grapes may claim a refund in respect of all or part of the contributions paid by a Riverland grapes winemaker on behalf of the grower;
  - (b) a Riverland grapes winemaker may claim a refund in respect of all or part of the contributions paid on the winemaker's own behalf.
- (2) A Riverland grapes winemaker claiming a refund must specify whether the refund is sought for industry development contributions, winemaker contributions or both.
- (3) A person claiming a refund must supply the Minister with—
  - (a) evidence acceptable to the Minister of the contributions paid by the claimant in respect of which the claim for refund is made; and
  - (b) if the Minister so requires, verification of that evidence in the form of a statutory declaration.
- (4) If the person satisfies the Minister that the person is entitled to a refund, the Minister must refund to the person the amount of the contributions paid by or on behalf of the person, together with interest (at the official cash rate) on that amount for the period commencing on the date of payment of the contributions to the Minister and ending on the date of lodgment of the claim for the refund.
- (5) In subregulation (4)—

*official cash rate* means the cash rate fixed by the Reserve Bank of Australia applying on the date of lodgment of the claim for the refund.

## 7—Application of Fund

- (1) The Fund may be applied by the Minister for any of the following purposes:
  - (a) payments to a body (the *industry development association*) that, in the opinion of the Minister, represents both Riverland grapes winemakers and growers of Riverland grapes for 1 or more of the following purposes:
    - (i) the reasonable operating and management expenses of the body;
    - (ii) promoting the Riverland wine industry, including through wine shows, wine festivals or other wine industry forums or through tourism;
    - (iii) undertaking or facilitating research and development, or the collection and dissemination to Riverland grapes winemakers and growers of Riverland grapes of information, relevant to the Riverland wine industry;
    - (iv) participation of the body in regional, State or national wine industry forums;
    - (v) programs designed to encourage communication and cooperation between Riverland grapes winemakers and growers of Riverland grapes;
    - (vi) other purposes of the body;
  - (b) payments to a body (the *grower association*) that, in the opinion of the Minister, represents growers of Riverland grapes for 1 or more of the following purposes:
    - (i) the reasonable operating and management expenses of the body;

- (ii) fees for affiliation of the body with regional, State or national wine industry bodies;
    - (iii) representation of growers of Riverland grapes in regional, State or national wine industry forums;
    - (iv) the provision of industry information to growers of Riverland grapes;
    - (v) other purposes of the body;
  - (c) payments to a body (the *winemaker association*) that, in the opinion of the Minister, represents Riverland grapes winemakers for 1 or more of the following purposes:
    - (i) the reasonable operating and management expenses of the body;
    - (ii) fees for affiliation of the body with regional, State or national wine industry bodies;
    - (iii) representation of Riverland grapes winemakers in regional, State or national wine industry forums;
    - (iv) the provision of industry information to Riverland grapes winemakers;
    - (v) other purposes of the body;
  - (d) payments for other purposes for the benefit of the Riverland wine industry;
  - (e) payment of the expenses of administering the Fund;
  - (f) refunds of contributions to the Fund given under these regulations.
- (2) Subject to the management plan for the Fund and the Minister being satisfied as to matters of probity, governance and performance in relation to the associations, it is intended that—
- (a) payments to the industry development association will comprise—
    - (i) an amount proportionate to the sum of the industry development contributions paid by Riverland grape winemakers; and
    - (ii) an amount out of the contributions paid by growers of Riverland grapes under regulation 5(1)(a)(i) that matches the amount referred to in subparagraph (i); and
  - (b) payments to the grower association will be proportionate to the remaining contributions paid under regulation 5(1)(a)(i) by growers of Riverland grapes; and
  - (c) payments to the winemaker association will be proportionate to the winemaker contributions paid by Riverland grape winemakers; and
  - (d) separate ledgers will be kept in relation to amounts available for each of the associations taking into account anticipated refunds; and
  - (e) in the event of insufficiency of funds for all associations, the industry development association will be afforded priority.

## 8—Exchange of information

- (1) The Minister may require an industry development association, grower association or winemaker association to provide the Minister with—
  - (a) a copy of the financial statements of the association; and
  - (b) a copy of the annual report of the association; and
  - (c) a copy of any business plan of the association; and



- (d) any other information reasonably required for the purposes of these regulations.
- (2) The Minister may provide an industry development association, grower association or winemaker association with information identifying growers of Riverland grapes and Riverland grape winemakers who have paid or been refunded contributions under these regulations.

### **9—Exclusion from benefits of person in default in relation to contributions**

A person who is in default in relation to contributions to the Fund is not entitled to receive direct benefits or services funded by payments from the Fund under regulation 7(1)(d).

### **10—False or misleading statements**

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided, or record kept, for the purposes of these regulations.

Maximum penalty: \$5 000.

## **Schedule 1—Revocation of *Primary Industry Funding Schemes (Riverland Wine Industry Fund) Regulations 2001***

The *Primary Industry Funding Schemes (Riverland Wine Industry Fund) Regulations 2001* are revoked.

### **Note—**

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

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

with the advice and consent of the Executive Council  
on 25 August 2016

No 206 of 2016

16MAFF0061

South Australia

# **Primary Industry Funding Schemes (Adelaide Hills Wine Industry Fund) Variation Regulations 2016**

under the *Primary Industry Funding Schemes Act 1998*

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- 3 Variation provisions

### **Part 2—Variation of *Primary Industry Funding Schemes (Adelaide Hills Wine Industry Fund) Regulations 2003***

- 4 Variation of regulation 3—Interpretation
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Primary Industry Funding Schemes (Adelaide Hills Wine Industry Fund) Variation Regulations 2016*.

### **2—Commencement**

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

### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## **Part 2—Variation of *Primary Industry Funding Schemes (Adelaide Hills Wine Industry Fund) Regulations 2003***

### **4—Variation of regulation 3—Interpretation**

Regulation 3(1), definition of *prescribed period*, (e)—delete "2016" and substitute:

2017

**Note—**

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

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 25 August 2016

No 207 of 2016

16MAFF0061

South Australia

# **Primary Industry Funding Schemes (Barossa Wine Industry Fund) Variation Regulations 2016**

under the *Primary Industry Funding Schemes Act 1998*

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### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

### **Part 2—Variation of *Primary Industry Funding Schemes (Barossa Wine Industry Fund) Regulations 2007***

- 4 Variation of regulation 3—Interpretation
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Primary Industry Funding Schemes (Barossa Wine Industry Fund) Variation Regulations 2016*.

### **2—Commencement**

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

### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## **Part 2—Variation of *Primary Industry Funding Schemes (Barossa Wine Industry Fund) Regulations 2007***

### **4—Variation of regulation 3—Interpretation**

Regulation 3(1), definition of *prescribed period*, (g)—delete "2016" and substitute:

2017

**Note—**

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

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 25 August 2016

No 208 of 2016

16MAFF0061

South Australia

# **Primary Industry Funding Schemes (Clare Valley Wine Industry Fund) Variation Regulations 2016**

under the *Primary Industry Funding Schemes Act 1998*

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## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

### **Part 2—Variation of *Primary Industry Funding Schemes (Clare Valley Wine Industry Fund) Regulations 2008***

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Primary Industry Funding Schemes (Clare Valley Wine Industry Fund) Variation Regulations 2016*.

### **2—Commencement**

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

### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## **Part 2—Variation of *Primary Industry Funding Schemes (Clare Valley Wine Industry Fund) Regulations 2008***

### **4—Variation of regulation 3—Interpretation**

Regulation 3(1), definition of *prescribed period*, (g)—delete "2016" and substitute:

2017

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation 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.

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South Australia

# Primary Industry Funding Schemes (McLaren Vale Wine Industry Fund) Variation Regulations 2016

under the *Primary Industry Funding Schemes Act 1998*

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- 2 Commencement
- 3 Variation provisions

### Part 2—Variation of *Primary Industry Funding Schemes (McLaren Vale Wine Industry Fund) Regulations 2003*

- 4 Variation of regulation 3—Interpretation
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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (McLaren Vale Wine Industry Fund) Variation Regulations 2016*.

### 2—Commencement

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

### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Primary Industry Funding Schemes (McLaren Vale Wine Industry Fund) Regulations 2003*

### 4—Variation of regulation 3—Interpretation

Regulation 3(1), definition of *prescribed period*, (d)—delete "2016" and substitute:

2017

#### Note—

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



**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
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No 210 of 2016

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South Australia

# Primary Industry Funding Schemes (SA Grape Growers Industry Fund) Variation Regulations 2016

under the *Primary Industry Funding Schemes Act 1998*

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- 2 Commencement
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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (SA Grape Growers Industry Fund) Variation Regulations 2016*.

### 2—Commencement

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

### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Primary Industry Funding Schemes (SA Grape Growers Industry Fund) Regulations 2007*

### 4—Variation of regulation 3—Interpretation

Regulation 3(1), definition of *prescribed period*, (g)—delete "2016" and substitute:

2017

#### Note—

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

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 25 August 2016

No 211 of 2016

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South Australia

## **Correctional Services Regulations 2016**

under the *Correctional Services Act 1982*

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# Part 1—Preliminary

## 1—Citation

These regulations may be cited as the *Correctional Services Regulations 2016*.

## 2—Commencement

These regulations will come into operation on 1 September 2016.

## 3—Interpretation

In these regulations—

*Act* means the *Correctional Services Act 1982*;

*authorised telephone call* means a telephone call that is made or received by a prisoner in accordance with rules made by the CE, or that has been specifically authorised by the manager of the correctional institution in which the prisoner is imprisoned;

*prohibited activity*—see regulation 9;

*prohibited item*—see regulation 8.

#### **4—Corresponding laws for purposes of section 27A of Act**

The following laws are corresponding laws for the purposes of section 27A of the Act:

- (a) Chapter 12, Part 12.2 of the *Corrections Management Act 2007* of the Australian Capital Territory;
- (b) Part 2 Division 3 Subdivision 2 (sections 27 to 37) of the *Crimes (Administration of Sentences) Act 1999* of New South Wales;
- (c) Chapter 3, Part 3.3, Division 3 of the *Correctional Services Act* of the Northern Territory;
- (d) Chapter 2, Part 2, Division 9 of the *Corrective Services Act 2006* of Queensland;
- (e) Part 6 (sections 47 to 56) of the *Corrections Act 1997* of Tasmania;
- (f) Part 8A (sections 80 to 84EA) of the *Corrections Act 1986* of Victoria.

## **Part 2—Admission of prisoners to correctional institutions**

### **5—Admission hours**

- (1) New prisoners may only be admitted for detention to the following correctional institutions from Monday to Friday (except public holidays), between 9 am and 6 pm:
  - (a) Adelaide Remand Centre;
  - (b) Adelaide Women's Prison;
  - (c) Cadell Training Centre;
  - (d) Mount Gambier Prison;
  - (e) Port Augusta Prison;
  - (f) Port Lincoln Prison;
  - (g) Yatala Labour Prison.
- (2) However, the CE may admit a new prisoner to an institution on some other day or at some other time if the CE thinks good reason exists for doing so.

### **6—Declaration by prisoner on admission**

On admission to a correctional institution, a prisoner must make a declaration in writing that specifies the personal property that the prisoner has with him or her or that is on or about the prisoner's person.

### **7—Prisoner may retain certain personal property**

- (1) A prisoner—
  - (a) must be permitted by the CE to retain at the correctional institution at which the prisoner is detained personal property—
    - (i) the total value of which does not exceed \$500; and
    - (ii) that is capable of being stored in a receptacle of a total volume of 60 litres; and

- (b) may, on written application to the CE, be permitted by the CE to retain at the correctional institution personal property that is of a kind other than that referred to in paragraph (a).
- (2) If a prisoner is in possession of any personal property that the prisoner is not permitted to retain at the correctional institution under subregulation (1) the prisoner must make arrangements to store it at a place other than a correctional institution and any costs incurred in storing the property will be borne by the prisoner.
- (3) If a prisoner refuses or fails to make arrangements, within a period specified by the CE for the purposes of this subregulation (which must be a period of at least 60 days), to store property as required by subregulation (2), the CE may make such arrangements as are necessary—
  - (a) to have the property stored at a place other than the correctional institution; or
  - (b) to otherwise deal with or dispose of the goods as the CE thinks fit (for example, by selling or destroying them),and the CE may deduct any costs incurred in making such arrangements from any money held to the credit of the prisoner.
- (4) For the purposes of subregulation (1), if the value of personal property of a prisoner is not apparent, the CE may determine the value of the property.

## Part 3—Prohibited items, activities and communications

### 8—Prohibited items (sections 33, 33A and 51)

- (1) For the purposes of sections 33(3)(f), 33A(4) and (5), and 51(1)(b), of the Act, the following items are prohibited items:
  - (a) a substance that is—
    - (i) a prescription drug; or
    - (ii) a controlled drug,under the *Controlled Substances Act 1984*;
  - (b) a syringe or needle;
  - (c) a device capable of being used for the administration of a controlled drug by means of the drawing of smoke or fumes (resulting from the heating or burning of the drug or substance), including a device known as a bong;
  - (d) any—
    - (i) flammable, corrosive or toxic substance that is a dangerous substance under the *Dangerous Substances Act 1979*; or
    - (ii) alcohol; or
    - (iii) paint; or
    - (iv) oil; or
    - (v) acid or alkali; or
    - (vi) glue; or
    - (vii) herbicide, fungicide or insecticide;
  - (e) any pressurised spray canister;

- (f) any explosive, explosive device or incendiary device, or any substance or device that can be used in the manufacture of an explosive or incendiary device;
  - (g) any pistol, revolver, rifle, machine gun, shot gun or any other kind of gun or weapon;
  - (h) any device or instrument designed or commonly used, or that has been or is capable of being adapted or modified, for the purpose of—
    - (i) inflicting any kind of bodily injury or harm to a person; or
    - (ii) assisting a prisoner to escape from a correctional institution;
  - (i) any book, diagram, plan or other document, or audio or video recording, or any other material of any kind, that instructs, teaches or otherwise guides a person—
    - (i) how to make any item referred to in the preceding paragraphs; or
    - (ii) about a method of escaping from a correctional institution or causing an insurrection, riot or other disturbance at a correctional institution;
  - (j) a film classified RC, X 18+ or R 18+, or a computer game classified RC, under the *Classification (Publications, Films and Computer Games) Act 1995*;
  - (k) any pornographic material;
  - (l) a camera or other device capable of capturing or recording images (whether digitally or on film or tape);
  - (m) a mobile telephone, mobile telephone accessory or other device that may be used to make or receive a telephone call other than an authorised telephone call;
  - (n) a 2-way radio (also known as a walkie talkie);
  - (o) any device that includes a modem or other device enabling it to transmit or receive data to or from a network of computers;
  - (p) any unauthorised data storage device.
- (2) For the purposes of paragraph (p) of subregulation (1)—
- unauthorised data storage device*** means a data storage device that has not been specifically authorised by the CE, but does not include a data storage device of a kind referred to in a preceding paragraph of that subregulation or a data storage device containing only a film or computer game classified G under the *Classification (Publications, Films and Computer Games) Act 1995*.
- (3) For the purposes of paragraph (a)(ii) of the penalty provision of section 51(1) of the Act, the items specified in paragraphs (g) and (m) of subregulation (1) are prescribed.

### **9—Prohibited activities (section 33)**

For the purposes of section 33(3)(e) of the Act, the following activities are prohibited:

- (a) a riot, insurrection or disturbance in a correctional institution;
- (b) the taking of a hostage in a correctional institution;
- (c) escape from lawful custody.

### **10—Penalties for breaches of regulations (sections 43 and 44)**

- (1) For the purposes of section 43(2)(a) of the Act, the prescribed amount is \$40.
- (2) For the purposes of section 44(2)(c) of the Act, the prescribed amount is \$75.



- (3) For the purposes of section 44(4) of the Act, the prescribed amount is \$3 000.

## **11—Prohibited manners of communication (section 51)**

- (1) For the purposes of section 51(1)(a) of the Act, all manners of communication between a prisoner and a person (other than a person who is lawfully in the same place as the prisoner) are prohibited except communications—
- (a) at a lawful visit; or
  - (b) by an authorised telephone call; or
  - (c) by a letter lawfully sent to a prisoner.
- (2) Without limiting subsection (1), for the purposes of section 51(1)(a) of the Act, all manners of communication between a prisoner and a person or organisation engaged in the provision of a service for the purposes of facilitating relationships between prisoners and persons who are not prisoners are prohibited.
- (3) In this regulation—

*communication* includes conversation and a message, and any part of a conversation or message, whether—

- (a) in the form of—
  - (i) speech, music or other sounds; or
  - (ii) data; or
  - (iii) text; or
  - (iv) visual images, whether or not animated; or
  - (v) signals; or
- (b) in any other form or in any combination of forms.

## **Part 4—Conduct of prisoners**

### **Division 1—Prisoners on home detention**

#### **12—Prisoner on home detention not to damage etc property of Department**

A prisoner serving a period of home detention must not, without lawful authority or reasonable excuse, damage, interfere with, alter or dispose of any property belonging to the Department that is in the prisoner's custody.

### **Division 2—Prisoners in correctional institutions**

#### **Subdivision 1—Interpretation**

#### **13—Interpretation**

In this Division—

*prisoner* does not include—

- (a) a prisoner serving a period of home detention under Part 4 of the Act; or
- (b) a prisoner released on parole under Part 6 of the Act; or

- (c) a prisoner on home detention subject to a home detention order under the *Criminal Law (Sentencing) Act 1988*.

## **Subdivision 2—Serious breaches**

### **14—Serious breaches—miscellaneous**

- (1) A prisoner must not assault another person.
- (2) A prisoner must not—
  - (a) disrupt security or order in a correctional institution; or
  - (b) incite another person to disrupt security or order in a correctional institution.
- (3) A prisoner must not—
  - (a) make preparation for a prohibited activity; or
  - (b) possess plans for the carrying out of a prohibited activity; or
  - (c) attempt to carry out a prohibited activity; or
  - (d) without the specific authorisation of the CE—possess an article that may assist a prisoner to engage in a prohibited activity.
- (4) A prisoner must not disobey, or refuse or fail to comply with—
  - (a) a lawful order or direction of an officer or employee of the Department or of a person authorised by the CE, individually or by class, to give directions to prisoners; or
  - (b) a procedure for, or notice or direction about, work safety promulgated by an officer or employee of the Department.
- (5) A prisoner must not perform work in an unsafe manner—
  - (a) knowing it to be unsafe; or
  - (b) with reckless indifference as to whether or not it is unsafe.
- (6) A prisoner must not set fire to any article without the authority of an officer or employee of the Department.
- (7) A prisoner must not communicate with a person in a manner prohibited under these regulations.

### **15—Serious breaches—sexual offences**

- (1) A prisoner must not sexually harass another person.
- (2) A prisoner sexually harasses another person if he or she does any of the following acts in such a manner or in such circumstances that the other person feels offended, humiliated or intimidated:
  - (a) he or she subjects the other person to an unsolicited act of physical intimacy;
  - (b) he or she demands or requests (directly or by implication) sexual favours from the other person;
  - (c) he or she makes, on more than 1 occasion, a remark with sexual connotations relating to the other person,

and it is reasonable in all the circumstances that the other person should feel offended, humiliated or intimidated by that conduct.

## **16—Threatening behaviour**

- (1) A prisoner must not threaten any person (whether for the purposes of obtaining a benefit or not).
- (2) It is a defence to a charge against subregulation (1) if the prisoner proves that the threat was a threat to invoke the due process of the law and that—
  - (a) the prisoner did not intend to obtain a benefit for himself, herself or any other person by making the threat; or
  - (b) the prisoner made the threat only for the purpose of avoiding the circumstance in relation to which the law would be invoked.

## **Subdivision 3—Minor breaches**

### **17—Application of section 42A to this Subdivision**

Section 42A of the Act applies to the regulations in this Subdivision.

### **18—Minor breaches—miscellaneous**

- (1) A prisoner must obey the rules made by the CE relating to the management of the correctional institution in which the prisoner is imprisoned.
- (2) A prisoner must not behave in a disorderly manner or cause unreasonable disturbance or annoyance to another person.
- (3) A prisoner must not forge, counterfeit or alter any document, article of identification or signature.
- (4) A prisoner must not hinder or obstruct—
  - (a) an officer or employee of the Department in the exercise of his or her powers or functions; or
  - (b) any other person lawfully exercising powers or carrying out functions in relation to prisoners.
- (5) A prisoner must not make a complaint against a person unless the prisoner has adequate grounds to believe that the complaint is true.
- (6) A prisoner must not use language or make a gesture that is abusive, insolent or obscene.
- (7) A prisoner must not refuse to work or carry out his or her duties without a reasonable excuse.
- (8) A prisoner must not—
  - (a) tattoo himself or herself; or
  - (b) tattoo another prisoner; or
  - (c) allow himself or herself to be tattooed.
- (9) A prisoner must not, without lawful authority, be in possession of any property of the Department or another person.
- (10) A prisoner must not, without lawful authority or reasonable excuse, damage, interfere with, alter or dispose of any property belonging to the Department or to another person.
- (11) A prisoner must not possess, or supply to another prisoner, a prohibited item.

- (12) A prisoner must not supply any property to another prisoner or receive any property from another prisoner—
  - (a) without the authorisation of the CE; or
  - (b) in exchange for any valuable consideration, benefit or service.
- (13) A prisoner must not fight with another prisoner.
- (14) A prisoner must not gamble.
- (15) A prisoner must not deposit litter, refuse or waste matter in any place other than a receptacle provided for the purpose.
- (16) A prisoner must not enter a cell or quarters other than his or her own without the authorisation of an officer or employee of the Department.
- (17) A prisoner must not leave—
  - (a) an area in which the prisoner is directed to be; or
  - (b) the areas in which the prisoner is authorised to be,without the permission of an officer or employee of the Department.
- (18) A prisoner must not use equipment or machinery of the Department without the authorisation of an officer or employee of the Department or of any other person who has lawful control over the use of the machinery or equipment.
- (19) A prisoner must not—
  - (a) intentionally; or
  - (b) with reckless indifference as to whether or not a task is mismanaged or improperly performed,mismanage or improperly perform prison work or any other task assigned to the prisoner by an officer or employee of the Department.

### **19—Minor breaches—alcohol and drugs**

- (1) A prisoner must not supply or administer to another person—
  - (a) alcohol; or
  - (b) a substance that is a prescription drug or controlled drug under the *Controlled Substances Act 1984*.
- (2) A prisoner must not possess or consume, or administer to himself or herself, alcohol unless the alcohol was possessed, consumed or administered in accordance with the authorisation of an officer or employee of the Department.
- (3) A prisoner must not possess or consume, or administer to himself or herself, a substance that is a controlled drug (other than a drug of dependence) under the *Controlled Substances Act 1984*.
- (4) A prisoner must not possess or consume, or administer to himself or herself, a substance that is a prescription drug or a drug of dependence under the *Controlled Substances Act 1984* unless—
  - (a) the substance has, for the purposes of that Act, been lawfully prescribed for or supplied to the prisoner; and
  - (b) the prisoner possesses or consumes or administers the substance for the purpose for which it was prescribed or supplied.

## 20—Defence to minor breaches relating to drugs

- (1) If a drug is found to be present in a biological sample of a prisoner, the prisoner will be taken to be guilty of an offence against the relevant provision of regulation 19 unless—
  - (a) the drug was lawfully supplied or administered to the prisoner; or
  - (b) the prisoner had not, on the day the biological sample was given, been in prison for the prescribed period; or
  - (c) the prescribed period had not, on that day, elapsed since the prisoner last gave a biological sample in which the same drug was found to be present.
- (2) For the purposes of subregulation (1), the *prescribed period* means, in relation to the following drugs or a drug of the following classes:
  - (a) amphetamines—7 days;
  - (b) cocaine metabolite—7 days;
  - (c) opiates—7 days;
  - (d) tricyclic antidepressants—7 days;
  - (e) methadone—21 days;
  - (f) barbiturates—28 days;
  - (g) benzodiazapines—28 days;
  - (h) cannabinoids—70 days.

## Subdivision 4—Complicity

### 21—Complicity

A prisoner who aids, abets, counsels or procures the commission of an offence under this Part is guilty of an offence and liable to be dealt with under the Act as a principal offender.

## Part 5—Procedures on hearings and appeals

### 22—Procedure where CE deals with breach of regulations under section 43

- (1) For the purposes of section 43(1) of the Act—
  - (a) the prescribed time within which the CE may charge a prisoner with the offence of a breach of the regulations is 8 weeks from the date of the alleged breach; and
  - (b) the prescribed manner of conducting an inquiry into the allegation (except where the proceedings are to be heard and determined in the absence of the prisoner) is set out in the following subregulations.
- (2) On charging a prisoner with an offence against the regulations, the CE must—
  - (a) immediately give the prisoner a notice in writing that—
    - (i) sets out the date of the alleged offence and briefly states the facts on which the alleged offence is founded; and
    - (ii) identifies the particular regulation that is alleged to have been breached; and
  - (b) as soon as practicable after giving the prisoner notice of the alleged offence, fix a time, date and place for the hearing of the inquiry; and

- (c) after fixing the time, date and place for the hearing of the inquiry, immediately inform the prisoner, by notice in writing, of the time, date and place of the hearing.
- (3) At the commencement of the inquiry, the CE must—
- (a) read out the charge to the prisoner; and
  - (b) explain in simple language to the prisoner—
    - (i) the nature of the charge; and
    - (ii) the penalty that may be imposed if the charge is proved; and
    - (iii) the procedure that will be followed in conducting the inquiry; and
    - (iv) that the prisoner need not choose to give evidence but that, if the prisoner does so, the prisoner will be liable to be cross-examined.
- (4) At the conclusion of the inquiry, the CE must—
- (a) make a written record of—
    - (i) the CE's decision in the matter; and
    - (ii) the reasons for the decision; and
    - (iii) the penalty (if any) imposed; and
    - (iv) the reasons for the penalty; and
  - (b) provide the prisoner with a copy of the record.

### **23—Procedure of Visiting Tribunal dealing with breach of regulations**

- (1) The procedure to be followed by a Visiting Tribunal in proceedings under Division 2 of Part 5 of the Act (except where proceedings are to be heard and determined in the absence of the prisoner) is set out in the Act and in the following subregulations.
- (2) At the commencement of the hearing, the Visiting Tribunal must—
- (a) read out the charge to the prisoner; and
  - (b) explain in simple language to the prisoner—
    - (i) the nature of the charge; and
    - (ii) the penalty that may be imposed if the charge is proved; and
    - (iii) the procedure that will be followed; and
    - (iv) that the prisoner need not give evidence but that, if the prisoner does so, the prisoner will be liable to be cross-examined.
- (3) At the conclusion of the hearing, the Visiting Tribunal must—
- (a) make a written record of—
    - (i) its decision in the matter; and
    - (ii) the reasons for the decision; and
    - (iii) the penalty (if any) imposed; and
    - (iv) the reasons for the penalty; and
  - (b) provide the prisoner with a copy of the record.

## 24—Orders relating to possession of prohibited item etc

If the CE or a Visiting Tribunal has heard and determined a matter arising out of a breach of the regulations and the determination contains a finding that a prisoner was in possession of anything contrary to these regulations, the CE or Visiting Tribunal (as the case requires) may make any of the following orders:

- (a) in the case of a sum of money—
  - (i) if the prisoner is lawfully entitled to it—that the whole or part of it be credited to the prisoner; or
  - (ii) if the prisoner is not lawfully entitled to it—
    - (A) that it be returned to the person lawfully entitled to it; or
    - (B) where the identity or whereabouts of the person lawfully entitled to it cannot be ascertained—that it be paid to the Treasurer as unclaimed money for the purpose of the *Unclaimed Moneys Act 1891*;
- (b) in any other case—
  - (i) if the prisoner is lawfully entitled to it—that it be retained and handed to the prisoner on the prisoner's discharge from prison; or
  - (ii) if the prisoner is not lawfully entitled to it—
    - (A) that it be returned to the person lawfully entitled to it; or
    - (B) where the identity or whereabouts of the person lawfully entitled to it cannot be ascertained—that it be destroyed or disposed of in such manner as is considered to be expedient.

## 25—Appeal against penalty imposed by CE (section 46)

- (1) For the purposes of section 46(2) of the Act, the prescribed manner for instituting an appeal by a prisoner to a Visiting Tribunal against a penalty imposed by the CE is set out in the following subregulations.
- (2) The prisoner must, within 7 days of receiving a copy of the record of the penalty imposed and the reasons for the penalty, serve on the CE a notice in writing stating—
  - (a) that the prisoner intends to appeal; and
  - (b) the grounds of the appeal.
- (3) After being served with a notice of appeal, the CE must—
  - (a) arrange for the Visiting Tribunal to hear the appeal; and
  - (b) provide the Visiting Tribunal with a copy of—
    - (i) the notice of appeal; and
    - (ii) the record made by the CE under regulation 22.
- (4) The prisoner must be notified in writing, at least 7 days before the date fixed for the hearing, of the time, date and place fixed for the hearing.

## 26—Appeals against orders of Visiting Tribunals (section 47)

- (1) For the purposes of section 47(2) of the Act, the prescribed manner in which an appeal against an order of a Visiting Tribunal is to be instituted is set out in the following subregulations.

- (2) The prisoner must, within 14 days of receiving a copy of the record of the penalty imposed and the reasons for the penalty, serve on the CE a notice in writing that—
  - (a) identifies the proceedings that are the subject of the appeal; and
  - (b) sets out the reasons why the prisoner considers that the proceedings were not conducted in accordance with the Act and these regulations.
- (3) The CE must, within 14 days of receiving a notice under subregulation (2), lodge at the District Court or the Magistrates Court (as the case requires)—
  - (a) a copy of the notice; and
  - (b) a copy of the record that has been made under these regulations relating to the proceedings the subject of the appeal; and
  - (c) any other relevant material.

## **Part 6—Parole Board procedures**

### **27—Summons by Board**

- (1) A summons under section 63(1)(a) of the Act requiring a person to attend before the Board must be in the form set out in Form 1 of Schedule 1.
- (2) A summons under section 63(1)(b) of the Act requiring a person to produce a document relating to a matter before the Board must be in the form set out in Form 2 of Schedule 1.

### **28—Prisoners excluded from automatic release on parole (section 66)**

- (1) For the purposes of section 66(2)(b) of the Act, a prisoner is excluded from the application of section 66(1) of the Act if any part of the imprisonment for which the prisoner was sentenced is in respect of an offence against section 99I of the *Summary Procedure Act 1921* arising out of a breach of a paedophile restraining order.

- (2) In this regulation—

*paedophile restraining order* means—

- (a) an order under section 99AA of the *Summary Procedure Act 1921*; or
- (b) an order under section 19A of the *Criminal Law (Sentencing) Act 1988* that has effect as a restraining order under section 99AA of the *Summary Procedure Act 1921*.

### **29—Release on parole—application by prisoner**

- (1) An application by a prisoner for release on parole made under section 67 of the Act must be made in the form set out in Form 3 of Schedule 1.
- (2) The prisoner must serve a copy of the application on the CE and the Board and may serve each copy by post.
- (3) On receiving the prisoner's application for parole, the CE must cause details of the prisoner specified in section 31 to be served personally on the prisoner and on the Board.

### **30—Release on parole—application by CE**

The CE, or any officer or employee of the Department authorised by the CE—

- (a) may apply under section 67 of the Act for a prisoner's release on parole in the form set out in Form 4 of Schedule 1; and



- (b) must cause details of the prisoner specified in section 31 to be served personally on the prisoner and on the Board.

### **31—Release on parole—details to be included in application**

- (1) For the purposes of regulations 29 and 30, the details specified are—
  - (a) the prisoner's—
    - (i) identification number; and
    - (ii) alias; and
    - (iii) date of birth; and
    - (iv) sex or gender identity; and
    - (v) criminal history; and
    - (vi) total period of imprisonment; and
  - (b) the date and details of the prisoner's conviction; and
  - (c) the date on which the prisoner's non-parole period expires; and
  - (d) any deportation or extradition order relating to the prisoner; and
  - (e) any details of home detention relating to the prisoner.
- (2) In providing details in accordance with this regulation, the CE or the officer or employee of the Department authorised by the CE (as the case may be) must certify that the details are accurate.

### **32—Order for release on parole**

- (1) If the Board makes an order releasing a prisoner on parole under Part 6 Division 3 of the Act—
  - (a) the order must be in the form set out in Form 5 of Schedule 1; and
  - (b) the Board must send a copy of the order to—
    - (i) the prisoner who is to be released on parole; and
    - (ii) the CE.
- (2) The manager of a correctional institution who receives a copy of an order referred to in subregulation (1) must return to the Board the copy of the order, signed by the prisoner, within a reasonable time of the prisoner being released on parole.

### **33—Community corrections officer may give directions to parolee**

A community corrections officer may, subject to the conditions of parole, give a prisoner released on parole 1 or more of the following directions:

- (a) to report to the community corrections officer on a regular basis;
- (b) to reside at a place specified by the community corrections officer;
- (c) to follow a particular course of employment;
- (d) to notify the community corrections officer of any change in the person's place of residence or place of employment within 48 hours of any such change occurring;
- (e) to obtain the community corrections officer's written permission before the person leaves the State;
- (f) not to possess a firearm;

- (g) to avoid having contact with a specified person;
- (h) to obey any condition ordered by the Board as a condition of the prisoner's release on parole;
- (i) not to visit a specified place either generally or at a specified time;
- (j) not to have contact with any specified thing.

### **34—Variation or revocation of parole conditions (section 71)**

- (1) An application by a person under section 71 of the Act for an order to vary or revoke any condition of parole must—
  - (a) be in writing; and
  - (b) be signed by the person making the application; and
  - (c) contain a concise statement setting out the facts on which the person intends to rely in support of the application.
- (2) The applicant must serve the application on the secretary to the Board by post or by leaving the application at the office of the secretary to the Board.

### **35—Application for discharge from parole (section 72)**

An application by a person under section 72 of the Act for an order discharging the person from parole must—

- (a) be in writing; and
- (b) contain a concise statement setting out the facts on which the person intends to rely in support of the application.

## **Part 7—Drug testing of prisoners**

### **36—Definitions (section 4 of Act)**

- (1) In accordance with paragraph (b) of the definition of *drug* in section 4 of the Act, the following substances (generally only supplied on prescription) are declared to be a drug for the purposes of the Act:
  - (a) alprazolam  
bromazepam  
chlorazepate  
chlordiazepoxide  
clobazam  
clonazepam  
diazepam  
flunitrazepam  
flurazepam  
lorazepam  
midazolam  
oxazepam  
temazepam  
triazolam;
  - (b) amitriptyline  
clomipramine  
dothiepin  
doxepin

imipramine  
 nortriptyline  
 trimipramine.

- (2) For the purposes of the definition of *prescribed procedure* in section 4(1) of the Act, the taking of a biological sample in accordance with a procedure established under regulation 38(1) from a person for analysis is prescribed.

### 37—Authorised officers

The CE may, by instrument in writing, appoint an officer or employee of the Department with qualifications or experience considered by the CE to be appropriate to carry out drug testing of prisoners under section 37AA of the Act, to be an authorised officer for a term, and subject to the conditions or limitations, specified in the instrument.

### 38—CE may establish drug testing procedures

- (1) The CE may, from time to time, establish procedures (which should be consistent with appropriate medical standards or other relevant professional standards) to be followed for the purposes of drug testing prisoners under section 37AA of the Act.
- (2) A prisoner required to submit to an alcotest must not refuse or fail to comply with all reasonable directions of an authorised officer in relation to the requirement and, in particular, must not refuse or fail to exhale into the apparatus by which the alcotest is conducted in accordance with the directions of the authorised officer.
- (3) A prisoner required to submit to drug testing must not refuse or fail to comply with all reasonable directions of an authorised officer in relation to the drug test and, in particular, must not refuse or fail to supply a biological sample for testing in accordance with the directions of the authorised officer.
- (4) A prisoner who has not, within the period specified in the procedures of being directed to do so, provided a sample of his or her urine in accordance with the direction, will be taken to have failed to comply with the direction.
- (5) The maxima of the penalties that may be imposed under section 43 or 44 of the Act for a breach of this regulation are as follows:

#### Section 43(2):

(a)	forfeiture of a sum of money	\$75
(b)	forfeiture of amenities or privileges	84 days
(c)	exclusion from work	42 days

#### Section 44(2):

(a)	forfeiture of a sum of money	\$150
(b)	forfeiture of amenities or privileges	6 months
(c)	exclusion from work	84 days

## Part 8—Miscellaneous

### 39—Prescribed number of visitors (section 34)

- (1) For the purposes of section 34(1) of the Act, the prescribed maximum number of persons is 3.
- (2) For the purposes of section 34(2) of the Act, the prescribed maximum number of persons is 3.

#### 40—Dealing with surrendered items

- (1) For the purposes of section 68A(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 Part 3A 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 person 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 68(1)(a)(ia) on the release on parole of the person who surrendered the surrendered item is varied or revoked, or the person is discharged from parole, the person may notify the Commissioner of Police of that fact.
- (5) Subject to this regulation, if the Commissioner of Police—
  - (a) is notified in accordance with subregulation (4); or
  - (b) otherwise becomes aware that the release on parole of the person is no longer subject to the condition imposed under section 68(1)(a)(ia), or the person is discharged from parole,

the Commissioner of Police must cause the surrendered item to be returned to the person 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 person who surrendered the item setting out—
  - (a) that the surrendered items specified in the notice are to be returned to the person; 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 person holds any necessary authorisation under the *Firearms Act 1977* 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 person if—
  - (a) the person is on conditional release that is subject to a condition prohibiting the person from possessing a firearm, ammunition or part of a firearm; or

- (b) the person does not hold any necessary authorisation under the *Firearms Act 1977* 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, he or she must give notice in writing to the person 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 person does not, at the end of the period specified in subregulation (6)(c), hold the necessary authorisation under the *Firearms Act 1977* 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 subregulation, forfeited to the Crown.

(9) If the Commissioner of Police refuses to return a surrendered item to a person in accordance with subregulation (7)(a)—

- (a) the surrendered item will be taken to have been surrendered in accordance with a direction under the provision of the Act under which the conditional release was granted (corresponding to section 68A(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 person 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 person under this regulation may—

- (a) be given to the person personally; or
- (b) be posted in an envelope addressed to the person—
  - (i) at the person's last known address; or
  - (ii) at the person's address for service; or
- (c) be left for the person at the person's last known address or address for service with someone apparently over the age of 16 years.

(14) In this regulation—

***conditional release*** means—

- (a) a grant of bail under the *Bail Act 1985*; or
- (b) a bond under the *Criminal Law (Sentencing) Act 1988* or the *Criminal Law Consolidation Act 1935*; or
- (c) a prisoner on home detention subject to a home detention order under the *Criminal Law (Sentencing) Act 1988*; or

- (d) release from prison on home detention or parole under the Act; or
- (e) release on licence under the *Criminal Law (Sentencing) Act 1988* or the *Criminal Law Consolidation Act 1935*; or
- (f) release on licence, or conditional release from detention, under the *Young Offenders Act 1993*;

**surrendered item** means a firearm, ammunition or any part of a firearm surrendered in accordance with a direction under section 68A(1) of the Act.

#### **41—Medical examinations**

For the purposes of assessing prisoners under section 23 of the Act, or for preventing or containing the spread of disease within correctional institutions, the CE may direct a prisoner to undergo specified medical examinations or tests.

#### **42—Prohibition on supply and administration of certain drugs**

The following must not be supplied or administered to a prisoner without the approval of the CE:

- (a) a drug for the treatment of erectile dysfunction;
- (b) a drug that is an anorectic and weight reducing agent;
- (c) a substance containing Pseudoephedrine;
- (d) drugs containing—
  - (i) Methylphenidate Hydrochloride; or
  - (ii) Dexamphetamine Sulphate.

Maximum penalty: \$2 500.

#### **43—Unauthorised dealings with prisoners prohibited (section 82 of Act)**

- (1) Section 82 of the Act applies to a person of any of the following classes:
  - (a) a Visiting Tribunal;
  - (b) an inspector appointed under section 20 of the Act;
  - (c) a member of a committee established under section 23 of the Act to carry out assessments of prisoners;
  - (d) a person used as a volunteer in the administration of the Act;

**Examples—**

A prison chaplain, an education provider, a counsellor, a member of a prisoner support group, etc.

- (e) a contractor engaged to undertake work in a correctional institution;
  - (f) a person employed or engaged to provide medical services in a correctional institution;
  - (g) a person who provides medical or other services to a prisoner in a hospital or other health service.
- (2) For the purposes of section 82 of the Act, a dealing in which an officer or employee of the Department directly or indirectly—
  - (a) except as required in the course of the employee's duties—gives goods, services, money or any other benefit or advantage to a prisoner; or

(b) receives goods, services, money or any other benefit or advantage from a prisoner, is a dealing of a prescribed class.

**Examples—**

The following dealings are examples that would constitute dealings of a prescribed class:

- (a) an arrangement between a prisoner and an employee for the employee to receive a free tattoo from a tattooist who is an associate of the prisoner;
- (b) an arrangement between a prisoner and an employee for the employee to receive motor vehicle parts from the prisoner or an associate of the prisoner;
- (c) an arrangement between a prisoner and an employee for the prisoner to perform work for the employee.

#### **44—Prescribed weapons (section 86A)**

For the purposes of section 86A of the Act, the following weapons are prescribed:

- (a) a Glock 9mm hand gun;
- (b) a 12 gauge shotgun;
- (c) a Monadnock PR24 Defensive Police Baton;
- (d) a baton designed or adapted for use as a weapon that can be extended in length by gravity or centrifugal force or by a release button or other device (known as an extendable baton);
- (e) Oleoresin Capsicum (known as OC) in all its forms;
- (f) Orthochlorobenzalmalononitrile (known as CS) in all its forms;
- (g) a Taser;
- (h) a 40mm single or multi shot launcher;
- (i) a Pepperball launcher.

### **Schedule 1—Forms**

#### **Form 1—Summons to attend before Parole Board (section 63)**

*Correctional Services Act 1982*

To [insert name and address]

The Parole Board of South Australia requires you to attend before the Board

At [insert place, date and time]

Signature of Presiding Member or Member of Board (*Delete whichever is inapplicable*)

Date

**Note—**

Section 63 of the Act provides that a person who fails to attend in accordance with a summons is guilty of an offence.

Maximum penalty: \$5 000 or imprisonment for 3 months.

#### **Form 2—Summons to produce document(s) to Parole Board (section 63)**

*Correctional Services Act 1982*

To [insert name and address]

The Parole Board of South Australia requires you to attend before the Board

At *[insert place, date and time]*

To produce then and there the document(s) particulars of which are *[insert particulars of document(s) to be produced]*

Every document particularised that is in your possession and power must be produced in accordance with this summons

Signature of Presiding Member or Member of Board (*Delete whichever is inapplicable*)

Date

**Note—**

Section 63 of the Act provides that a person who fails to comply with a summons is guilty of an offence.  
Maximum penalty: \$5 000 or imprisonment for 3 months.

### **Form 3—Application for release on parole by prisoner (section 67)**

*Correctional Services Act 1982*

To the Parole Board of South Australia and the Chief Executive of the Department for Correctional Services

Application for release on parole made by *[insert applicant's name]* of *[insert applicant's address]*

Statement supporting application to assist Board in making decision *[statement in the form of an attachment to be signed by applicant]*

An interpreter is required/is not required (*Delete whichever is inapplicable*)

Language in which interpreter is required (if relevant)

Signature of applicant

Date

### **Form 4—Application for release of prisoner on parole by or on behalf of CE (section 67)**

*Correctional Services Act 1982*

To the Parole Board of South Australia

Application by Chief Executive of the Department for Correctional Services/authorised officer or employee of the Department (*Delete whichever is inapplicable*)

For release on parole of *[insert prisoner's name]* of *[insert prisoner's address]*

Statement supporting application to assist Board in making decision *[statement in the form of an attachment to be signed by CE]*

Signature of applicant

Date

### **Form 5—Order for release on parole (sections 67 and 68)**

*Correctional Services Act 1982*

To *[insert prisoner's name]* of *[insert prisoner's address]*

You were convicted of *[insert conviction(s)]* on *[insert conviction date(s)]* and sentenced to *[insert sentence details]* with a non-parole period of *[insert non-parole period]*



The Board orders that you be released on parole on *[insert date of release on parole]*

The release is subject to the following conditions *[insert conditions]*

Signature of Presiding Member or Member of Board (*Delete whichever is inapplicable*)

Date

I *[insert prisoner's name]* confirm that I fully understand the conditions on which I am to be released on parole and I accept those conditions

Signature of prisoner

Date

**Note—**

In the case of a prisoner serving a sentence of life imprisonment—

- (a) the day of release on parole specified must be a day that falls after the period within which an application for review of the order under Part 6 Division 4 of the Act may be made; and
- (b) the order of the Board for release on parole must be provided to the persons specified in section 67(7a)(a).

Section 68 of the Act specifies certain conditions to which release on parole must be subject.

### **Form 6—Summons to attend before Parole Administrative Review Commissioner (section 77K)**

*Correctional Services Act 1982*

To *[insert name and address]*

The Parole Administrative Review Commissioner requires you to attend before the Commissioner

At *[insert place, date and time]*

Signature of Commissioner

Date

**Note—**

Section 77K of the Act provides that a person who fails to attend in accordance with a summons is guilty of an offence.

Maximum penalty: \$10 000.

### **Form 7—Summons to produce document(s) to Parole Administrative Review Commissioner (section 77K)**

*Correctional Services Act 1982*

To *[insert name and address]*

The Parole Administrative Review Commissioner requires you to attend before the Commissioner

At *[insert place, date and time]*

To produce then and there the document(s) particulars of which are *[insert particulars of document(s) to be produced]*

Every document particularised that is in your possession and power must be produced in accordance with this summons

Signature of Commissioner

Date

**Note—**

Section 77K of the Act provides that a person who fails to comply with a summons is guilty of an offence.  
Maximum penalty: \$10 000.

**Schedule 2—Revocation of *Correctional Services Regulations 2001***

The *Correctional Services Regulations 2001* are revoked.

**Note—**

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

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 25 August 2016

No 212 of 2016

MCS16/04CS

# Fees Regulation (Incidental SAAS Services) Revocation Regulations 2016

under the *Fees Regulation Act 1927*

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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement

### Part 2—Revocation of *Fees Regulation (Incidental SAAS Services) Regulations 2009*

- 3 Revocation of regulations
- 

## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Fees Regulation (Incidental SAAS Services) Revocation Regulations 2016*.

### 2—Commencement

These regulations will come into operation in accordance with section 5 of the *Fees Regulation Act 1927*.

## Part 2—Revocation of *Fees Regulation (Incidental SAAS Services) Regulations 2009*

### 3—Revocation of regulations

The *Fees Regulation (Incidental SAAS Services) Regulations 2009* are revoked.

#### Note—

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

### Made by the Governor's Deputy

with the advice and consent of the Executive Council  
on 25 August 2016

No 213 of 2016

HEAC-2016-00031

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## CITY OF VICTOR HARBOR

## BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 1—Permits and Penalties*

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

## PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Permits and Penalties By-law 2016 and is By-law No. 1 of the City of Victor Harbor.

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 operation<sup>1</sup>:

- 4.1.1 By-law No. 1—Permits and Penalties 2009.<sup>2</sup>

4.2 This by-law will expire on 1 January 2024.<sup>3</sup>

## Note:

<sup>1</sup> Generally a by-law comes into operation four months after the day on which it is *Gazetted*: Section 249 (5) of the Act.

<sup>2</sup> 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.

<sup>3</sup> 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 applies throughout the Council's area.

6. *Interpretation*

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

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *Council* means the City of Victor Harbor; and
- 6.3 *person* includes a natural person, a body corporate, an incorporated association or an unincorporated association.

## Note:

Section 14 of the Acts Interpretation Act 1915, 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, unless the contrary intention appears, *permission* means permission of the Council, (or such other person as the Council may authorise), granted in writing 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 the Council may authorise) may attach such conditions as it thinks fit to a

grant of permission, and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.

8.3 A person granted permission 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 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 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 currently \$750, and the maximum penalty for every day in which a breach of a continuing nature continues is currently \$50—see 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 City of Victor Harbor held on 25 July 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated 25 August 2016.

G. MAXWELL, Chief Executive Officer

## CITY OF VICTOR HARBOR

## BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 2—Moveable Signs*

A by-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety.

## PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Moveable Signs By-law 2016 and is By-law No. 2 of the City of Victor Harbor.

2. *Authorising law*

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

3. *Purpose*

The object of this by-law is 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 operation<sup>1</sup>:

4.1.1 By-law No. 2—Moveable Signs 2009.<sup>2</sup>

4.2 This by-law will expire on 1 January 2024.<sup>3</sup>

Note:

<sup>1</sup> Generally a by-law comes into operation four months after the day on which it is *Gazetted*: Section 249 (5) of the Act.

<sup>2</sup> 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.

<sup>3</sup> 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 2016.

5.2. This by-law applies throughout the Council area.

#### 6. Interpretation

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

6.1 *Act* means the Local Government Act 1999;

6.2 *authorised person* means a person appointed as an authorised person pursuant to Section 260 of the Act;

6.3 *banner* means a slip of cloth, plastic or other material hung up or carried on a pole, fence or other structure;

6.4 *business premises* means premises from which a business is being conducted;

6.5 *Council* means the City of Victor Harbor;

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;

6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;

6.7 *Local Government Land* has the same meaning as in the Act;

6.8 *moveable sign* has the same meaning as in the Act;

6.9 *road* has the same meaning as in the Act; and

6.10 *vehicle* has the same meaning as in the Road Traffic Act 1961.

Note:

Section 14 of the Acts Interpretation Act 1915, 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 kind known as an 'A' frame or sandwich board sign, an inverted 'T' sign, or a flat sign or, with the permission of the Council, a sign of some other kind;

7.2 be designed, constructed and maintained in good quality and condition so as not to present a hazard to any member of the public;

7.3 be of strong construction and sufficiently stable or securely fixed so as to keep its position in any weather conditions;

7.4 have no sharp or jagged edges or corners;

7.5 not be unsightly or offensive in appearance or content;

7.6 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;

7.7 not rotate or contain flashing parts;

7.8 not have balloons, flags, streamers or other things attached to it;

7.9 not exceed 900 mm in perpendicular height or have a base with any side exceeding 600 mm in length;

7.10 not have a display area exceeding 1 square metre in total, or, if the sign is two-sided, 1 square metre on each side;

7.11 in the case of an 'A' frame or sandwich board sign:

7.11.1 be hinged or joined at the top;

7.11.2 be of such construction that its sides are securely fixed or locked in position when erected; or

7.12 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. Appearance

A moveable sign placed on the footpath area must, in the opinion of an Authorised Person:

8.1 be painted or otherwise detailed in a competent and professional manner; and

8.2 be of such design that is aesthetically appealing and legible.

#### 9. Placement

A moveable sign must not be:

9.1 placed on any part of a road other than the footpath area;

9.2 tied, fixed or attached to, or placed closer than 1.8 metres from any structure, fixed object, tree, bush or plant (including another moveable sign);

9.3 placed on a designated parking area or within 1.8 metres of an entrance to any business or other premises;

9.4 placed on the sealed part of a footpath:

9.4.1 if there is an unsealed part on which the sign can be placed in accordance with this by-law; or

9.4.2 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;

9.5 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;

9.6 placed closer than 0.4 metres to the edge of the carriageway of a road;

9.7 in the case of a flat sign, placed other than in line with and against the property boundary of a road;

9.8 placed on a landscaped area;

9.9 placed within 5 metres of an intersection;

9.10 placed on a footpath area unless it is wide enough to contain the sign and still leave a clear thoroughfare of a width of at least 1.8 metres;

9.11 placed on a footpath area with a minimum height clearance from a structure above it of less than 2 metres;

9.12 placed on a median strip, traffic island, roundabout or any other traffic control device on a road;

9.13 placed other than adjacent to the business premises to which it relates;

9.14 displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible; or

9.15 be placed in such a position or in such circumstances so that:

9.15.1 it compromises the safety of any person or places a person at risk of harm; or

9.15.2 it obstructs or impedes (or would be likely to obstruct or impede) a vehicle door when opened, provided that the vehicle is parked lawfully on the carriageway.

#### 10. Banners

A banner displayed on a road must:

10.1 be securely fixed at both ends to a pole, fence or other structure so that it does not hang loose or flap at either end;

- 10.2 not, without the Council's permission, be attached to any building, structure, fence, vegetation or other item owned by the Council;
- 10.3 not be displayed more than one month before and two days after the event it advertises; and
- 10.4. not, without the Council's permission, exceed 3 square metres in size.

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 one moveable sign for each business premises to be displayed on the footpath area 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 or a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
- 11.3 A person must not cause or allow a moveable sign to be placed on a 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, by resolution, prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.

#### 12. Exemptions

- 12.1 Subclauses 9.14, 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:
- (a) no more than four moveable signs per residential premises are displayed at any one time in relation to a garage sale taking place at that premises;
- (b) the moveable sign displays the address of the vendor; and
- (c) the moveable sign is displayed on the day the garage sale is taking place; or
- 12.1.2 is a directional sign to a short term event (of less than three days) 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 for the moveable sign to be displayed contrary to that requirement.

Note-

This by-law does not apply to moveable signs placed and maintained on a road in accordance with Section 226 (3) of the Act, which includes any sign:

- placed there pursuant to an authorisation under another Act;
- designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- 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;
- related to an election held under this Act or the Local Government (Elections) Act 1999 and is displayed during the period commencing four (4) 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
- the sign is of a prescribed class.

### PART 3—ENFORCEMENT

#### 13. Removal of Moveable Signs

- 13.1 A person must immediately comply with the order of an authorised person to remove a moveable sign made pursuant to Section 227 (1) of the Act.

Note:

Pursuant to Section 227 (1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:

- the design, construction or positioning of a Moveable Sign does not comply with a requirement of this by-law; or
- any other requirement of this by-law is not complied with; or
- the Moveable Sign unreasonably restricts the use of the Road, or endangers the safety of other persons.

- 13.2 The owner of, or other person entitled to recover, a moveable sign removed by an authorised person pursuant to Section 227 (2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.

- 13.3 The owner of, or other person responsible for, a moveable sign must remove or relocate the moveable sign at the request of an authorised person:

- 13.3.1 if, in the opinion of an authorised person, and notwithstanding compliance with this by-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or

- 13.3.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

#### 14. Liability of Vehicle Owners

- 14.1 For the purposes of this Clause 14, owner in relation to a vehicle has the same meaning as contained in Section 4 of the Act.
- 14.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This by-law was duly made and passed at a meeting of the City of Victor Harbor held on 25 July 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated 25 August 2016.

G. MAXWELL, Chief Executive Officer

### CITY OF VICTOR HARBOR

#### BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

##### *By-law No. 3—Roads*

A by-law to manage, control and regulate 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 2016 and is By-law No. 3 of the City of Victor Harbor.

#### 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 prescribed uses 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 operation<sup>1</sup>:
  - 4.1.1 By-law No. 3—Roads 2009.<sup>2</sup>
- 4.2 This by-law will expire on 1 January 2024.<sup>3</sup>

Note—

<sup>1</sup> Generally a by-law comes into operation four months after the day on which it is *Gazetted*: Section 249 (5) of the Act.

<sup>2</sup> 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.

<sup>3</sup> 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 2016.
- 5.2 Subject to Clause 5.3, this by-law applies throughout the Council's area.
- 5.3 Clause 7.3.2 and 7.4.2 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, insects and poultry but does not include a dog;
- 6.3 *authorised person* has the same meaning as in 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; or
  - 6.4.2 subject to the Road Traffic Act 1961, a caravan or motor home;
    - to remain on a road overnight, whether or not any person is in attendance or sleeps on the road;
- 6.5 *Council* means the City of Victor Harbor;
- 6.6 *effective control* means a person exercising effective control of an animal either:
  - 6.6.1 by means of a physical restraint; or
  - 6.6.2 by command, the animal being in close proximity to the person, and the person being able to see the animal at all times;
- 6.7 *electoral matter* has the same meaning as in the Electoral Act 1995 provided that such electoral matter is not capable of causing physical damage or injury to a person within its immediate vicinity;
- 6.8 *emergency worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014;
- 6.9 *moveable sign* has the same meaning as in the Act;
- 6.10 *road* has the same meaning as in the Act; and
- 6.11 *vehicle* has the same meaning as in the Road Traffic Act 1961.

Note—

Section 14 of the Acts Interpretation Act 1915, 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 or sign for the purpose of advertising goods or services, other than a moveable sign that is displayed in accordance with the Council's Moveable Signs By-law.

##### 7.2 Amplification

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

##### 7.3 Animals

- 7.3.1 Cause or allow an animal to stray onto, move over, or graze or be left unattended on any road.
- 7.3.2 Lead, herd or exercise an animal 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.

##### 7.4 Camping and Tents

- 7.4.1 Erect a tent or other structure of calico, canvas, plastic or other similar material.
- 7.4.2 Camp or remain overnight except on a road designated by the Council by resolution for this purpose (if any) and in accordance with any conditions determined by the Council and displayed on any signage on or near the road.

##### 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, footway, water-channel, or watercourse in a road.

##### 7.6 Preaching

Preach, harangue, solicit or canvass for religious or charitable purposes.

##### 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 or hold a concert, festival, show, 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 exhibitions 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 Vehicles

Repair, wash, paint, panel beat or perform other work of a similar nature to a 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.

#### PART 3—ENFORCEMENT

##### 8. Directions

A person who, in the opinion of an authorised person is committing or has committed a breach of this by-law, must immediately comply with a direction of an authorised person to leave that part of the road.

##### 9. Orders

If a person does not comply with an order of an authorised person made pursuant to Section 262 of the Act in respect of a breach of this by-law, the Council may seek to recover its costs of any action taken under Section 262 (3) of the Act from the person to whom the order was directed.



Note—

Section 262 (1) of the Act states:

- (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 busking on a road;
- remove an object or structure blocking a footpath;
- remove bills posted on a structure on a road;
- dismantle and remove a tent from a road.

#### 10. Removal of Animals and Objects

10.1 An authorised person may remove an animal or object that is on a road in breach of a by-law if no person is in charge, or apparently in charge, of the animal or object.

10.2 The Council may recover from the owner or apparent owner of the animal or object, the costs it incurs in removing an animal or object in accordance with paragraph 10.1.

#### PART 4—MISCELLANEOUS

##### 11. Exemptions

The restrictions in this by-law do not apply to a Police Officer, Emergency Worker, 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.

##### 12. Liability of Vehicle Owners

12.1 For the purposes of this Clause 12, owner in relation to a vehicle has the same meaning as contained in Section 4 of the Act.

12.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This by-law was duly made and passed at a meeting of the City of Victor Harbor held on 25 July 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

Dated 25 August 2016.

G. MAXWELL, Chief Executive Officer

#### CITY OF VICTOR HARBOR

##### BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

##### *By-law No. 4—Local Government Land*

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

#### PART 1—PRELIMINARY

##### 1. Title

This by-law may be cited as the Local Government Land By-law 2016 and is By-law No. 4 of the City of Victor Harbor.

##### 2. Authorising Law

This by-law is made under Sections 238 and 246 of the Act and Section 18A of the Harbors and Navigation Act 1993.

##### 3. Purpose

The objectives of this by-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:

- 3.1 to prevent and mitigate nuisances;
- 3.2 to prevent damage to Local Government land;

3.3 to protect the convenience, comfort and safety of members of the public;

3.4 to enhance the amenity of the Council area; and

3.5 for the good rule and government of the 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 operation<sup>1</sup>:

4.1.1 By-law No. 4—Local Government Land 2009.<sup>2</sup>

4.2 This by-law will expire on 1 January 2024.<sup>3</sup>

Note—

1 Generally a by-law comes into operation four months after the day on which it is *Gazetted*: Section 249 (5) of the Act.

2 Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

3 Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the gazetting of the by-law.

##### 5. Application

5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2016.

5.2 Subject to Clauses 5.3 and 5.4, this by-law applies throughout the Council area.

5.3 Clauses 9.2, 9.4.2, 9.9.1, 9.6.2, 9.10.2, 9.23.1-9.23.3, 9.23.5, 9.24.2, 9.37, 10.5 and 10.11.2 of this by-law only apply in such parts of the Council area as the Council may by resolution direct in accordance with Section 246 (3) (e) of the Act.

5.4 Clauses 9.4.3, 9.9.3, 9.9.5, 9.14.2, 9.3.3 and 9.33 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 or animals* includes birds and insects but does not include a dog;

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* has the same meaning as in the Act;

6.5 *boat* includes a raft, pontoon or personal watercraft or other similar device;

6.6 *boat ramp* means a facility constructed, maintained and operated for the launching and retrieval of a boat;

6.7 *camp* includes setting up a camp, or causing a tent, caravan or motor home to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;

6.8 *Council* means the City of Victor Harbor;

6.9 *effective control* means a person exercising effective control of an animal either:

6.9.1 by means of a physical restraint; or

6.9.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;

6.10 *electoral matter* has the same meaning as in the Electoral Act 1985 provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;

6.11 *emergency vehicle* has the same meaning as in the Australian Road Rules and the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014;

- 6.12 *emergency worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014;
- 6.13 *funeral ceremony* means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.14 *liquor* has the same meaning as in the Liquor Licensing Act 1997;
- 6.15 *Local Government land* means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.16 *offensive* includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.17 *open container* means a container which:
- (a) after the contents of the container have been sealed at the time of manufacture:
- (i) being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
- (ii) being a can, it has been opened or punctured;
- (iii) being a cask, it has had its tap placed in a position to allow it to be used;
- (iv) 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
- (v) is a flask, glass, mug or other container able to contain liquid.
- 6.18 *personal watercraft* means a device that—
- 6.18.1 is propelled by a motor;
- 6.18.2 has a fully enclosed hull;
- 6.18.3 is designed not to retain water if capsized; and
- 6.18.4 is designed to be operated by a person who sits astride, stands, or kneels on the device;
- and includes the device commonly referred to as a jet ski;
- 6.19 *pontoon* includes a platform, landing, base, raft or similar structure (including steps and supports) in or surrounded by water;
- 6.20 *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;
- 6.21 *tobacco product* has the same meaning as in the Tobacco Products Regulation Act 1997;
- 6.22 *vehicle* has the same meaning as in the Road Traffic Act 1961;
- 6.23 *waters* includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council but does not include ocean waters; and
- 6.24 *wheeled Recreational Device* has the same meaning as in the Road Traffic Act 1961.

Note—

Section 14 of the Acts Interpretation Act 1915, 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

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.

The Council may:

- 7.1 close or regulate or restrict access to any part of Local Government land to the public for specified times and days; and

- 7.2 fix charges or fees payable for entry onto any part of Local Government land.

##### 8. Closed Lands

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

- 8.1 which has been closed or in respect of which access by the public is regulated or restricted in accordance with Clause 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.

#### PART 3—USE OF LOCAL GOVERNMENT LAND

##### 9. Activities Requiring Permission

Note—

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

A person must not without the permission of the Council, do any of the following on Local Government land.

##### 9.1 Advertising

Subject to Clause 14.2, 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 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 determined this paragraph applies.

##### 9.3 Amplification

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

##### 9.4 Animals

- 9.4.1 cause or allow an animal to stray onto, move over, graze or be left unattended; or
- 9.4.2 cause or allow an animal to enter, swim, bathe or remain in any waters to which the Council has resolved this subparagraph shall apply; or
- 9.4.3 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.

##### 9.5 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; or
- by making a noise or creating a disturbance.

##### 9.6 Aquatic Life

- 9.6.1 Introduce any aquatic life in any waters located on Local Government land.
- 9.6.2 Take, interfere with or disturb any aquatic life in any waters to which the Council has determined 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 on such land, or allow it to remain thereon.

### 9.9 Boats

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 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;
- 9.9.3 propel, float or otherwise use a boat on or in any waters except:
  - (a) in an area to which the Council has resolved this clause applies; and
  - (b) in accordance with any conditions that the Council may have determined by resolution apply to that use;
- 9.9.4 hire out a boat or otherwise use a boat for commercial purposes;
- 9.9.5 moor a boat on any waters or to a pontoon attached to Local Government land, except in an area that the Council has set aside for that purpose; or
- 9.9.6 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 Allow any vehicle or boat to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat.
- 9.10.2 Launch or retrieve a boat from or on to any boat ramp on Local Government land to which the Council has determined this clause applies other than in accordance with the conditions determined by the Council, including any condition specified on a sign displayed on or in the vicinity of the boat ramp.

### 9.11 Bridge and Jetty Jumping

Jump or dive from a bridge or jetty on Local Government land.

### 9.12 Buildings

Use a building, or structure on Local Government land for a purpose other than its intended purpose.

### 9.13 Burials and Memorials and Cemeteries

- 9.13.1 Bury, inter or spread the ashes of any human or animal remains.
- 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 for that purpose and in compliance with any signs that have been erected.

### 9.14 Camping and Tents

- 9.14.1 Erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation.
- 9.14.2 Camp or stay overnight except in an area to which the Council has, by resolution, designated for camping and in accordance with such time limits and other conditions determined by resolution of the Council (if any).

### 9.15 Canvassing

Subject to Clause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other.

### 9.16 Distribution

Subject to Clause 14.2 and the Local Nuisance and Litter Control Act 2016, place on a vehicle (without the consent of the owner of the vehicle), or 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 he or she desires a donation of money or any other thing.

### 9.18 Entertainment and Busking

- 9.18.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.
- 9.18.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.

### 9.19 Equipment

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.

### 9.20 Fires

Subject to the Fire and Emergency Services Act 2005, light any 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 metres.

### 9.21 Fireworks

Ignite or discharge 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 damage, pick, disturb, interfere with or remove any plant 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 or remove any soil, 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 the eggs or young of any animal or bird;
- 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 or bird; or
- 9.22.8 burn any timber or dead wood.

### 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 practice any game which involves kicking, hitting or throwing a ball or other object on Local Government land to which the Council has resolved this subclause applies, which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.

9.23.3 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 practice 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 practice any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council and indicated on a sign on or in the vicinity of the land.
- 9.24 *Model Aircraft, Boats and Cars*  
Subject to the Civil Aviation Safety Regulations 1998:
- 9.24.1 fly or operate a model or drone aircraft, boat or model or remote control car 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
- 9.24.2 fly or operate a model or drone aircraft, boat or model or remote control car on any Local Government land to which the Council has resolved this subclause applies.
- 9.25 *Objects on Local Government Land*  
Erect, place, use or allow to remain on any Local Government land any object including, but not limited to, a planter box, table, chairs, display stand, hoarding, crane, cherry-picker, elevated platform vehicle, scaffolding, stage, ladder, trestle, appliance or other equipment.
- 9.26 *Overhanging Articles or Displaying Personal Items*  
Suspend or hang an article or object from a building, verandah, pergola, post or other structure on Local Government land where it might present a nuisance or danger to a person using the land or be of an unsightly nature.
- 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, steps, jetty or similar structure in any waters.
- 9.29 *Preaching*  
Preach, harangue or solicit for religious purposes.
- 9.30 *Rubbish and Rubbish Dumps*
- 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 Dunes*
- 9.31.1 Use a sand board or other item to slide down a sand dune, coastal slope or cliff.
- 9.31.2 Destabilise sand on a sand dune, coastal slope or cliff so as to cause it to unnecessarily mass waste down slope.
- 9.31.3 Ride a horse on a sand dune or coastal slope except in an area designated by the Council by resolution.
- 9.31.4 Carry out any other activity that may threaten the integrity of a sand dune, coastal slope or cliff.
- 9.32 *Soil*  
Deposit, dig, carry away or remove any soil, clay, gravel, sand, timber, stones, pebbles or any other matter.
- 9.33 *Swimming*  
Subject to the provisions of the Harbors and Navigation Act 1993, enter, swim in, bathe or engage in any aquatic activity in any waters except:
- 9.33.1 in an area which the Council has determined may be used for such purpose; and
- 9.33.2 in accordance with any conditions that the Council may have determined by resolution apply to such use.
- 9.34 *Trading*
- 9.34.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing.
- 9.34.2 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.
- 9.35 *Vehicles*
- 9.35.1 Drive or propel a vehicle except on any Local Government land (including Roads) constructed and set aside by the Council for that purpose.
- 9.35.2 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.
- 9.35.3 Repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.36 *Weddings, Functions and Special Events*
- 9.36.1 Hold, conduct or participate in a marriage ceremony, funeral or special event.
- 9.36.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event.
- 9.36.3 Hold or conduct any filming where the filming is for a commercial purpose.
- 9.37 *Wheeled Recreational Devices*  
Subject to the Road Traffic Act 1961, ride a wheeled recreational device on Local Government land to which the Council has determined this clause applies.
10. *Prohibited Activities*  
A person must not do any of the following on Local Government land.
- 10.1 *Animals*
- 10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person 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 *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.

10.3 *Defacing Property*

Deface, paint, write, cut names, letters or make marks on or affix bills or advertisements to any tree, rock, gate, fence, building, sign or property of the Council.

10.4 *Equipment*

Use any item of equipment, facilities or property belonging to the Council other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it.

10.5 *Fishing*

Fish in any waters to which the Council has determined this subclause applies.

10.6 *Glass*

Wilfully break any glass, china or other brittle material.

10.7 *Interference with Land*

Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:

- 10.7.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 10.7.2 erecting or installing a structure in, on, across, under or over the land;
- 10.7.3 changing or interfering with the construction, arrangement or materials of the land;
- 10.7.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 10.7.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.

10.8 *Interference with Permitted Use*

Interrupt or interfere with any other person's use of Local Government land which is permitted or for which permission has been granted.

10.9 *Nuisance*

Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person.

10.10 *Playing Games*

Play or practice 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 Products Regulation Act 1997, smoke, hold or otherwise have control over an ignited tobacco product:

- 10.11.1 in any building; or
- 10.11.2 on any land to which the Council has determined this subclause applies.

10.12 *Solicitation*

Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.

10.13 *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.

10.14 *Toilets*

In any public convenience on Local Government land:

- 10.14.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 10.14.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;

10.14.3 use it for a purpose for which it was not designed or constructed;

10.14.4 smoke tobacco or any other substance;

10.14.5 enter a toilet that is set aside for use of the opposite sex except:

- (a) where a child under the age of eight years is accompanied by an adult parent or guardian of that sex; or
- (b) to provide assistance to a disabled person; or
- (c) in the case of a genuine emergency.

10.15 *Waste*

10.15.1 Deposit or leave thereon:

- (a) anything obnoxious or offensive;
- (b) any mineral, mineral waste, industrial waste or bi-products.

10.15.2 Deposit in a receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs.

## PART 4—ENFORCEMENT

11. *Directions*

11.1 A person on Local Government land must comply with a reasonable direction from an authorised person relating to:

- 11.1.1 that person's use of the land;
- 11.1.2 that person's conduct and behaviour on the land;
- 11.1.3 that person's safety on the land; or
- 11.1.4 the safety and enjoyment of other persons on the land.

11.2 A person who, in the opinion of an authorised person, is likely to commit or has committed, a breach of this by-law must immediately comply with a direction of an authorised person to leave that part of Local Government land.

12. *Orders*

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

Note—

Section 262 (1) of the Act states:

- (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.

13. *Removal of Animals and Objects*

13.1 An authorised person may remove an animal or object that is on Local Government Land in breach of a by-law if no person is in charge of, or apparently in charge of, the animal or object.

13.2 The Council may recover the cost of removing an animal or object from the person in charge or apparently in charge of the animal or object.

## PART 5—MISCELLANEOUS

## 14. Exemptions

- 14.1 The restrictions in this by-law do not apply to a Police Officer, Emergency Worker, 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.
- 14.2 The restrictions in Clauses 9.1, 9.15 and 9.16 of this by-law do not apply to electoral matter authorised by a candidate and which is:
- 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- 14.2.2 related to an election under the Act or the Local Government (Elections) Act 1999 and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.

## 15. Liability of Vehicle Owners

- 15.1 For the purposes of this Clause 15, owner in relation to a vehicle has the same meaning as contained in Section 4 of the Act.
- 15.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This by-law was duly made and passed at a meeting of the City of Victor Harbor held on 25 July 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

Dated 25 August 2016.

G. MAXWELL, Chief Executive Officer

## CITY OF VICTOR HARBOR

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999  
AND THE DOG AND CAT MANAGEMENT ACT 1995*By-law No. 5—Dogs*

A by-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council area.

## PART 1—PRELIMINARY

## 1. Title

This by-law may be cited as the Dog By-law 2016 and is By-law No. 5 of the City of Victor Harbor.

## 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 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 operation<sup>1</sup>:

4.1.1 By-law No. 5—Dogs.<sup>2</sup>

- 4.2. This by-law will expire on 1 January 2024.<sup>3</sup>

## Note:

<sup>1</sup> Generally a by-law comes into operation four months after the day on which it is *Gazetted*: Section 249 (5) of the Act.

<sup>2</sup> 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.

<sup>3</sup> 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 2016.
- 5.2 Subject to Clause 5.3, this by-law applies throughout the Council area.
- 5.3 Clauses 10 and 11.1 of this by-law only apply in such part or parts of the Council area as the Council may by resolution direct in accordance with Section 246 (3) (e) of the Act.

## 6. Interpretation

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

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *approved kennel establishment* means a building, structure or area approved by a relevant authority, pursuant to the Development Act 1993, for the keeping of dogs on a temporary or permanent basis;
- 6.3 *assistance dog* means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
- 6.4 *children's playground* means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);
- 6.5 *Council* means the City of Victor Harbor;
- 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 from the low water mark on the seashore in the Council's area to the nearest road or section boundary, or for a distance of 50 metres from the high water mark (whichever is the lesser);
- 6.9 *keep* includes the provision of food or shelter;
- 6.10 *low water mark* means the lowest meteorological tide;
- 6.11 *park* has the same meaning as in the Dog and Cat Management Act 1995;
- 6.12 *premises* includes land, whether used or occupied for domestic or non-domestic purposes;
- 6.13 *small dwelling* means a self-contained dwelling 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 560 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;
- 6.15 *working dog* means a dog primarily used for the purposes of droving or tending stock;

6.16 for the purposes of Clauses 9 and 10 of the by-law, a dog is under *effective control by means of a leash* if the dog is secured to a leash that does not exceed 2 metres in length and:

6.16.1 the leash 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 14 of the Acts Interpretation Act 1915, 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 dog in a small dwelling; or

7.1.2 in a township, two or more dogs on any premises other than a small dwelling; or

7.1.3 outside of a township, more than 3 dogs (other than working dogs) on any premises.

7.2 For the purposes of Clause 7.1, 'dog' means a dog that is three (3) months of age or older, or a dog that has lost its juvenile teeth.

7.3 Clause 7.1 does not apply to:

7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or

7.3.2 any business involving the keeping of dogs provided that the business is registered in accordance with the Dog and Cat Management Act 1995 and operating in accordance with all required approvals and consents.

7.4 The Council may require that premises which are the subject of an application for permission to keep additional dogs must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.

7.5 No dog is to be kept on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

#### PART 3—DOG CONTROLS

##### 8. Dog exercise areas

Subject to Clauses 9, 10 and 11 of this by-law, a person may enter a park in the Council area for the purpose of exercising a dog under his or her effective control.

Note:

If a person is exercising a dog in a park as permitted under this Clause and the dog is not under effective control, this gives rise to a dog wandering at large offence under Section 43 (1) of the Dog and Cat Management Act 1995, for which the owner of or person responsible for the dog may be liable.

##### 9. Dogs on the Foreshore

9.1. Subject to Clauses 9.2 and 10 and 11, a person may exercise any dog under that person's control, charge or authority on a foreshore provided that the dog is under effective control at all times.

9.2 Between the hours of:

9.2.1 10 a.m. and 8 p.m. daily during daylight savings time; and

9.2.2 10 a.m. and 6 p.m. daily during any other period; a person must not allow a dog under that person's effective control, charge or authority (except an assistance dog that is required to remain off-leash in order to fulfil its functions) to remain on the

foreshore to unless the dog is under effective control by means of a leash.

##### 10. Dog on leash areas (other than the foreshore)

A person must not allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain on Local Government land or in a public place to which the Council has determined this clause applies unless the dog is under effective control by means of a leash.

##### 11. 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:

11.1 on any Local Government land or public place to which the Council has determined this clause applies; or

11.2. on or in any children's playground.

##### 12. 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—ENFORCEMENT

##### 13. Orders

13.1 If a person engages in conduct that is in contravention of this by-law, an authorised person may order that person:

13.1.1 if the conduct is still continuing—to stop the conduct; and

13.1.2 whether or not the conduct is still continuing—to take specified action to remedy the contravention.

13.2 A person must comply with an order under this clause.

13.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.

13.4 However, an authorised person may not use force against a person under this section.

Note-

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

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This by-law was duly made and passed at a meeting of the City of Victor Harbor held on 25 July 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

G. MAXWELL, Chief Executive Officer

#### CITY OF VICTOR HARBOR

##### BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

##### *By-law No. 6—Cats*

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 2016 and is by-law No. 6 of the City of Victor Harbor.

##### 2. Authorising law

This by-law is made under Section 90 (5) of the Dog and Cat Management Act 1995, Section 246 of the Act.

### 3. Purpose

The objects of this by-law are to control and manage cats in the Council 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 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 operation<sup>1</sup>:
  - 4.1.1 By-law No. 6—Cats 2009.<sup>2</sup>
- 4.2 This by-law will expire on 1 January 2024.<sup>3</sup>

Note:

- <sup>1</sup> Generally a by-law comes into operation four months after the day on which it is *Gazetted*: Section 249 (5) of the Act.
- <sup>2</sup> 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.
- <sup>3</sup> 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 2016.

### 6. Interpretation

In this by-law, unless the contrary intention appears;

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 except for the purposes of clause 8, *cat* means an animal of the species *felis catus* which is three months of age or has lost its juvenile canine teeth;
- 6.3 *Council* means City of Victor Harbor;
- 6.4 *keep* includes the provision of food or shelter;
- 6.5 *nuisance* means:
  - 6.5.1 unreasonably interfering with the peace, comfort or convenience of a person, including but not limited to a cat(s) displaying aggressive nature or creating unpleasant noise or odour;
  - 6.5.2 injurious to a person's real or personal property; or
  - 6.5.3 obnoxious, offensive or hazardous to health;
  - 6.5.4 wandering onto land without the consent of the owner or occupier of the land.
- 6.6 *premises* includes land whether used or occupied for domestic or non-domestic purposes and any part thereof.

Note:

Section 14 of the Acts Interpretation Act 1915 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—CAT CONTROLS

### 7. Limits on Cat Numbers

- 7.1 Subject to Clause 7.2, a person must not, without the Council's permission, keep or cause, suffer or permit to be kept, more than two cats on any premises.
- 7.2 Clause 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.

### 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 For the purposes of Clause 8.1, *cat* means an animal of the species *felis catus*

### 9. Registration of Cats

- 9.1 A person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this by-law.
- 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 years of age who consents to the cat being registered in his or her name; and
  - 9.2.4 identify with reference to an address the premises at which the cat is kept.
- 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 months.
- 9.4 Clause 10.1 does not apply to premises comprising a business involving a boarding kennel operating in accordance with all required approvals and consents.

#### PART 3—ENFORCEMENT

### 10. Orders

- 10.1 If a person engages in conduct that is a contravention of this by-law, an authorised person may order that person:
  - 10.1.1 if the conduct is still continuing—to stop the conduct; and
  - 10.1.2 whether or not the conduct is still continuing—to take specified action to remedy the contravention.
- 10.2 A person must comply with an order under this Clause.
- 10.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 10.4 However, an authorised person may not use force against a person under this section.

Note:

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

- cease keeping more than the permitted number of cats on that person's premises; or
- take the necessary steps to mitigate a nuisance caused by cats.

This by-law was duly made and passed at a meeting of the City of Victor Harbor held on 25 July 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

G. MAXWELL, Chief Executive Officer

#### CITY OF VICTOR HARBOR

#### BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

#### *By-law No. 7—Foreshore*

A by-law for the management of foreshore areas.

#### PART 1—PRELIMINARY

### 1. Title

This by-law may be cited as the Foreshore By-law 2016 and is By-law No. 7 of the City of Victor Harbor.

### 2. Authorising Law

This by-law is made under Sections 238 and 246 of the Act and Section 18A of the Harbors and Navigation Act 1993.

### 3. Purpose

The objectives of this by-law are to regulate the access to and use of the foreshore:

- 3.1 to prevent and mitigate nuisances on the foreshore;



- 3.2 to prevent damage to and to promote conservation of the foreshore;
- 3.3 to protect the convenience, comfort and safety of members of the public;
- 3.4 to enhance the amenity of the Council area; and
- 3.5 for the good rule and government of the area.

#### 4. Expiry

- 4.1 This by-law will expire on 1 January 2024.

#### Note:

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 2016.
- 5.2 Subject to Clauses 5.3 and 5.4, this by-law applies throughout the Council area.
- 5.3 Clauses 7.5.1, 7.5.3, 7.11 and 8.7.1 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 Clauses 7.3.1, 7.5.2, 7.6.2 and 7.12 of this by-law apply throughout the Council 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:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *animal or animals* includes birds and insects but does not include a dog;
- 6.3 *adjacent land* has the same meaning as in the Harbors and Navigation Act 1993;
- 6.4 *authorised person* has the same meaning as in the Act;
- 6.5 *boat* includes a raft, pontoon or personal watercraft or other similar device;
- 6.6 *camp* includes setting up a camp, or causing a tent, caravan or motor home to remain on the foreshore overnight, whether or not any person is in attendance or sleeps on the land;
- 6.7 *Council* means the City of Victor Harbor;
- 6.8 *emergency worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014;
- 6.9 *foreshore* means land extending from the low water mark on the seashore in the Council's area to the nearest road or section boundary, or for a distance of 50 metres from the high water mark (whichever is the lesser), and for the avoidance of doubt, includes adjacent land within the Victor Harbor;
- 6.10 *low water mark* means the lowest meteorological tide;
- 6.11 *personal watercraft* means a device that:
  - 6.11.1 is propelled by a motor;
  - 6.11.2 has a fully enclosed hull;
  - 6.11.3 is designed not to retain water if capsized; and
  - 6.11.4 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.
- 6.12 *pontoon* includes a platform, landing, base, raft or similar structure (including steps and supports) in or surrounded by water;
- 6.13 *subadjacent land* means land underlying navigable waters adjacent to the foreshore within the Council's area; and
- 6.14 *Vehicle* has the same meaning as in the Road Traffic Act 1961; and

- 6.15 *Victor Harbor* means the area defined as 'Victor Harbor' in Schedule 3 of the Harbors and Navigation Regulations 2009.

#### Note:

Section 14 of the Acts Interpretation Act 1915, 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—REGULATION OF ACTIVITIES ON THE FORESHORE

#### 7. Activities Requiring Permission

No person shall, without the Council's permission, undertake any of the following activities on the foreshore:

##### 7.1 Access

Enter or remain on any part of the foreshore that has been closed to the public (including by way of the erection of barriers) for reasons of public safety and/or conservation of the foreshore.

##### 7.2 Advertising

Subject to Clause 14.2, display, paint or erect any advertisement (including on any building or structure on the foreshore).

##### 7.3 Animals

7.3.1 Allow, ride or take any animal onto or allow it to remain on the foreshore or in any adjacent waters except on any part or parts of the foreshore to which the Council has resolved this clause applies.

7.3.2 Allow any animal to enter or leave the foreshore other than by the access ramps constructed or provided by the Council for that purpose.

##### 7.4 Bathing

Swim or bathe at a time when swimming or bathing in that place has been prohibited by resolution of the Council (for the reasons of public safety) as indicated by a sign or signs displayed on the land.

##### 7.5 Boat Ramps

7.5.1 Launch or retrieve a boat from or onto any boat ramp on any part of the foreshore to which the Council has determined this clause applies without having:

- (a) purchased a short term ticket; or
- (b) been granted an annual launch permit.

7.5.2 Except for on any portion of the foreshore to which the Council has resolved this clause applies, launch or retrieve a boat from or onto the foreshore without using a boat ramp constructed or provided by the Council for that purpose.

7.5.3 Use a boat ramp on any foreshore to which the Council has determined this clause applies to launch or retrieve a boat, or for any other purpose, other than in accordance with the conditions determined by the Council (if any).

7.5.4 Allow a vehicle or boat to remain stationary on a boat ramp for longer than is necessary to launch or retrieve a boat.

7.5.5 For the purposes of Clause 8.4 the following definitions apply:

- (a) *annual launch permit* means a permit issued by the Council and/or its agent upon application and which authorises the launch of a boat from a boat ramp in accordance with the conditions determined by the Council;
- (b) *short term ticket* means a ticket purchased from a vending machine located at or in the vicinity of a boat ramp that authorises a single launch of a boat from the boat ramp in accordance with the conditions determined by the Council (including any conditions displayed at the site of the vending machine) and, which is valid for a period of 24 hours from the time of purchase.

### 7.6 *Camping and Tents*

- 7.6.1 Erect a tent or other structure of calico, canvas, plastic or similar material.
- 7.6.2 Camp or sleep overnight except in an area that the Council has, by resolution, designated for camping and in accordance with such time limits and other conditions determined by resolution of the Council (if any).

### 7.7 *Entertainment and Busking*

- 7.7.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.
- 7.7.2 Conduct or hold any event, concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.

### 7.8 *Fires*

Subject to the Fire and Emergency Services Act 2005 and the Environment Protection (Air Quality) Policy 2016, light any fire except:

- 7.8.1 in a place provided by the Council for that purpose; or
- 7.8.2 in a portable barbeque as long as the barbeque is used in an area that is clear of flammable material for a distance of four metres.

### 7.9 *Fishing*

Cast a fishing line or keep a fishing line in waters adjacent the foreshore while there are other persons in the waters in the vicinity of the fishing line.

### 7.10 *Jetties*

- 7.10.1 Jump or dive from a jetty or other structure onto the foreshore or into any adjacent waters.

### 7.11 *Pontoon*

Moor a boat to or allow any boat to remain stationary on any pontoon installed on subjacent land to which the Council has resolved this clause applies other than in accordance with the conditions determined by the Council and displayed on any sign on or in the vicinity of the pontoon.

### 7.12 *Sandboarding*

Use a sandboard or other item except in any area the Council has resolved this clause applies.

### 7.13 *Trading*

Sell, buy, offer or display for sale or hire any goods or services (including from a vehicle standing on the foreshore).

### 7.14 *Weddings, Functions and Events*

- 7.14.1 Hold, conduct or participate in a marriage ceremony, funeral or other organised event or competition.
- 7.14.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or other event.
- 7.14.3 Hold or conduct any filming where the filming is for a commercial purpose.

## 8. *Prohibited Activities*

No person shall undertake any of the following activities on the Foreshore.

### 8.1 *Annoyances*

Unless authorised by the Council, conduct himself or herself:

- 8.1.1 in such a manner that may annoy or endanger others; or
- 8.1.2 unreasonably interfere with the lawful activities of others that are taking place on the foreshore.

### 8.2 *Clad and unclad bathing*

If aged 5 years or over, remain thereon or in any adjacent waters unless properly clad in a bathing costume or other

garment necessary to ensure the observance of public decency.

### 8.3 *Interference with Permitted Use*

Interrupt or interfere with any other person's use of the foreshore for which permission has been given by the Council.

### 8.4 *Sand dunes, coastal slopes and cliffs*

- 8.4.1 Carry out any activity that may damage or threaten the integrity of sand dunes, coastal slopes or cliffs.
- 8.4.2 Introduce non-indigenous flora or fauna or dump any material in a sand dune.
- 8.4.3 Destroy, remove or cause interference to any flora or fauna, whether living or dead, on or within a sand dune, coastal slope or coastal cliff.
- 8.4.4 Remove or clear any sand, seaweed, soil, rocks or other flora and fauna.
- 8.4.5 Make or excavate any dug-out, cave, cliff or other opening, or camp in or otherwise occupy any dug out, cave or cliff overhang opening.

### 8.5 *Toilets*

In any public convenience (including showers, toilets and hand washing facilities):

- 8.5.1 urinate other than in a urinal or pan or defecate other than in a pan for the purpose;
- 8.5.2 smoke tobacco or any other substance;
- 8.5.3 deposit anything in a pan, urinal or drain that is likely to cause a blockage or damage to the facility or any drain, pipe or property associated with the facility;
- 8.5.4 use the ablutionary facilities for a purpose for which it was not designed or constructed;
- 8.5.5 enter any ablutionary facilities that is set aside for the use of the opposite sex except for:
  - 9.5.5.1 a child under the age of 10 years accompanied by an adult person;
  - 9.5.5.2 providing assistance to a disabled person.

### 8.6 *Use of equipment, buildings and property*

- 8.6.1 Use or occupy any equipment, structure, building or property thereon that belongs to the Council other than for the purpose and in the manner for which it was designed, constructed and intended to be used.
- 8.6.2 Damage, destroy or remove any building or structure, notice board or sign.

### 8.7 *Vehicles and Boats*

- 8.7.1 Drive or propel a vehicle on any portion of the foreshore to which the Council has resolved this clause applies.
- 8.7.2 Drive or propel a vehicle on the foreshore except on an area or road that is constructed or set aside for that purpose.
- 8.7.3 Drive or propel a vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or provided by the Council for that purpose.
- 8.7.4 Use any ramp or thoroughfare to which the Council has resolved this clause applies to drive or propel a vehicle onto or from the foreshore without having paid the applicable fee (if any) in the manner determined by the Council.
- 8.7.5 Drive or propel a vehicle over or on any sand dunes.
- 8.7.6 Hire out a boat on or from the foreshore.

## PART 3—ENFORCEMENT

## 9. Directions

- 9.1 A person on the foreshore must comply with a reasonable direction from an authorised person relating to:
- 9.1.1 that person's use of the foreshore;
  - 9.1.2 that person's conduct and behaviour on the foreshore; or
  - 9.1.3 the safety and enjoyment of other persons on the foreshore.
- 9.2 A person who, in the opinion of an authorised person, is likely to commit or has committed, a breach of this by-law must immediately comply with a direction of an authorised person to leave that part of the foreshore.

## 10. 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.

## 11. Removal of Animals and Objects

An authorised person may remove an animal or object that is on the foreshore in breach of a by-law if no person is in charge of, or apparently in charge of, the animal or object.

## PART 4—MISCELLANEOUS

## 12. Exemptions

- 12.1 The restrictions in this by-law do not apply to a police officer, emergency worker, Council officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor or volunteer while performing work for the Council and while acting under the supervision of a Council officer.
- 12.2 The restrictions in Clauses 7.2 of this by-law do not apply to electoral matter authorised by a candidate and which is:
- 12.2.1 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; or
  - 12.2.2 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
  - 12.2.3 related to, and occurs during the course of and for the purpose of a referendum.

## 13. Liability of Vehicle Owners

- 13.1. For the purposes of this Clause 13, *owner* in relation to a vehicle has the same meaning as contained in Section 4 of the Act.
- 13.2. Pursuant to Section 264 (3) (h) (iii) of the Act, 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 foregoing by-law was duly made and passed at a meeting of the City of Victor Harbor held on 22 August 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

G. MAXWELL, Chief Executive Officer

## CITY OF WHYALLA

Results of Supplementary Election for Mayor  
Conducted on Tuesday, 9 August 2016

Formal Ballot Papers: 6 921  
Informal Ballot Papers: 14

Quota: 3 461

Candidates	First Preference Votes	Votes at Conclusion of Election
Breuer, Lyn.....	2 689	3 280
Marshall, Joanne.....	254	301
Velthuisen, Jack .....	292	368
Antonio, Tom .....	2 702	3 135
Schmitz, Robert.....	504	679
Barnes, Jenny .....	233	233
Knox, David .....	247	265

At the conclusion of the election Lyn Breuer was the continuing candidate with the largest number of votes and was therefore elected.

D. GULLY, Returning Officer

## ALEXANDRINA COUNCIL

## ROADS (OPENING AND CLOSING) ACT 1991

## Road Closure—Currency Creek

NOTICE is hereby given, pursuant to Section 10 of the Roads (Opening and Closing) Act 1991, that the Alexandrina Council proposes to make a Road Process Order to close the whole of Lumley Street, Tabor Street, Grainger Street, Gilpin Street, Ravenshaw Street, Allen Street, Ellis Street, Joseph Street, Phillip Street, Bagshaw, Street, Thompson Street, Horak Street, Duncan Place, Webb Place, Smithson Place and unnamed public roads and portions of Caddogan Street and unnamed public road generally situate between Wellington Road and Adelaide Place and east of Hussey Road, more particularly delineated and lettered 'A' to 'H', 'J' to 'N' and 'P' to 'V' on the Preliminary Plan No. 13/0030.

Closed Road 'A' to 'H', 'J' to 'N' and 'P' to 'V' to be transferred and merged with the adjoining Allotments.

Closed road 'W' to be added to Allotment 146, Town of Currency Creek held by the Alexandrina Council which land is dedicated under the Crown Lands Act 1929 for District Council purposes.

A copy of the plan and a statement of persons affected are available for public inspection at the Council Office, 11 Cadell Street, Goolwa and the Adelaide Office of the Surveyor-General during normal office hours.

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons.

The application for easement or objection must be made in writing to the Council, P.O. Box 21, Goolwa, S.A. 5214 within 28 days of this notice and a copy must be forwarded to the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001. Where a submission is made, the Council will give notification of a meeting at which the matter will be considered.

Dated 24 August 2016.

P. DINNING, Chief Executive Officer

## THE BAROSSA COUNCIL

## PUBLIC CONSULTATION

## Review of Elector Representation

NOTICE is hereby given that the Council has undertaken a review to determine whether alterations are required in respect to elector representation, including ward boundaries and the composition of Council.

*Report*

Council has prepared a report which details the review process, public consultation undertaken and the proposals Council now considers should be carried into effect. A copy of this report is available on Council's website ([www.barossa.sa.gov.au](http://www.barossa.sa.gov.au)) and for inspection and/or purchase at the Council office, 43-51 Tanunda Road, Nuriootpa.

*Written Submissions*

Written submissions are invited from interested persons from Wednesday, 24 August 2016, and should be directed to the Chief Executive Officer, P.O. Box 867, Nuriootpa, S.A. 5355, or emailed to [barossa@barossa.sa.gov.au](mailto:barossa@barossa.sa.gov.au) by close of business on Friday, 23 September 2016.

Any person making a written submission will be invited to appear before a meeting of Council or Council committee to be heard in support of their submission.

Information regarding the representation review can be obtained by contacting Joanne Thomas, Director Corporate and Community Services on telephone 8563 8444.

M. MCCARTHY, Chief Executive Officer

## DISTRICT COUNCIL OF COOBER PEDY

*Valuation and Declaration of Rates*

NOTICE is hereby given that at its meeting held on 16 August 2016, the District Council of Coober Pedy resolved as follows.

*Adoption of Valuation*

Pursuant to Section 167 (2) (a) of the Local Government Act 1999, adopted for the year ending 30 June 2017, the Valuer-General's valuation of capital values relating to property within the Council's area totalling \$165 376 700.

*Declaration of Rates*

Pursuant to Sections 153 (1) (b) and 156 (1) (a) of the Local Government Act 1999, declared differential general rates on land within its area for the year ending 30 June 2017, varying according to the use of the land as follows:

Land Use 1—Residential	0.4009 cents in the dollar
Land Use 2—Commercial—Shop	1.2482 cents in the dollar
Land Use 3—Commercial—Office	1.2482 cents in the dollar
Land Use 4—Commercial—Other	1.2482 cents in the dollar
Land Use 5—Industry Light	1.2886 cents in the dollar
Land Use 6—Industry—Other	1.2886 cents in the dollar
Land Use 7—Primary Production	1.2886 cents in the dollar
Land Use 8—Vacant Land	0.2512 cents in the dollar
Land Use 9—Other	1.2886 cents in the dollar

Pursuant to Section 152 (1) (c) (ii) of the Local Government Act 1999, declared that a fixed charge of \$390 will apply to all rateable land within the Council's area for the year ending 30 June 2017.

*Sewerage Separate Rate*

Pursuant to and in accordance with Section 154 of the Local Government Act 1999, declared a separate rate in respect of all rateable land within the area of the Council and within the Sewerage Scheme Area for the year ending 30 June 2017, for the purposes of making available, supporting and maintaining the Coober Pedy Sewerage Scheme, being a rate of 0.4594 cents in the dollar based on the capital value of the rateable land, with the exception of those properties that cannot be connected.

*Water Annual Service Charge*

Pursuant to Section 155 of the Local Government Act 1999, declared an annual service charge for the year ending 30 June 2017 on land within the Council's area to which it provides or makes available the prescribed service of the provision of water based on the nature of the service and varying according to land use category as follows:

	\$
Land Use 1 Residential .....	195.00
Land Use 2 Commercial—Shop .....	730.00
Land Use 3 Commercial—Office .....	730.00
Land Use 4 Commercial—Other.....	730.00
Land Use 5 Industry Light .....	730.00
Land Use 6 Industry—Other .....	730.00
Land Use 7 Primary Production .....	175.00
Land Use 8 Vacant Land .....	155.00
Land Use 9 Other .....	175.00

*Payment of Rates*

Pursuant to Section 181 of the Local Government Act 1999, rates will be payable in four equal or approximately equal instalments to be received on or before 23 September 2016, 9 December 2016, 10 March 2017, and 9 June 2017.

N. BROWN, Acting Chief Executive Officer

## DISTRICT COUNCIL OF LOXTON WAIKERIE

## ROADS (OPENING AND CLOSING) ACT 1991

*Road Closing—Murbko Road, Murbko*

NOTICE is hereby given, pursuant to Section 10 of the Roads (Opening and Closing) Act 1991, that the District Council of Loxton Waikerie proposes to make a Road Process Order to close portion of Murbko Road and the adjacent Public Road and merge with adjoining Allotment 100 in Deposited Plan 73548, more particularly delineated and lettered 'A' on Preliminary Plan No. 16/0024.

A copy of the plan and a statement of persons affected are available for public inspection at the offices of the District Council of Loxton Waikerie, 29 East Terrace, Loxton and the Adelaide Office of the Surveyor-General during normal office hours.

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons.

The application for easement or objection must be made in writing to the District Council of Loxton Waikerie, P.O. Box 409, Loxton, S.A. 5333 within 28 days of this notice and a copy must be forwarded to the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001. Where a submission is made, the Council will give notification of a meeting at which the matter will be considered.

P. ACKLAND, Chief Executive Officer

## WATTLE RANGE COUNCIL

*Appointment of Authorised Persons*

NOTICE is hereby given that in accordance with the power delegated by Wattle Range Council, Benjamin James Gower, Chief Executive Officer has duly made the following appointments:

Name of Appointee	Pursuant to (Act)	Date of Appointment
Peter Whiting	Section 18 of the Development Act 1993 Section 85 (3) of the Environment Protection Act 1993 Section 6 (3) (b) (ii) of the Expiation of Offences Act 1996	22 August 2016
Damon Huntley	Section 18 of the Development Act 1993 Section 85 (3) of the Environment Protection Act 1993 Section 6 (3) (b) (ii) of the Expiation of Offences Act 1996	22 August 2016

*Revocation of Authorisations*

All previous appointments made by the Wattle Range Council to Catherine Pegler, Tim Ellis and Ekramul Ahasan are hereby revoked.

B. J. (BEN) GOWER, Chief Executive Officer

## DISTRICT COUNCIL OF YANKALILLA

## BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 1 of 2016—Permits and Penalties*

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 2016.

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 any by-law of the Council, unless the contrary intention is clearly indicated:

- 3.1 *authorised person* means a person appointed as an authorised person pursuant to Section 260 of the Local Government Act 1999;
- 3.2 *person* includes a natural person, a body corporate or incorporated association;
- 3.3 *Council* means the Corporation of the District Council of Yankalilla.

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 The Council may:
  - 5.2.1 attach conditions to the permit;
  - 5.2.2 change or revoke a condition, by notice in writing; or
  - 5.2.3 add new conditions, by notice in writing.
- 5.3 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.
- 5.4 The Council may revoke a permit, by notice in writing, if:
  - 5.4.1 the holder of the permit fails to comply with a condition attached to it; or
  - 5.4.2 the permit is of a continuing nature, and the Council has reasonable grounds for revoking it.
- 5.5 The Council may, by resolution, fix, vary or revoke fees or charges for the granting of a permit to do a specified thing.

## 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 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.

## PART 4—MISCELLANEOUS

7. *Revocation*

Council's By-law No. 1—Permits and Penalties, published in the *Gazette* on 10 December 2009, 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 District Council of Yankalilla held on 16 August 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

N. MORRIS, Chief Executive

## DISTRICT COUNCIL OF YANKALILLA

## BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 2 of 2016—Local Government Land*

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 2016.

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 *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;
- 3.8 *emergency worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014;
- 3.9 *foreshore* means the land extending from the low water mark on the seashore to the nearest road or section boundary, or to a distance of 50 metres from the high water mark, whichever is the lesser distance;
- 3.10 *funeral ceremony* means a ceremony only (ie a memorial service) and does not include a burial;
- 3.11 *inflatable castle* includes a bouncy castle, jumping castle and any other inflatable structure used for recreational purposes;
- 3.12 *liquor* has the same meaning as defined in the Liquor Licensing Act 1997;
- 3.13 *livestock* has the same meaning as defined in the Livestock Act 1997 but does not include a dog or cat;
- 3.14 *local government land* has the same meaning as in the Local Government Act 1999 and includes the foreshore but does not include any road;
- 3.15 *low water mark* means the lowest meteorological tide;

- 3.16 *ocean* means that part of the foreshore comprising water;
- 3.17 *open container* means a container which:
- 3.17.1 after the contents thereof have been sealed at the time of manufacture and:
- 3.17.1.1 being a bottle, has had its cap, cork or top removed (whether or not it has since been replaced);
- 3.17.1.2 being a can, it has been opened or punctured;
- 3.17.1.3 being a cask, has had its tap placed in a position to allow it to be used;
- 3.17.1.4 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
- 3.17.2 is a flask, glass or mug or other container used for drinking purposes;
- 3.18 *personal watercraft* means a device that:
- 3.18.1 is propelled by a motor;
- 3.18.2 has a fully enclosed hull;
- 3.18.3 is designed not to retain water if capsized; and
- 3.18.4 is designed to be operated by a person who sits astride, stands, or kneels on the device,
- and includes the device commonly referred to as a jet ski;
- 3.19 *traffic control device* has the same meaning as in the Road Traffic Act 1961;
- 3.20 *variable message sign* includes a permanent, portable or vehicle mounted electronic sign (except when the sign is used as a traffic control device);
- 3.21 *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 and 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 2016;
- 4.2.2 erect, install, place or display a variable message sign;
- 4.3 *Aircraft*
- subject to the Civil Aviation Act 1988 (Commonwealth), 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;

##### 4.5 Amplification

use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound to the public;

##### 4.6 Animals on Local Government Land

###### 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 his or her control to swim or bathe in the any waters to which this subparagraph applies;

###### 4.6.2 comprising the foreshore:

- 4.6.2.1 cause or allow any livestock to enter or bathe in the ocean;

- 4.6.2.2 lead, drive, or exercise any livestock;

###### 4.6.3 release or leave any domestic animal;

##### 4.7 Attachments

attach anything to a tree, plant, structure or fixture on local government land;

##### 4.8 Aquatic Life

take, interfere with, introduce or disturb any aquatic life in any waters to which this subparagraph applies;

##### 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 or otherwise use any boat, raft, pontoon or other watercraft on any waters;

- 4.10.4 launch or operate a model boat on any waters to which this subparagraph applies;

##### 4.11 Bridge Jumping

jump from or dive from a bridge;

##### 4.12 Buildings and 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 he or she desires 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 and Scattering Ashes*  
conduct or participate in a funeral ceremony, or scatter ashes on land to which the Council has resolved this subparagraph will apply;
- 4.23 *Golf*  
play or practice golf;
- 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 this subparagraph applies;
- 4.25 *Model Aircraft and Vehicles*
- 4.25.1 subject to the Civil Aviation Act 1988, fly or operate a model aircraft or drone aircraft;
- 4.25.2 operate a remote control vehicle on land to which the Council has resolved this subparagraph will 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 this subparagraph applies (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 this subparagraph applies (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 *Posting of Bills, etc.*  
post any bills, advertisements or other papers or items on a building, or structure on local government land;
- 4.29 *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;
- 4.30 *Public Exhibitions and Displays*
- 4.30.1 sing, busk or play a musical instrument for the apparent purpose of either entertaining others or receiving money;
- 4.30.2 conduct or hold any concert, festival, show, public gathering, circus, performance or any other similar activity;
- 4.30.3 erect or inflate any inflatable castle;
- 4.30.4 cause any public exhibitions or displays;
- 4.31 *Removing*  
carry away or remove any earth, rocks, minerals, plant material (dead or living), animal remains (including shells and fossils) or any part of the land;
- 4.32 *Selling*  
sell anything or display anything for sale;
- 4.33 *Skateboards and Small Wheeled Devices*  
subject to the Road Traffic Act 1961, and the Local Government Act 1999, ride on a skateboard or use roller skates or roller blades on land to which the Council has resolved this subparagraph will apply;
- 4.34 *Vehicles*
- 4.34.1 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;
- 4.34.2 except on an area properly constructed for the purpose, promote, organise or take part in any race, test or trial of any kind in which motor vehicles, motor cycles, motor scooters or bicycles take part;
- 4.35 *Weddings*  
conduct or participate in a marriage ceremony on land to which the Council has resolved this subparagraph will apply;
- 4.36 *Wetlands*  
subject to the Natural Resources Management Act 2004, where that land constitutes a wetland:
- 4.36.1 operate a model boat;
- 4.36.2 fish, or take any aquatic creature;
- 4.36.3 introduce any fish or aquatic creature;
- 4.36.4 take or draw water;



4.37 *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 *Fishing*

- 5.4.1 return any noxious species including European carp (*Cyprinus carpio*) or redfin perch (*Perca fluviatilis*) caught by the person to any land or waters;
- 5.4.2 deposit or leave any dead fish (in part or whole) or offal;

5.5 *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;

5.6 *Playing Games*

- 5.6.1 play or practice a game in any area where a sign indicates that the game is prohibited;
- 5.6.2 promote, organise or take part in any organised athletic sport in any area to which this subparagraph applies;
- 5.6.3 play any organised competition sport, as distinct from organised social play, in any area to which this subparagraph applies;

5.7 *Smoking*

smoke tobacco or any other substance:

- 5.7.1 in any building or part of any building; or
- 5.7.2 on any local government land;

to which the subparagraph applies;

5.8 *Toilets*

in any public convenience:

- 5.8.1 urinate other than in a urinal or pan or defecate other than in a pan provided for that purpose;
- 5.8.2 smoke tobacco or any other substance;
- 5.8.3 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
- 5.8.4 use it for a purpose for which it was not designed or constructed;
- 5.8.5 enter any toilet that is set aside for use by the opposite sex except where:
  - 5.8.5.1 a child under the age of five years accompanied by an adult person of that other sex; and/or
  - 5.8.5.2 to provide assistance to a disabled person;

5.9 *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 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 no person is in charge of the animal.

7.2 An authorised person may direct any person who is considered to be committing, or has committed, a breach of this by-law to leave local government land.

8. *Exemptions*

8.1 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.

8.2 The restrictions in paragraph 4.2.2, 4.7, 4.16, 4.28, 4.29, 4.30.1, 4.30.2 and 4.30.4 of this by-law do not apply to:

- 8.2.1 electoral matters authorised by a candidate and which relate to a Commonwealth or State election that 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; or
- 8.2.2 electoral matters authorised by a candidate and which relate to an election under the Local Government Act 1999 or the Local Government (Elections) Act 1999 that 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
- 8.2.3 matters which relate to, and occur during the course of and for the purpose of a referendum.

9. *Application*

Any of paragraphs 4.6.1.3, 4.8, 4.10.4, 4.20, 4.22, 4.24.2, 4.25.2, 4.26, 4.33, 4.35, 5.6.2, 5.6.3, 5.7 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.

10. *Revocation*

Council's By-law No. 2—Local Government Land, published in the *Gazette* on 10 December 2009, 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 District Council of Yankalilla on 16 August 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

N. MORRIS, Chief Executive

## DISTRICT COUNCIL OF YANKALILLA

## BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 3 of 2016—Roads*

FOR the management of public roads.

## PART 1—PRELIMINARY

1. *Short Title*

This by-law may be cited as the Roads By-law 2016.

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 worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014;
- 3.6 *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 2016;

4.2 *Amplification*

use an amplifier or other device whether mechanical or electrical for the purposes of amplifying sound to the public;

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 *Camping*

4.4.1 erect any tent or other structure of calico, canvas, plastic or similar material as a place of habitation;

4.4.2 camp or sleep overnight;

4.4.3 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;

4.5 *Donations*

ask for or receive or indicate that he or she desires a donation of money or any other thing;

4.6 *Handbills on Vehicles*

place on any vehicle, or cause to be placed on any vehicle (without the consent of the owner of the vehicle), any handbill, book, notice, leaflet, or other printed matter;

4.7 *Posting of bills, etc.*

post any bills, advertisements or other papers or items on a building or structure on a road;

4.8 *Preaching*

preach or harangue;

4.9 *Public Exhibitions and Displays*

4.9.1 sing, busk or play a musical instrument for the apparent purpose of either entertaining others or receiving money;

4.9.2 conduct or hold any concert, festival, show, street party, circus, performance or any other similar activity;

4.9.3 cause any public exhibitions or displays;

4.10 *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 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 performing emergency duties.

7.2 The restrictions in paragraph 4.6, 4.7, 4.8 and 4.9 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 on the issue of the writ or writs for the election and ending at the close of polls on polling day; or

7.2.2 electoral matters authorised by a candidate and which relate to an election under the Local Government Act 1999 or the Local Government (Elections) Act 1999 that 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

7.2.3 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 10 December 2009, 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 District Council of Yankalilla held on 16 August 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

N. MORRIS, Chief Executive

## DISTRICT COUNCIL OF YANKALILLA

### BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

#### *By-law No. 4 of 2016—Moveable Signs*

TO set standards for moveable signs on roads and other places, 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 2016.

##### 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 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;
- 3.2 event has the same meaning as in Section 33 of the Road Traffic Act 1961;
- 3.3 footpath means:
  - 3.3.1 a footway, lane or other place made or constructed for the use of pedestrians; or
  - 3.3.2 that part of road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;
- 3.4 local government land has the same meaning as in the Local Government Act 1999;
- 3.5 moveable sign has the same meaning as the Local Government Act 1999;
- 3.6 road has the same meaning as in the Local Government Act 1999;
- 3.7 road related area has the same meaning as in the Road Traffic Act 1961; and
- 3.8 vehicle has the same meaning as in the Road Traffic Act 1961.

#### PART 2—MOVEABLE SIGNS ON ROADS

##### 4. Design and Construction

A moveable sign displayed on a road must:

- 4.1 be constructed so as not to present a hazard to any member of the public;
- 4.2 be constructed so as to be stable when in position and to be able to keep its position in adverse weather conditions;
- 4.3 not be unsightly or offensive in appearance;
- 4.4 not contain flashing or moving parts;
- 4.5 be not more than 90 cm high, 60 cm in width or 60 cm in depth;
- 4.6 in the case of an 'A' frame or sandwich board sign:
  - 4.6.1 be hinged or joined at the top;
  - 4.6.2 be of such construction that its sides can be and are securely fixed or locked in position when erected;

- 4.7 in the case of an inverted 'T' sign, contain no struts or members than run between the display area of the sign and the base of the sign.

##### 5. Placement

A moveable sign displayed on a road must:

- 5.1 not be placed anywhere except on the footpath;
- 5.2 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 1.2 metres wide;
- 5.3 be placed at least 40 cm from the kerb (or if there is no kerb, from the edge of the roadway);
- 5.4 not be placed on a landscaped area, other than on landscaping that comprises only lawn;
- 5.5 not be placed on a designated parking area or within 1 metre of an entrance to any premises;
- 5.6 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);
- 5.7 not be placed in a position that puts the safety of any person at risk;
- 5.8 not be placed on a median strip, roundabout, traffic island or on a carriageway; and
- 5.9 not be placed within 10 metres of an intersection of a road.

##### 6. Restrictions

A moveable sign displayed on a road must:

- 6.1 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;
- 6.2 be limited to one per business premises;
- 6.3 not be displayed unless the business to which it relates is open to the public;
- 6.4 be securely placed in position such that it cannot be blown over or swept away; and
- 6.5 not be displayed during the hours of darkness unless it is clearly visible.

##### 7. Appearance

A moveable sign displayed on a road must:

- 7.1 be painted or otherwise detailed in a competent and professional manner;
- 7.2 be legible and simply worded to convey a precise message;
- 7.3 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;
- 7.4 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; and
- 7.5 not have any balloons, flags, streamers or other things attached to it.

##### 8. Banners

A banner must:

- 8.1 only be displayed on a road, footpath or road related area;
- 8.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap;
- 8.3 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;
- 8.4 not be displayed more than one month before and two days after the event it advertises;
- 8.5 not be displayed for a continuous period of more than one month and two days in any twelve month period; and
- 8.6 not exceed 3 m<sup>2</sup> in size.

## PART 2 – MOVEABLE SIGNS ON LOCAL GOVERNMENT LAND

9. *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:

- 9.1 attached to a licensed taxi;
- 9.2 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;
- 9.3 on or attached to a bus greater than 6 metres in length;
- 9.4 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
- 9.5 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

10. *Removal of Unauthorised Moveable Signs*

## 10.1 If:

- 10.1.1 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;
- 10.1.2 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;
- 10.1.3 a moveable sign is removed under subparagraph 9.1.2 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.

- 10.2 Any person who displays an unauthorised moveable sign or who is the owner of an unauthorised moveable sign which has been removed under subparagraph 9.1 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.

11. *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 request of an authorised person if:

- 11.1 in the 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
- 11.2 so required by the authorised person for the purpose of special events, parades, road or footpath works or any other circumstances which, in the opinion of the authorised person, requires relocation or removal of the moveable sign.

## PART 5—MISCELLANEOUS

12. *Specified Exemptions*

- 12.1 This by-law does not apply to a moveable sign which:
  - 12.1.1 is a moveable sign that is placed on a public road pursuant to an authorisation under the Local Government Act 1999 or another Act;
  - 12.1.2 directs people to the open inspection of any land or building that is available for purchase or lease;
  - 12.1.3 directs people to a garage sale that is being held on residential premises;
  - 12.1.4 directs people to a charitable function;

12.1.5 is related to a State or Commonwealth election and is displayed during the period commencing on the issue of writ or writs for the election and ending at the close of polls on polling day;

12.1.6 is related to an election held under the Local Government Act 1999 or the Local Government (Elections) Act 1999 and is displayed during the period commencing four weeks immediately before the date that has been set for polling day and ending at the close of voting on polling day;

12.1.7 is related to a referendum and is displayed during the course and for the purpose of that referendum;

12.1.8 is displayed with permission of the Council and in accordance with any conditions attached to that permission; or

12.1.9 is a sign of a class prescribed in regulations.

12.2 Clauses 6.2 and 6.3 of this by-law do not apply to a flat sign containing only the banner or headlines of a newspaper or magazine.

12.3 Clauses 4, 6.2, 6.3 and 7 of this by-law do not apply to a directional sign to an event run by a charitable body.

13. *Revocation*

Council's By-law No. 4—Moveable Signs, published in the *Gazette* on 10 December 2009, 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 District Council of Yankalilla held on 16 August 2016 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

N. MORRIS, Chief Executive

## DISTRICT COUNCIL OF YANKALILLA

## BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999 AND THE DOG AND CAT MANAGEMENT ACT 1995

*By-law No. 5 of 2016—Dogs*

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 2016.

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, for the keeping of dogs on a temporary or permanent basis;
- 3.2 *assistance dog* means a guide dog, hearing dog or disability dog as those terms are defined in the Dog and Cat Management Act 1995;
- 3.3 *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 five metres of such devices if there is no enclosed area);
- 3.4 *control*, in relation to a dog, includes the person having ownership, possession or charge of, or authority over, the dog;
- 3.5 *dog* has the same meaning as in the Dog and Cat Management Act 1995;
- 3.6 *dog management officer* means a person appointed pursuant to Section 27 of 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

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.

##### 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 five metres of children's playground equipment;
- 5.4 in any wetland area;

unless the dog is secured by a strong leash not exceeding two 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, he or she must ensure that the dog under his or her control remain 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 is two dogs.

7.2 A person must not, without permission, keep any dog on any premises where the number of dogs on the premises exceeds the limit unless:

- 7.2.1 the premises is an approved kennel establishment; or
- 7.2.2 the Council has exempted the premises from compliance with this sub paragraph.

#### PART 3—MISCELLANEOUS

##### 8. Application

8.1 Any of paragraphs 4, 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.

8.2 The limits prescribed in paragraph 7 of this by-law do not include any dog that is under three months of age.

##### 9. Revocation

Council's By-law No. 5—Dogs, published in the *Gazette* on 10 December 2009, 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 District Council of Yankalilla held on 16 August 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

N. MORRIS, Chief Executive

#### DISTRICT COUNCIL OF YANKALILLA

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 6 of 2016—Nuisances Caused by Building Sites*

TO prevent and suppress certain kinds of nuisance caused by rubbish escaping from land on which building work is being undertaken.

#### PART 1—PRELIMINARY

##### 1. Short Title

This by-law may be cited as the Nuisances Caused by Building Sites By-law 2016.

##### 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 *building work* has the same meaning as in the Development Act 1993.

#### PART 2—PREVENTION OF NUISANCES

##### 4. No Unauthorised Discharge

4.1 The person in charge of building work on land must take all reasonable steps necessary to ensure that all paper, plastic, or other building materials (not including soil, sand or stones) on the land associated with the building work is secure so that it does not blow from the land in a wind.

##### 5. Removal of Discharge

5.1 If paper, plastic or other building materials (not including soil, sand or stones) blows from the land in a wind, the person in charge of the building work must remove all such materials from adjacent land at the request in writing of an authorised person.

5.2 If the person in charge of building work on land fails to comply with Clause 5.1, then the Council or such person as authorised by the Council may undertake the work, and recover the cost of doing so from that person.

#### PART 3—MISCELLANEOUS

##### 6. Revocation

Council's By-law No. 6—Nuisances Caused by Building Sites, published in the *Gazette* on 10 December 2009, 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 District Council of Yankalilla held on 16 August 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

N. MORRIS, Chief Executive

#### DISTRICT COUNCIL OF YANKALILLA

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 7 of 2016—Foreshore*

FOR the management of local government land comprising the beach and foreshore under the control of the Council.

##### 1. Definitions

In this by-law:

- 1.1 *authorised person* has the same meaning as in the Local Government Act 1999;
- 1.2 *boat* includes a raft, pontoon, personal watercraft or any other similar device;
- 1.3 *boat ramp* means the facilities constructed, maintained and operated for the launching and retrieval of a boat, yacht or seagoing craft;
- 1.4 *emergency vehicle* has the same meaning as in the Australian Road Rules;

- 1.5 *emergency worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014;
- 1.6 *foreshore* means the area between the low water mark on the seashore and the nearest boundary of:
- 1.6.1 a road;
  - 1.6.2 a section;
  - 1.6.3 a public reserve; or
  - 1.6.4 land comprised in a land grant, Crown Land or Crown Licence;
- 1.7 *livestock* has the same meaning as defined in the Livestock Act 1997 but, does not include a dog or cat;
- 1.8 *low water mark* means the lowest meteorological tide;
- 1.9 *open public water* means any stream, river, creek, sea within the foreshore;
- 1.10 *personal watercraft* has the same meaning as in the Harbours and Navigation Act 1993;
- 1.11 *vehicle* has the same meaning as in the Road Traffic Act 1961.
2. *Prohibited Activities*
- A person must not on the foreshore:
- 2.1 *Annoyances*
    - 2.1.1 jump, dive, propel or throw any person(s) or object from any structure into any open public water;
    - 2.1.2 conduct him or herself in such a manner that may annoy others, unreasonably interfere with the lawful activities of others, endanger the public, or cause any inconvenience to any other persons, make excessive noise or create a disturbance, unless authorised by the Council;
  - 2.2 *Kiosk, Pergola or Surf Club*  
use any kiosk, pergola, surf club:
    - 2.2.1 for any other purpose other than for which it was not designed or constructed;
    - 2.2.2 or remain therein for longer than is necessary to effect such purpose;
  - 2.3 *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.
3. *Activities Requiring Permission*
- A person must not without permission on the foreshore:
- 3.1 *Animals*  
cause or allow any livestock to enter or remain on the foreshore;
  - 3.2 *Bathing*  
swim or bathe at a time when swimming or bathing in that place has been prohibited as indicated by a sign or signs displayed on the land;
  - 3.3 *Boat Ramps*  
subject to the provisions of the Harbours and Navigation Act 1993:
    - 3.3.1 launch or retrieve a boat or other object from any boat ramp or other area except where a sign or signs are displayed by the Council indicating that such activity is permitted in that area; or
    - 3.3.2 allow any vehicle, boat, yacht or other seagoing craft to remain stationery on any boat ramp longer than is necessary to launch or retrieve a boat;
  - 3.4 *Conducting Events, etc.*  
conduct or hold any event, concert, festival, show, public gathering, meeting, performance or any similar activity;
  - 3.5 *Dressing Sheds*  
use any dressing shed or enclosure for other than the purpose of changing into or from bathing garments, or remain there for longer than is necessary for that purpose;
  - 3.6 *Erection of Signs*  
erect or display any sign, hoarding or notice;
  - 3.7 *Fishing*
    - 3.7.1 endanger another person by casting a fishing line or have one in the water from any beach, jetty, structure or boat while there are other persons in the water in the vicinity of the fishing line; or
    - 3.7.2 to which this sub-paragraph applies cast a fishing line, net or trap to catch water creatures;
  - 3.8 *Flora Fauna and Other Living Things*  
subject to the Native Vegetation Act 1991 and the National Parks and Wildlife Act 1972:
    - 3.8.1 except in a community garden, damage, pick, or interfere with any plant, fungi or lichen thereon; or
    - 3.8.2 tease, remove or cause harm to any animal or bird or the eggs or young of any animal or bird or aquatic creature;
    - 3.8.3 use, possess or have control of any device for the purpose of killing or capturing any animal or bird;
  - 3.9 *Jetties*  
comprising a jetty:
    - 3.9.1 jump or dive from the jetty into water or onto a beach;
    - 3.9.2 tie or affix any water craft to the jetty;
    - 3.9.3 after being requested to leave a jetty by an authorised officer for an alleged offence, come back onto the jetty on the same day;
  - 3.10 *Moorings*
    - 3.10.1 enter or be on any mooring or mooring area unless with the consent of the person who has the right to use the mooring or mooring area;
    - 3.10.2 to moor a vessel or enter a mooring area to which permission is required and is generally closed to the general public.
4. *Exemptions*
- 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 driving an emergency vehicle.
5. *Application of Paragraph*
- Any of subparagraph 2.3, 3.2, 3.3.2 and 3.7.2 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.
- The foregoing by-law was duly made and passed at a meeting of the Council of the District Council of Yankalilla held on 16 August 2016, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

N. MORRIS, Chief Executive

IN the matter of the estates of the undermentioned deceased persons:

*Champion, Phyllis Fay*, late of 24 Spencer Street, Risdon Park, home duties, who died on 14 May 2016.

*Haynes, Irene Mary*, late of 477-479 Military Road, Largs Bay, of no occupation, who died on 24 May 2016.

*Mattie, Dorothy Josephine*, late of 39 Fisher Street, Myrtle Bank, widow, who died on 19 May 2016.

*Radola, Anton*, late of 181-193 Days Road, Regency Park, retired shop assistant, who died on 7 February 2016.

*Rowland, Thomas Edward*, late of 16-24 Penneys Hill Road, Hackham, retired mechanic, who died on 20 April 2016.

*Zagaroli, Luigia*, late of 136 Reid Street, Magill, home duties, who died on 20 June 2016.

Notice is hereby given pursuant to the Trustee Act 1936, as amended, 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, G.P.O. Box 1338, Adelaide, S.A. 5001, full particulars and proof of such claims, on or before 23 September 2016, otherwise they will be excluded from the distribution of the said estates; 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 25 August 2016.

D. A. CONTALA, Public Trustee

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# ATTENTION

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